

ABOLITIONIST

Principles & Campaign Strategies

— *for* —

PROSECUTOR ORGANIZING



INTRODUCTION

As prison abolitionists, we are fighting for a world where the response to social problems does not include prisons, policing, prosecution, or any form of surveillance, supervision, or incarceration. These systems of punishment rely on, reinforce, and perpetuate structures of oppression: white supremacy, patriarchy, capitalism, xenophobia, ableism, and heterosexism. We aim to abolish these systems, not reform them.

As abolitionists, we see a future without prosecutors and prosecution. Simply put, that is our orientation to prosecutor organizing. We focus on structural and systemic changes that lessen the power, size, and scope of the prosecuting office, and on running campaigns that build the size and strength of abolitionist movements.

In most jurisdictions, prosecutors are elected officials tasked with distributing punishment within an unequal and violent society. Just like electing any elected official, electing a new prosecutor, even as part of a larger strategy, is never the end goal because it does not disrupt the existence of the prosecuting office or end the violence of criminalization. We believe that organizations engaged in prosecutor-focused electoral politics must be committed to base-building and accountable to communities most impacted by prosecution and mass criminalization.

As abolitionists, our job does not end with the election of any prosecutor, no matter what they claim to represent. Therefore, we reject the tendency toward cults of personality. We focus on what policies a prosecuting office enacts and supports others in enacting, what decisions a prosecuting office makes to release people from the grips of mass criminalization, and how a prosecuting office relates to, impedes, or advances our movements' demands. Our organizing focuses on how a prosecuting office's policies and practices result in decriminalization, decarceration, and shrinking the resources and power of the office of the prosecutor. Elected prosecutors are not co-strugglers, but targets we can push on the path to eliminating prosecution altogether.

The following is a framework that seeks to draw out what "prosecutor organizing" looks like with an abolitionist lens.

The first section outlines principles to hold us accountable to each other, so that there is shared agreement about what abolition means in organizing around prosecutors.

The second section is a resource for organizers looking to put these principles into practice in their local prosecutor organizing campaigns.

The organizations that came together to develop this framework were: Community Justice Exchange, CourtWatch MA, Families for Justice as Healing, Project NIA, and Survived and Punished NY.

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WHAT DO WE BELIEVE?

ABOLITIONIST PRINCIPLES

for Prosecutor Organizing

- # 1 **Prosecutors are law enforcement: they send people to prison and jail, parole and probation.** A commitment to abolition includes the abolition of prosecutors, surveillance, and policing. This means that we seek the abolition of the role of prosecutor within the criminal punishment system.
- # 2 **Prosecution is a systemic and structural component of the criminal punishment system.** Discussions of “good”, “bad”, “progressive”, or “regressive” prosecutors keep the focus on individuals and are a distraction that impedes the need for structural and systemic change.
- # 3 **Abolition is opposed to prosecution.** A commitment to abolition requires that we think outside the criminal punishment system for what accountability and healing from harm could look like. This means we condemn the prosecution of anyone, including police officers, people in positions of power accused of financially-motivated crimes (“white collar crimes”), exploitative landlords, people accused of sexual or interpersonal harm, and so on.
- # 4 **Prosecutors are not social workers, therapists, housing advocates, or any other service-oriented role.** They cannot and should not provide services to people who are in need. This is inherently in conflict with their pledge to serve and maintain the criminal punishment system. The best thing prosecutors can do for people who need services is get out of the way. Prosecuting offices should not receive more resources to provide social services or survivor/victim support, nor bolster other forms of confinement, stripping of rights, or institutions that use threat of punishment to force treatment or coerce services (such as drug courts and other forms of diversion court; mental health jailing).

Resource shifting from carceral prosecution to carceral social services is not de-resourcing. Social services become another tool of the punishment system whether housed in or mandated by the prosecuting office. Giving more resources to death-making institutions is not abolitionist. It only cements and increases power and also cloaks the system in legitimacy. Instead, prosecutors should advocate for resources to be distributed to community organizations that already provide services and for policies that redistribute resources.

5 Prosecuting offices cannot be “co-governed” with/by community organizations. Given the inherent power imbalance, there is no shared power relationship between elected prosecutors and community organizations. Instead, community organizations are constituency organizations and can and should demand change from these elected officials within that relationship. This means using the tools of community accountability including phone calls, constituent meetings, protests, and the same demands we make of every and any elected official.

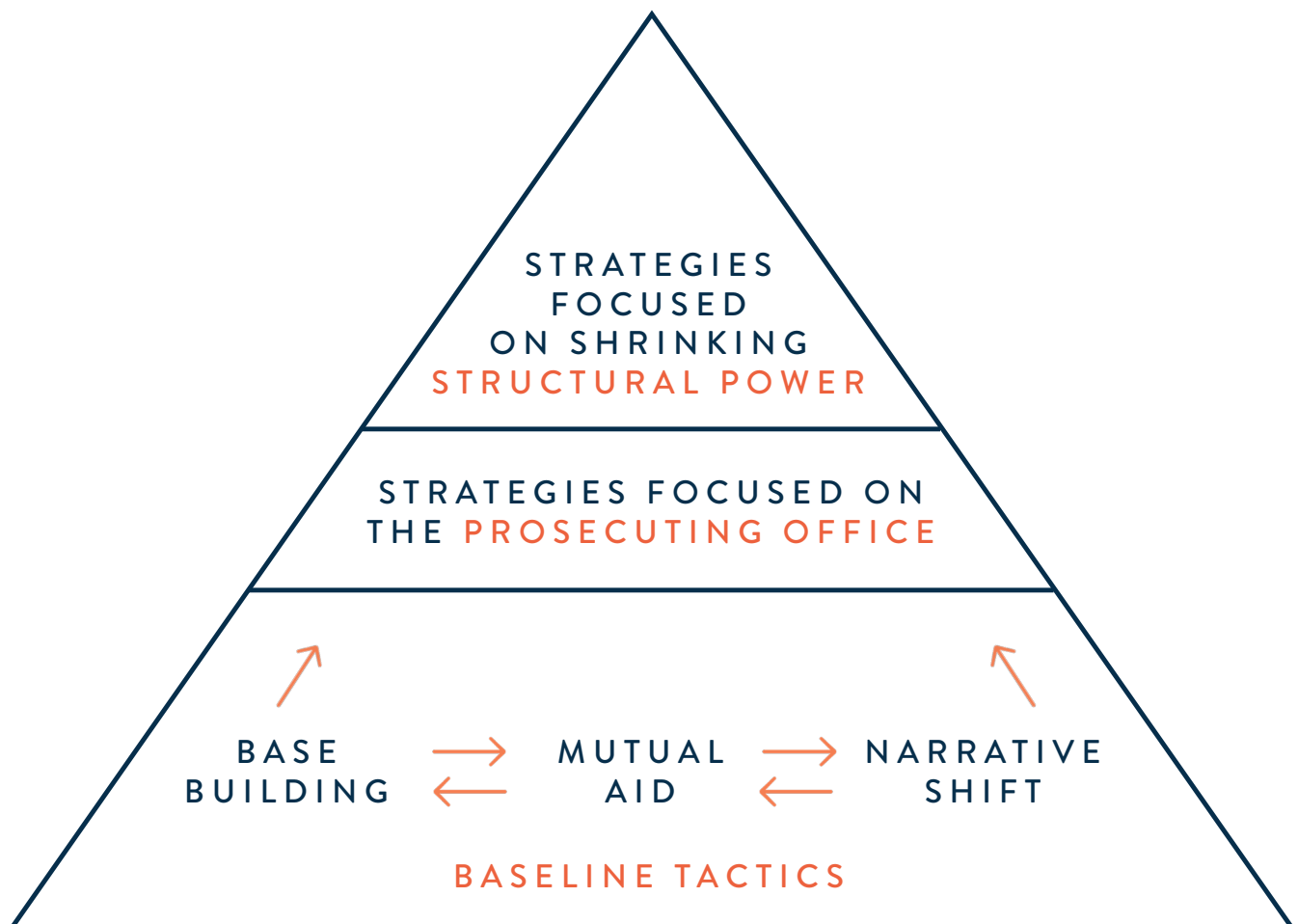
6 Prosecuting offices must be stripped of power and resources. Even as they restructure their offices and review prosecutions handled by their predecessor(s), prosecutors should not seek additional resources but work to redistribute resources internally to shrink the scale of current and future prosecutions as well as redress histories of aggressive prosecutions.

HOW DO WE GET THERE?

Developing local organizing campaigns on the road to abolition

As abolitionists, we are working towards a future where people are no longer prosecuted and therefore where prosecutors do not exist. That future is a long way off. To get there, our movements need to build significant power through a variety of organizing interventions while remaining pointedly focused on shrinking the power, size, and scope of the prosecuting office.

There is not one path to abolishing prosecutors. But there certainly are identifiable strategies and tactics on the long road to making prosecutors obsolete. Some may be exercised concurrently, others sequentially. As we engage in abolitionist struggle and experimentation, we will together identify new strategies and possibilities in the transformed landscape. Where your local organizing can intervene in this continuum will depend on your capacity, how much power you have already built, and your local political context.



TACTICS AND STRATEGIES TOWARD ABOLISHING PROSECUTORS

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BASELINE TACTICS

BASE-BUILDING

- Increase the number of people who share the vision for abolition and who are willing to do the work to move that vision forward. Build your movement, reach out to directly affected people, develop relationships, facilitate leadership development, create internal political education and analysis building, work intentionally in broad and deep coalitions.
- In order to build the power required to ensure systemic and structural changes, base-building must be continuous throughout all other activities.

CONSCIOUSNESS-RAISING & NARRATIVE-SHIFT

- Public, political education on the power of prosecutors, the prison industrial complex, criminalization, white supremacy/capitalism/root causes of harm, abolition, transformative justice can come in many forms including:
 - Hosting teach-ins, workshops, trainings, community discussions, town-halls.
 - Organizing Twitter power hours or other social media campaigns anchored in education and sharing resources/materials on these topics.
- Develop a media strategy for your campaign that shifts traditional punishment narratives, uses less stigmatizing language, fights the victim/perpetrator binary, and rejects “public safety” framing to focus on what communities say they need to thrive.
- In order to build the power required to ensure systemic and structural changes, narrative shift and public education must be continuous throughout all other activities. The system will react to actions that shift power and so the need for narrative and message definition and consciousness raising will be continuous.

MUTUAL AID PROJECTS AS ORGANIZING INTERVENTIONS

- Mutual Aid is “a form of political participation in which people take responsibility for caring for one another and changing political conditions, not just through symbolic acts or putting pressure on their representatives in government, but by actually building new social relations that are more survivable.”¹ We currently have many forms of mutual aid as both harm reduction and steps towards abolitionist organizing including:
 - Community bail funds and targeted bail-out actions that free people from incarceration and lift up data and experience to push for change.
 - Participatory defense organizing that gets families to use their power as community to win freedom, make strong bail arguments for release and fight back against DA requests, offer alternative diversion plans, initiate plea negotiations with true diversion and alternatives, and fill courtrooms to demonstrate community support.
 - Post-release community support projects that establish community-based services to assist individuals upon release and model non-carceral examples.
- In order to build the power required to ensure systemic and structural changes, mutual aid/ organizing interventions must be connected to a larger organizing strategy and part of a theory of change.²

1 This definition of Mutual Aid comes from Big Door Brigade. Learn more here: <http://bigdoorbrigade.com/what-is-mutual-aid>.

2 Raj Jayadev & Pilar Weiss, *Organizing Towards a New Vision of Community Justice*, Law & Political Economy Blog (May 9, 2019), <https://lpeblog.org/2019/05/09/organizing-towards-a-new-vision-of-community-justice>.

STRATEGIES FOCUSED ON THE PROSECUTING OFFICE

ELECTORAL ORGANIZING

- Organize to remove officeholders and staff in the prosecuting office committed to status quo punishment and harm. Opposition is an abolitionist harm reduction strategy. While this focuses on firing individuals in the interim, the orientation is always on the systemic and structural and abolitionist organizers must consistently uplift this point in public. Opposition efforts can be deployed in different ways including:
 - Elections focused on removing an office holder (without a particular candidate for support).
 - Recall elections.
 - Forcing resignation (often via investigation and hearings).
- Organize to elect candidates who make commitments to policy changes that are decarceral and reduce their office's harm, power, and influence.
 - In general, election season can be a good opportunity for abolitionist base building, if information being distributed is issue focused and not candidate focused. Organizers can conduct issue-based canvassing and public education forums about the role of the elected prosecutor in the criminal punishment system.
 - *See page 9 for considerations in crafting demands, as well as pages 11-12 for example demands.*

SHIFTING OFFICE POLICY AND CULTURE

- Hold elected prosecutors accountable to implementing promised policy changes. Design and demand new policy changes, beyond those promised during the campaign.
 - Tracking implementation of policy change, especially when there is a written office memo or new proposed practice, is relatively clear cut. Tactics include data monitoring, courtwatching, etc.
 - *See page 12 for example demands around data transparency and the kinds of data that prosecuting offices should release.* Prosecuting offices should not get any more money or resources to track, manage, or release data. The demand should be that they reallocate resources internally to solve this problem.
 - Monitor existing gains while also advocating for even more decarceral shifts or changes to other harmful practices.
- Ensure elected prosecutors institute culture change within the prosecuting office.
 - Culture change is difficult to organize around because it's more diffuse. Tactics include getting DAs to make personnel changes, restructure their office (like charging units, post-conviction units), require extensive re-training, etc.
 - This will require more community power and likely insider tactics.
 - Recognize that office policy influences culture, and office culture influences policy.

STRATEGIES FOCUSED ON SHRINKING STRUCTURAL POWER

SHRINKING SYSTEMS OF HARM

- Design, demand, and implement abolitionist policies to reduce the reach and influence of the prosecutor. Win structural and systemic change that decreases the size, scope, and power of the prosecuting office in a material and sustainable way.
 - This necessarily requires legal change outside the prosecuting office itself: in other words, for local, state, and federal legislation that will strip power, resources, staff, and money from prosecuting offices, in a way that a new prosecutor cannot easily undermine.
 - This could also look like repealing laws that criminalize behavior, reducing prosecutorial discretion in plea bargaining, and fighting against new criminal laws, enhanced penalties, etc.
 - *See page 10 for considerations in choosing your targets.*
- Pressure other criminal punishment system stakeholders (judges, police, public defenders, court administrators) to make decarceral and de-resourcing changes. Prosecutors have immense power, but they are one piece in a violent, punitive ecosystem.
 - This is multi-layered: (1) ensure other stakeholders do not block prosecutors when prosecutors are trying to enact decarceral reforms; (2) ensure other stakeholders do not evade or adapt around prosecutor reforms so the reforms are unable to go into effect; (3) ensure other stakeholders use their influence to support prosecutors in enacting decarceral reforms; (4) ensure other stakeholders adopt their own decarceral and de-resourcing reforms.

BOOSTING RESOURCES FOR COMMUNITY

- Pressure state and local actors to prioritize funding for community-based resources that produce safety and well-being, such as education, health care, affordable housing, and employment, as well as reduce spending for all state systems connected to arms of the criminal punishment system, such as prosecutors, police, court system.

QUESTIONS FOR ORGANIZERS TO CONSIDER IN CRAFTING THEIR CAMPAIGNS

THINGS TO CONSIDER WHEN CREATING YOUR DEMANDS:

- How do your demands delegitimize the prosecuting office? Limit the power, staff, technology, and resources of the prosecuting office? Challenge the notion that prosecutors promote safety?
- Are your demands accountable/strategic to building power long term? How do your demands build power for our movements and our people over the long term? To whom are we accountable?
- Do your demands prioritize people facing more or less serious charges? What do we gain by focusing our campaigns on the power prosecutors have over those with more serious charges? What do we lose when we focus on non-serious, non-violent charges?
- How do your demands take into account an attempt to free the highest numbers of people, while also prioritizing freeing the people who are the most criminalized and demonized and scapegoated, while also prioritizing freeing the people the system harms disproportionately?
- Do your demands primarily rely on the prosecutor using their individual discretionary power or do they require change to the office in more material, sustainable ways? Do your demands call for strategic deployment of resources by the prosecuting office that ultimately reinforce the power of the prosecutor?
 - For example, demanding prosecutors decline to prosecute certain charges is a discretionary decision that depends on the particular prosecutor in power (and follow-through by individual line prosecutors). Demanding prosecutors support repealing laws that criminalize behavior, if successful, would result in legislative change that could not be easily reversed with the election of a different prosecutor.
- Do your demands support the provision of rights or services to one person or group of people contingent on the criminalization of another person or group of people?

THINGS TO CONSIDER WHEN CHOOSING YOUR TARGETS:

- Do a power mapping of your place. Who funds the prosecuting office in your jurisdiction? Who do they answer to?
- Who else can we pressure to downsize the office of the prosecutor?
- Are other local policymakers likely to be more or less hostile to your goals? How can that inform your strategy?
- Are there decision points where the prosecutor does not answer to anyone else? How can you shape demands that target those decisions? For example, in most jurisdictions, prosecutors can use a particular type of motion to decline charges without requiring approval from a judge.
- What is the relationship between the prosecuting office and other actors in the criminal punishment system? Does the chief prosecutor have oversight over police detective promotions or hiring decisions in certain units? Are there policies or personnel decisions where a change in the prosecuting office will have a direct effect on curbing or shifting the practices or policies of other related but insulated institutions, like the police?
- What other actors in the criminal punishment system and beyond may stand in the way of change? How can your organizing anticipate and respond to pushback from police, judges and court staff, probation and parole officers, local media, other elected officials, and police and corrections workers' unions?

EXAMPLE DEMANDS

Organizers should conduct a power analysis of their place and context and consider the questions above when crafting demands and deciding on targets. Here are some example demands, grouped into broad categories. They are not exhaustive, and we hope they spark ideas specific to your local context.

- **De-resource.** Demand reduced budgets, staff, and scope of power (including curtailing prosecutorial discretion).
- **De-criminalize.** Demand that prosecutors never initiate or support the creation of new laws criminalizing more behavior and advocate for current laws to be repealed. Demand (retroactive) sentencing reforms to eliminate mandatory minimums, reduce maximums, and eliminate sentencing enhancements.
- **Stop the prosecution and punishment machine.** Demand that fewer people are prosecuted or subject to detention or detention-like conditions, such as jail, prison, e-carceration (GPS shackles/electronic monitoring), immigration prison, deportation, stay away orders, and supervision (pre-trial, probation, parole). Demand an end to stacking charges, up-charging, and plea bargaining. Demand an end to the practice of requesting bail: affirmatively recommend pre-trial freedom in all cases. Demand an end to requests for detention without bail; warrants for missed court appearances; fines or fees; continuances and case delays. Demand an end to the practice of requesting the death penalty and life sentences with or without parole.
- **Firewalls.** Demand firewalls between prosecuting offices and social service agencies, as well as the police, other law enforcement agencies, hospitals, Department of Children/Family Services, public housing, and any other state investigative agency. When social workers, therapists, and other mandated reporters work in or with a prosecuting office, they become an arm of and accomplice to law enforcement.
- **Fund community.** Demand funding for community organizations supporting people in need. Advocate overall for less government spending on law enforcement, carceral institutions, and other actors in the criminal punishment system and more spending on education, housing, healthcare, community groups, and services that people need to live and be well.
- **Advocate for access to a meaningful defense.** Demand that prosecutors provide open and early discovery, support funding for public defense, and end the secret grand jury process.
- **Reject hi-tech interventions that reinforce racism.** Demand that prosecutors do not support risk assessment algorithm tools (RATs), race-blind prosecution, or other technological solutions that tinker at the margins of systemic harm and pretend that color-blind interventions can repair a system built on racialized and class-based social control.

EXAMPLE DEMANDS

- **Reduce past harm.** Demand that prosecutors reduce harms of prior prosecutions via conviction review and sentencing reductions, vacatur motions, supporting clemency and parole (including medical parole, elder parole, compassionate release), and discharge/grants of liberty for pregnant women. Fundamentally change the approach to appeals; support motions for DNA testing; move to reduce and end terms of supervision on probation and parole.
- **De-platform.** Reject and disrupt media narratives that use individual cases to laud the role of the prosecutor and obscure the daily grind of prosecutions. Call out when prosecutors use high profile cases, salacious details, or “violent crimes” to justify the prosecutor’s role. Reject when prosecutors position the DA or the system as equipped to solve what society relies on it to do. Demand that people see the system for what it is: a race- and class-based punishment machine.
- **Transparency.** Demand that prosecutors express and follow through on a commitment to transparency by releasing as much data as possible, as regularly as possible, without more resources. Data allow organizers to monitor the pace of change. These data should showcase both prosecutor behavior (e.g. bail requests, plea offers, sentencing recommendations) and case outcomes (e.g. bail imposed, case resolution, sentence imposed). Public data might include the total number of prosecutions, with the option to disaggregate by case type to track specific policies (declination, felony review, etc.); the number of people held in jail pre-trial; and the number of aggregate years of incarceration in sentencing recommendations and sentences imposed. Can the data be broken down by courtroom? Can prosecutors get access to and publish data from other system actors?
Prosecuting offices should not get any additional funding or resources to track, manage, or release data. Demand that prosecuting offices reallocate resources internally to solve this problem.
- **Demand changes from other actors.** Demand prosecutors reject abusive policing practices (consent searches, gang raids, gang databases, unconstitutional evidence collection, racial profiling), refuse to use the fruits of those practices in prosecutions, and decline to work with known unreliable officers at all (beyond offering testimony in court).
- **Demand support for closing jails and prisons.** Demand opposition to building new jails or prisons.
- **Supervision and consequences.** Advocate for the end to prosecutorial immunity, through legislation or referendum, and qualified immunity for police. Create legal recourse for wrongfully convicted individuals and directly impacted communities to obtain civil sanctions against prosecutors who violate their rights and public trust. Consider other forms of independent oversight that would not enhance the power of the office of the prosecutor but would create opportunities for disciplinary action for attorneys.

Supervision & consequences

Reduce past harm

Firewalls

Stop the prosecution & punishment machine

Reject hi-tech interventions that reinforce racism

De-platform

DE-RESOURCE
eliminate the prosecuting office

Fund community

Advocate for access to a meaningful defense

Demand changes from other actors

De-criminalize

Demand support for closing jails & prisons

Transparency

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