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# Criminal justice reformers aim big by targeting local DA races

by JON SCHUPPE



William Roundtree, a campaign canvaser for the ACLU of Texas, speaks to Curtis Sanders as he goes door to door in south Dallas to inform members of the community about the upcoming District Attorney election in Dallas County, on Feb. 10, 2018. Brandon Thibodeaux / for NBC News

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DALLAS — If you can't win big, go small.

That's the strategy gaining momentum among criminal justice reformers in the age of Trump, as the federal government hardens its approach to law enforcement.

Instead of pouring money and energy into squeezing change out of Washington, national civil rights organizations are teaming with local groups to push their agendas in county-level district attorney races, where a few thousand votes can determine who asserts the most influence over the local justice system.

Picking their targets carefully, and crunching election data to influence pivotal voter blocs — and benefiting from the largesse of liberal billionaire George Soros — these crusaders have already racked up big wins, most recently in Philadelphia, where civil rights lawyer Larry Krasner was elected chief prosecutor last year.

Using Krasner as proof that their strategy can work, the American Civil Liberties Union, Color of Change and like-minded political action committees are now fixating on several 2018 races, with Dallas at the front of a list that could also include Baltimore; Charlotte, North Carolina; Los Angeles; Oakland, California; San Diego and St. Louis, as well as parts of Massachusetts, Oklahoma and Oregon.

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Philadelphia district attorney Larry Krasner. Matt Rourke / AP file

Each will involve teams of campaign strategists and targeted votereducation drives, from public forums to digital advertising, and the hiring of formerly incarcerated men and women to canvass

neighborhoods, asking voters to demand that candidates pledge to curb mass incarceration — and to cast ballots for those who agree. In some cases, political action committees will steer donations to campaigns that embrace their vision. In others, reformers are recruiting upstart candidates.

"We want to send a clear message that these are the real issues and the litmus test in the election, and to demonstrate the public demand for it," said Scott Roberts, a senior campaign director at Color of Change, which organizes online campaigns focused on ending injustices against African-Americans.

"We can put out a press release, but the candidates, the people who are trying to get votes, will respond on a deeper level when they're hearing about it from people as they are out campaigning."

## The wave begins

This is a new development in American politics, where district attorney races have rarely attracted outside attention, let alone intense interest from voters. Incumbents usually run unopposed, research has found. And when they do face opposition, they usually win, with races focused on the candidates' character and experience, or controversial cases, rather than discussions of policy.

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"That conventional wisdom has been turned on its head," said David Alan Sklansky, a professor at Stanford Law School who studies prosecutors and how they wield power. "In a growing number of races, people have defeated incumbents by running on platforms that are very policy heavy. They're not calling for more punishment, but more sensible policies," from police oversight to criminal sentencing.

The trend began about five years ago, when Ken Thompson defeated longtime Brooklyn District Attorney Charles Hynes. Since that 2013 election, self-described reform candidates have taken office in Chicago, Denver, Houston, and Orlando, Florida, and in smaller jurisdictions in Louisiana, Mississippi, New Mexico and Texas. Many were lifted into office by outcries over police shootings, wrongful convictions or the disproportionate numbers of poor people and minorities behind bars.

The movement has been supported by new research into the causes of the three-decade rise in prison populations, which peaked in 2009, long after crime began to decline. In his 2017 book, "Locked In," Fordham University law professor John Pfaff blamed prosecutors, "the most powerful actors in the criminal justice system," for driving drastic increases in felony cases, all but a tiny fraction of which result in plea bargains. Those locally elected prosecutors, Pfaff wrote, are rarely held accountable by voters for their decisions.

But Pfaff also documented how reform candidates have started to challenge that narrative.

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Some have received donations from political action committees connected to Soros, who heads the Open Society Foundation. Some have received tactical help from national reform groups like the ACLU and Color of Change. But others haven't, which Sklansky takes as evidence that the movement has been driven from the bottom as much as from the top.

### **Sharing stories**

At the bottom, there are people like William Roundtree.

Short, muscular and heavily tattooed, the 40-year-old Dallas native stumbled into the cause after his Jan. 29 release from state prison, the end of a nearly 14-year stretch for stealing tools from a utility truck to feed his drug habit.

On his second day of freedom, he encountered two people passing out petitions at a rail station. He told them his story: drug addiction, petty crimes, three short prison terms, and then the theft that earned him a "repeat and habitual" offender sentencing enhancement. He says he got clean on his own without being offered treatment.

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William Roundtree, 40, a campaign canvaser for the ACLU of Texas, goes door to door in south Dallas to inform members of the community about the upcoming district attorney election in Dallas County, on Feb. 10, 2018. Brandon Thibodeaux / for NBC News

The petitioners, working for the ACLU, steered him to their headquarters, where he was hired as a \$12-an-hour canvasser. Now he walks neighborhoods near the one where he did his crimes, introducing himself to homeowners and telling them of the importance of voting for a district attorney who "seeks justice rather than convictions."

Occasionally, someone questions whether he really knows what it's like to be pulled through the machinery that turns men into prisoners. Trying to be respectful, Roundtree says he knows better than most.

"I'm not saying I shouldn't have been punished, but maybe there could have been other options," he says. "Maybe there could have been a diversion program. Something more helpful than throwing me away for a decade and a half, almost."

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When people seem skeptical about voting, he gently tries to persuade them. "We're at a turning point in Dallas," he says.

#### The Philadelphia experiment

Roundtree's work is modeled after the ACLU-led campaign that lifted Krasner to office in Philadelphia last year.

The ACLU worked with Color of Change and local groups on granular aspects of the race, holding candidate forums, building social media campaigns and deploying a battalion of ex-offenders to encourage people to get to the polls. The ACLU spent \$150,000, mostly on canvassers. A Soroslinked political action committee gave Krasner nearly \$1.5 million.

This all happened during the Democratic primary, which is more important than the general election in Philadelphia since Democrats far outnumber Republicans. Udi Ofer, director of the ACLU's Campaign for Smart Justice, said the organization analyzed election data, estimated how many votes were needed to win the race — about 25,000, it figured — and set out to make sure that its 11,000 members who lived in the city and were registered to vote showed up on Election Day.

Because the ACLU is nonprofit and cannot endorse candidates, it instead pushed a reform agenda. But Krasner was clearly the best match. In the end, Krasner needed more than 25,000 votes to win, and did by a large margin.

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"What we did in Philadelphia is make the case that if we're going to truly transform the criminal justice system and end mass incarceration, we need to hold prosecutors accountable," said Ofer.

## A new fight

Citing Philadelphia as a model, the reformers converged last month in Dallas, a blue city in a deepred state with a history of racial segregation, racially disparate marijuana arrests and probation revocations, and high rates of death-penalty cases and wrongful convictions. The city has also come under attack for a cash bail system that packs the local jail with people awaiting trial.

Two former judges, John Creuzot and Elizabeth Frizell, are running in the March 6 primary, hoping to take on Republican Faith Johnson, who was appointed by Gov. Greg Abbott after her predecessor resigned in 2016.



Former Judges John Creuzot, left, and Elizabeth Frizell at a Dallas district attorney candidates' forum, hosted by the ACLU's Smart Justice Initiative, on Feb. 10, 2018. Brandon Thibodeaux

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The approach in Dallas County is different from Philadelphia in that the reformers — including the ACLU, Color of Change, the Texas Organizing Project and Faith in Texas — are focusing not only on rallying their card-carrying members but also registered voters in parts of the city with large minority populations, where people are more likely to have interactions with the criminal justice system.

ACLU analysts said they determined that it would take about 27,000 votes to win the Democratic primary, and that the reformers would need to "influence" about 14,000 people to make a difference. With about 8,000 ACLU members in the central and northern parts of the county forming dependable bases of support, the organization began looking for places in historically black south Dallas where its message would be received favorably.

No reform-minded political action committees have donated to candidates, at least not yet, according to campaign finance documents. The ACLU expects to spend about \$300,000 on its efforts, double the Philadelphia budget; the Dallas operation will include a larger arsenal of tactics, including bird-dogging candidates.

"The stakes are high because this sets the tone and direction for what this criminal justice system will look like in this county," said Sara Mokuria, cofounder of Mothers Against Police Brutality, a Dallasbased partner in the reform campaign.



Robbie Frazier, who spent 20 years in prison, asks a question during a district attorney candidates' forum in Dallas on Feb. 10, 2018. Brandon Thibodeaux / for NBC News

The campaign formally began on Saturday with an ACLU-sponsored candidates' forum at Paul Quinn College, a historically black institution in south Dallas. The moderator was Anthony Graves, who spent more than a decade on death row for murders he didn't commit, in part because of prosecutor misconduct.

Many of those who asked questions were recovering addicts and ex-offenders or had family members behind bars. They pressed the Democratic candidates — Johnson declined the ACLU's invitation — to support eliminating bail, leniency for low-level drug offenses, treatment for addicts, easing up on property seizures and avoiding the death penalty.

The point was to not only push the campaign into a discussion on reform, but also create a record to hold the winner accountable to.

"If we're going to bring about lasting change, real change, in our criminal justice system, it will start with the people in this room," said Sharon Watkins Jones, director of political strategies for the ACLU of Texas.



The DA candidates' forum was held at Paul Quinn College, a historically black college in south Dallas. Brandon Thibodeaux / for NBC News

# **Knocking on doors**

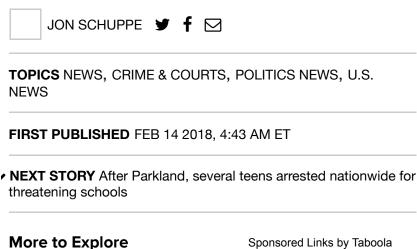
After the forum, a group of ex-offenders spread across south Dallas, armed with smartphones equipped with an app that showed them the houses and names of registered voters in targeted neighborhoods. Separate groups of petitioners handed out literature at public gathering places.

Roundtree, still marveling at the wonders of his device, wore an ACLU Texas T-shirt, his neatly trimmed hair and beard barely obscuring the tattoos that covered his face and scalp.

He headed into a housing development in Oak Cliff, not far from where he was now living with his sister and her family. A cold front had moved into the city, bringing temperatures below freezing — and making it difficult to hold doorstep conversations with strangers. Where they refused, he left literature. To those who answered, he told them quickly about the election and the power of district attorneys to decide who gets charged with crimes, and influence what kind of punishment they receive.

"We want to eliminate racial bias," he told them. "We want to hold police and prosecutors accountable."

Few bothered to stop to talk. Too cold. But Roundtree, shivering, kept moving, hoping to find people willing to listen to his story.



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