

ACLU
Pennsylvania



ANNUAL REPORT 2017 - 2018

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Mission

The American Civil Liberties Union of Pennsylvania is a nonprofit, nonpartisan membership organization dedicated to defending and expanding individual rights and personal freedoms throughout the entire commonwealth of Pennsylvania. Through advocacy, public education, and litigation, our staff and volunteers work to preserve and enhance liberties grounded in the United States and Pennsylvania constitutions and civil rights laws. Among those liberties are freedoms of speech, religion and association; the right to petition the government; separation of church and state; the right to privacy; reproductive freedom; due process of law; the rights of the accused; and the right to equal treatment under the law.



Message from the President

Peter Goldberger

“Sometimes, the cure for that nagging sense of despair is just to get to work. At the ACLU of Pennsylvania, that’s exactly what we did in 2017-2018...”

Dear ACLU friends:

The last two years have seen the United States and its people plunged into a chaotic drama. Since the 2016 election, we’ve witnessed previously unthinkable violations of the Constitution’s guarantees of individuals’ civil liberties. At the same time, we have been led to question our shared understanding that our country was inexorably moving – albeit sometimes with painful slowness – in the direction of justice.

Over this time, it has been hard for me occasionally not to feel overwhelmed with despair and amazement. Even as we cheered on ACLU attorneys’ heroic efforts to stop President Trump’s policy of separating children from their families at the border, we asked ourselves: How could this possibly be happening? What have we come to as a country that we’re fighting for something as basic as the right of an asylum-seeking parent not to have their child taken away?

At these moments, it can be helpful to narrow our focus and take pride in the many people around us committed to making change – in ways both gradual and transformative.

In this Annual Report, you’ll learn about our mobilization of more than 1,000 Pennsylvania ACLU members to successfully oppose the reinstatement of rigid, counterproductive mandatory minimum sentences by the state legislature. You’ll read about three professional football players who boarded a train at 7:30 a.m. - after playing a Monday Night Football game – to lobby with the ACLU-PA for Clean Slate legislation in Harrisburg.

Even as the Trump Administration tried to rescind DACA and held the lives and livelihoods of hundreds of thousands of young

DREAMers hostage in exchange for political concessions, we successfully advocated for a Drexel law graduate with DACA status to become the first undocumented individual to be admitted to the Pennsylvania bar. And even as Jeff Sessions’ Department of Justice doubled down on obsolete and ineffective tough-on-crime policies at the federal level, we worked with grassroots coalitions and formerly incarcerated activists to reform the role of elected district attorneys in cities and counties across the state – and now, we’re working with these allies to ensure that reformist DAs are held accountable to the promises made during their campaigns.

Sometimes, the cure for that nagging sense of despair is just to get to work. At the ACLU of Pennsylvania, that’s exactly what we did in 2017-2018: we hired new staff, we put new strategies in play, and we fought for and with those directly affected by injustice across the commonwealth.

On behalf of my friends and colleagues on both our board and our staff, I want you to know what your generosity has meant to us this past year. So much is expected of the ACLU in this dire historical moment; it is gratifying and comforting to know that you are with us. I hope you are pleased to see what we’ve done in the past year, thanks to your support, and that you’ll continue that support in the future.

With gratitude,

Peter Goldberger
President, Board of Directors
ACLU of Pennsylvania

State of the State

The ACLU and the Pennsylvania Legislature

The legislature's 2017-2018 session ended in November. Among the 1500+ bills introduced in the House and the nearly 1200 bills filed in the Senate this session, we look back at some of the highlights and lowlights in Harrisburg over the past fiscal year.

Criminal justice reform for those reentering communities after incarceration

PA's Clean Slate Act: This legislation is the first of its kind in the nation to use technology to automatically seal certain low-level, nonviolent criminal records from public view. The current process is not automatic; records can only be sealed if people petition the court individually, and sealed records would still be accessible to law enforcement. Nearly three million Pennsylvanians, 37.5 percent, of the commonwealth's working-age citizens, are estimated to have criminal records. This legislation is an important and positive first step in reducing some of Pennsylvania's unnecessary barriers to successful re-entry.

Restoring driver's licenses: In the fall of 2018, Governor Wolf signed House Bill 163 into law. This legislation will restore access to a driver's license for thousands of individuals annually who are convicted of offenses that are unrelated to operation of a vehicle, allowing Pennsylvania to join the 38 other states that have already eliminated similar suspension policies. Between 2011 and 2016, Pennsylvania suspended the licenses of nearly 149,000 drivers for drug convictions unrelated to traffic safety.

Reproductive justice

Defeating efforts to restrict abortion: The PA Senate tried its best to enact the most restrictive abortion ban in the country. Senate Bill 3 proposed two bans: it criminalized abortion after 19 weeks gestation and imposed a method ban, making it a crime for a doctor to perform a D&E procedure (a safe, medically tested, and commonly

used second trimester procedure) at any point during a pregnancy. Passing both the Senate and the House by comfortable margins, Governor Wolf vetoed the bill in December of 2017.

Another attempt to restrict abortion access this session failed to become law. House Bill 2050 would criminalize performing an abortion based on a fetal diagnosis of Down syndrome. It is an unenforceable and unconstitutional bill; in fact, federal courts blocked similar laws in Ohio and Indiana on constitutional grounds. It was a purely manipulative play by anti-abortion legislators. HB 2050 passed the House by a wider margin than SB 3, but was not brought up for a vote in the Senate.

Police accountability

Disappointing outcome in body camera legislation: In an apparent move toward increased police accountability, the legislature overwhelmingly passed and Governor Wolf signed Senate Bill 560, which cleared the way for police officers to use body cameras. But the devil was in the details. In its final version, SB 560 exempted police-produced video recordings as open records under Pennsylvania's Right-to-Know law, making it nearly impossible for the public or the press to obtain footage produced by these cameras.

Gag order on identifying police officers under investigation: Despite increasing public outcry and mobilization against police brutality, House Bill 27 doubled down on police secrecy. It would mandate concealing the identity of police officers being investigated for the discharge of a firearm or use of force (injuring or killing someone) for 30 days after the incident. Current law already provides protection for officers when there are credible threats of harm to them or their families. HB 27 offers no new protection – instead, it obligates public officials to obey a gag order under threat of criminal prosecution. This bill passed in the House but was not considered in the Senate.



Photos from Senate Bill 3 protest rally.



Trans pride flag-raising at Trans Wellness Conference, September 2017. Pictured (L to R): Naiymah Sanchez and Gavin Grimm (first photo); Janis Stacey, person unknown, Ashley Coleman, Kim Watson, person unknown (third photo)

Transformation

ACLU of Pennsylvania's Transgender Education and Advocacy Program

Transgender Community Conversations and a Storytelling Workshop

Through our Transgender Education and Advocacy Program (TEAP), the ACLU of Pennsylvania, along with allies and advocates, are supporting and cultivating transgender leadership in the fight for LGBQ and especially trans rights across the commonwealth. Over the summer of 2017, TEAP Organizer Naiymah Sanchez held three community conversations and presented four workshops with transgender community members in several locations throughout the state. In July 2017, we, along with the National Center for Transgender Equality, hosted a storytelling workshop for transgender individuals. As part of a trans visibility project, we collected stories, photos, and videos from conference attendees from across Pennsylvania.

A Clean CHIP Reauthorization Victory

In December 2017, Governor Wolf signed a clean CHIP (Children's Health Insurance Program) reauthorization bill, assuring low-cost health coverage to all PA children in families that earn too much money to qualify for Medicaid.

This reauthorization - which is normally noncontroversial - was far from routine: when it went up for review in the Senate Banking and Insurance Committee, it was amended to prohibit coverage of transition-related care - including counseling,

hormone therapy, and surgical procedures - for transgender children. This was an unexpected and wholly unanticipated maneuver.

We furiously got to work to have this amendment stripped from the reauthorization. We held three lobbying days: with diverse groups of volunteers - transgender people from rural, urban, and suburban areas across the state - we visited dozens of lawmakers' offices to discuss the cruel effects of the amendment. A smaller group of volunteers met with reporters to share their insights about how to respectfully cover issues affecting transgender people more broadly. This was a great opportunity to educate lawmakers about transition-related healthcare and to build the skills of our TEAP volunteers. We worked day and night behind the scenes to make it clear how much damage would be caused by this amendment. Our persistence paid off.

ACLU-PA TEAP Organizer Appointed to Philadelphia Police Advisory Commission

Naiymah Sanchez was appointed to the Philadelphia Police Advisory Commission, working with the department to improve their LGBTQ competency. Naiymah also presented a workshop to 80 incoming cadets in the Philadelphia Police Department on working respectfully and effectively with transgender people.

Another Step Forward for Transgender Students

Doe v. Boyertown Area School District is a case with an unusual twist. In this instance, it was the school district doing the right thing - allowing transgender students to use facilities, including restrooms and locker rooms, that aligned with their gender identity - which was sued by four students and their parents alleging privacy violations. The ACLU of Pennsylvania, the ACLU's LGBTQ and HIV Project, and cooperating counsel from Cozen O'Connor represented the Pennsylvania Youth Congress, an LGBTQ youth advocacy organization whose members at Boyertown Area Senior High would have been harmed if the plaintiffs had succeeded. After a federal court refused the plaintiffs' request for an injunction in August 2017, the plaintiffs appealed the decision to the US Court of Appeals for the Third Circuit. That court ruled - twice - that the school district was not violating the rights of cisgender students by letting transgender girls to use the girls' locker room and restroom and transgender boys to use the boys' locker room and restroom.

However, the story is not over. On November 19, 2018, the plaintiffs petitioned the US Supreme Court to hear the case; if the court grants the request, the current nine justices will make the ultimate decision on these students' rights. We will argue that the case does not belong in the Supreme Court.

Immigration on ICE

From the moment the Trump administration occupied the White House, we knew that protecting the rights of immigrants and refugees would take center stage – and ACLU affiliates have been quick to rise to the challenge. By reversing policies and practices of the previous administration, crackdowns and actions against new and long-term immigrants and refugees have mushroomed.

Pennsylvania holds a particularly unseemly distinction. Our ICE office has arrested more undocumented residents **without criminal convictions** than any other of the 23 field offices in the country. Sixty-four percent of the “at large” arrests made by ICE officers have been inflicted on undocumented immigrants who have committed no crime. (The national arrest record of undocumented individuals without criminal convictions is 38 percent.) Add the fact that PA’s undocumented population ranks 16th in the nation, and this degree of over-enforcement by ICE is nothing short of stunning.

These outrageous - and, we believe, unconstitutional - actions have mobilized the ACLU of Pennsylvania’s commitment to protect the rights of immigrants and refugees. Over the past 18 months, we have:

- hired two new staff members - Golnaz Fakhimi, Immigrants’ Rights Attorney, and Vanessa Stine, Immigrants’ Rights Legal Fellow;
- worked with community-based organizations and advocates from around the state to address the issue of state police troopers prolonging traffic stops to question vehicle occupants about immigration status and call in ICE officers and held meetings about this with state police leadership and stakeholders from the governor’s office;
- along with immigration coalition partners, convinced the Bensalem (Bucks County) Police Department not to enter into a formal contract with ICE, under which local police could act as on-the-ground immigration agents

– which elsewhere has enabled widespread racial profiling and rights violations;

- again in coalition, persuaded the city of Philadelphia to no longer provide ICE with blanket access to arrestee information via the law-enforcement database PARS;
- allied with the city of Philadelphia in its legal fight to preserve its “sanctuary” policies, by partnering with national ACLU to file amicus briefs supporting the city; and
- continued to monitor and challenge developments within the state legislature that threaten the rights of immigrant community members.

As we know, individuals impacted by these actions are the heart of the story. One is our client, Jose “Ivan” Noe Nuñez Martinez. In 2001, Ivan fled to the U.S. from Mexico to escape persecution as a gay man. Knowing he would be putting himself at risk, in 2010, he made the decision to return to Mexico to visit his ailing mother. Although Ivan was apprehended and removed in an initial attempt to reenter the U.S., he did make it back. He married a U.S. citizen in 2016.

This past January, thinking that he, accompanied by his husband, was going to a routine scheduled green card-related interview, Ivan was instead arrested by ICE and taken into custody in York County Prison. Ivan was detained for nearly nine months without a hearing - until the ACLU-PA and cooperating counsel from DLA Piper LLP secured a bond hearing, resulting in Ivan’s release. His release was predicated on his strong ties to the community and lack of criminal history. In the intervening time since Ivan’s release, the ACLU, both nationally and here in Pennsylvania, has been actively fighting cases of prolonged detention.

Immigrants like Ivan are an important part of our communities. And increasingly, households in our commonwealth are

becoming mixed-status: some individuals may be undocumented, while others may have temporary immigration status or have lawful permanent residence, and others, often young children, may be U.S. citizens.

The attacks on some have devastating effects on all: they ruin our communities’ intertwined social fabric, are harmful to our economy, and outrage our sense of decency and humanity. We will continue fighting to protect the rights of immigrants, their families, and their communities.

Percentage of immigrants without criminal convictions arrested by PA regional ICE office.

(The highest arrest rate in the US.)

64%

Percentage of immigrants without criminal convictions arrested nationwide.

38%

What's wrong with this picture?

In Pennsylvania:

- In 2016, the commonwealth spent \$2.7 billion funding the prison system, making us one of only a handful of states that spends more on incarceration than it does on education.
- We have the highest incarceration rate of any state in the Northeast.
- We have the third-highest per capita rate in the country of individuals on parole.
- Black people account for 47 percent of the prison population but only 10 percent of the population of the state.
- One in every five new admissions to prisons was for a drug offense. Twenty-eight percent of those imprisoned in PA have minimum sentences longer than 10 years.
- Our prisons are filled with an outrageously high number of people serving life without parole.

Ready, Set, Launch

PA's Campaign for Smart Justice

We are confronted - almost every day - by stories and data that illustrate the injustice within our justice system: individuals jailed for being indigent, false accusations, disproportionate sentencing that affects people of color - the list goes on. That's why we're so excited about the Pennsylvania Campaign for Smart Justice.

The Campaign for Smart Justice is an ACLU nationwide initiative that seeks to reduce incarceration by 50 percent and to address the systemic racial disparities that underpin the criminal justice system. Through pushing for sentencing, probation, and parole reform; ending cash bail; preventing the reestablishment of mandatory minimums; and educating voters about the power bestowed to district attorneys - and holding DAs accountable for implementing systemic reforms - we are moving Pennsylvania, and the country, closer to smart justice.

Here in Pennsylvania, our Campaign for Smart Justice team is staffed by Nick Pressley, the campaign director, plus a recently hired team consisting of a criminal justice policy counsel, Nyssa Taylor; a se-

nior field organizer, Terrell Thomas; and a communications strategist, Ian Pajer-Rogers.

Our team has an ambitious agenda and has already been impressively productive. Just before the 2018 Pennsylvania primary, we organized a forum consisting of candidates, including incumbents, running for seats in the state House. As part of the forum, we invited returned individuals to share their experiences of being incarcerated and to question the candidates about their vision for smart justice in Pennsylvania. Faced with these direct questions and a rapt audience, each candidate pledged their commitment to fighting mass incarceration and the racial biases that disproportionately target Black and Latinx Pennsylvanians.

When it appeared inevitable that the Pennsylvania Commission on Sentencing would pass and implement a racially biased risk assessment tool to attempt to measure a person's risk for future criminality, which judges would then use at sentencing, the campaign team mobilized more than one thousand ACLU-PA

members to contact members of the commission to oppose the plan. Overnight, the Commission on Sentencing delayed the vote and scheduled more public hearings.

We are extremely proud that here in Pennsylvania, the campaign is being led by impacted people and grassroots leaders who know firsthand the devastation that incarceration can have on an individual's life and their community. We recognize that those closest to the problem are closest to the solution.

What we saw at our forum - as well as what we learn at each coalition meeting, demonstration, and public hearing that we attend across the state - is that our voices are power. Our stories are power. Our experiences are power.

We'll keep you updated as we continue to work toward achieving smart justice in Pennsylvania.



Punishing Poverty in PA

Modern Debtors' Prisons



Jessica and her two children; photo provided by client.

Jessica would have promised anything to stay out of jail and get home to her eight-month-old daughter and 12-year-old son. Three years ago, she pleaded guilty to a misdemeanor DUI charge and was sentenced to pay a \$500 fine plus \$2,500 in court costs. Now, in May 2018, she was facing the judge for the second time in six months because she had not been able to pay down that debt, nor the debt she still owed on a juvenile case from 12 years earlier. The last time she was in this situation, the court sent her to jail for not paying, and she avoided incarceration only because a friend gave her hundreds of dollars. She knew that would happen again, unless she came up with hundreds more. This court was running a modern debtors' prison.

Jessica had no money to give the court. She had been out of work for four years because, when she came to work, she had bouts of dizziness and muscle spasms that made it impossible to hold down a job. She lived in a trailer in the Allegheny

National Forest with her fiancé and two children. Her fiancé, too, could not work, and the family of four had been living on the \$756 he received each month from Social Security, plus food stamps, heating assistance, and free baby formula from the state. They were behind on all their bills.

It did not matter that Jessica could not work, that she received food stamps and Medicaid and had no financial resources. So Jessica offered to pay \$400 at the beginning of the next month—money that would have to come out of the next Social Security check. The judge told her to pay \$666.09 within a month or she would spend 30 days in jail.

Jessica's experience is not unique. Every traffic citation and criminal case filed in Pennsylvania courts carries a potential fine and automatic court costs, and in some cases defendants are sentenced to pay restitution. The biggest chunk is usually "costs": surcharges that the legislature

has added to traffic and criminal cases to fund everything from prosecutors' salaries to court computers to legal aid offices. A typical \$25 traffic fine becomes \$150 or more with "costs." The average public defender client owes \$1,300 in court costs alone. Defendants who cannot pay their fines and costs in a lump sum become debtors to the court. Courts, unlike private debt collectors, have the power to jail people who don't pay. And, in Pennsylvania, they use that power.

It turns out that in Pennsylvania, there is no standardized court-debt collection method. Each of the 60 courts of common pleas and more than 500 magisterial district courts creates its own debt-collection practices. Some courts will not hesitate to incarcerate poor people who have failed to pay, while others work with defendants to put them on reasonable payment plans. This diffuse system adds a layer of complexity and challenge to any oversight and reform.

Enter the ACLU-PA. For the past two years, Andrew Christy, Criminal Justice and Poverty Attorney, has spearheaded our work shining a light on debtors' prisons. Over this time, we have observed court proceedings, reviewed records, and represented clients across Pennsylvania. We have found that there are thousands of Pennsylvanians jailed every year across the state solely because they have not paid fines, costs, or restitution. It is impossible to establish definitive numbers because of incomplete and inaccurate court records, but one subset of data shows that the magisterial district courts alone jail at least 3,000 defendants each year. The total number is likely far higher.

We believe that the vast majority of these jailings are both illegal and unconstitutional. It is not illegal to jail defendants who could pay but instead thumb their nose at the courts and at

victims. It is illegal for a court to jail a defendant who would pay but doesn't have the money. That's not new law. In 1973, the Supreme Court of Pennsylvania issued a landmark decision in *Commonwealth ex. rel. Parrish v. Cliff*, which, for the first time, prohibited courts from automatically jailing defendants if they failed to pay. It took ten more years until the United States Supreme Court reached the same conclusion in *Bearden v. Georgia*.

To implement these legal principles, the Pennsylvania Rules of Criminal Procedure require that courts hold hearings to examine defendants' finances, place defendants on affordable payment plans, and jail only defendants who are financially able to pay. Courts cannot

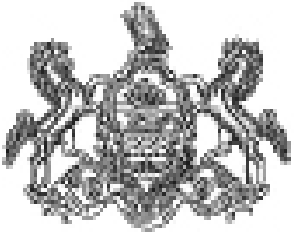
jail impoverished defendants under any circumstances.

This is a high threshold, and, when such hearings are done properly, almost no one goes to jail for nonpayment. The court has to ask defendants about all of their income and expenses, but there are some obvious signs that defendants cannot pay. For example, individuals who rely on food stamps or are sleeping on a friend's sofa because they cannot afford housing, are too poor to pay. Courts should ask if the defendant is working or looking for work, and cannot punish a person who is making a good-faith effort to find gainful employment.

Unfortunately, many judges do not ask

these questions. Instead, they assume that defendants can pay and issue ultimatums: pay now, or go to jail. Facing jail time, defendants like Jessica beg family or friends for loans they cannot pay back, or sell the car they need to get to work, or pay the court instead of their rent or phone or electric bill, as Jessica would have done. The ACLU represented one unemployed and destitute man who offered to sell his blood plasma to pay the court (he was jailed anyway). For those who can't come up with the money, time in jail means lost jobs, lost homes, and heartbreak.

Jessica did not go to jail. Her public defender—then the only public defender in all of Warren County—did not have

COURT OF COMMON PLEAS OF WARREN COUNTY						
DOCKET						
	Docket Number: [REDACTED]					
	CRIMINAL DOCKET					Court Case
	Commonwealth of Pennsylvania					Page 11 of 11
v.						
Jessica [REDACTED]						
CASE FINANCIAL INFORMATION						
[REDACTED]	Assessment	Payments	Adjustments	Non Monetary Payments	Total	
Defendant						
Cost/Fees Totals:	\$2,738.76	-\$614.00	-\$90.00	\$0.00	\$2,034.76	
Fines						
Title 75, DUI (Motor License Fund)	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00	
Title 75, DUI (Motor License Fund)	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00	
Title 75, Motor Vehicle (Motor License Fund)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00	
Title 75, Motor Vehicle (Motor License Fund)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00	
Fines Totals:	\$1,050.00	\$0.00	\$0.00	\$0.00	\$1,050.00	
Grand Totals:	\$3,788.76	-\$614.00	-\$90.00	\$0.00	\$3,084.76	

Jessica's court fines from the Court of Common Pleas of Warren County

“It is illegal for a court to jail a defendant who would pay but doesn’t have the money.”

the time or resources to appeal the judge’s order. But he did contact the ACLU. We filed an appeal and convinced the court to “stay” the case; Jessica would not have to pay the money unless we lost our appeal before the Superior Court.

We were able to act quickly in Jessica’s case because in the preceding year we had successfully represented half a dozen clients in similar circumstances, and thus knew how to handle these cases. In February of 2017, ACLU of Pennsylvania Senior Staff Attorney Sara Rose learned that Gregory Mauk, a house painter for one of our cooperating attorneys, had been sentenced to two weeks in jail in Cambria County because he was late making payments on his fines and costs. By the time of his court hearing, Mr. Mauk had already paid what he owed, but the judge did not give him—or any of the other 53 defendants she simultaneously sentenced in one mass proceeding—any opportunity to offer a defense.

The ACLU of Pennsylvania promptly filed a petition for a “writ of habeas corpus” on behalf of Mr. Mauk, a procedure rooted in medieval England that requires a court to determine whether an individual is lawfully jailed. Mr. Mauk was quickly released. A year later the Superior Court issued an opinion in *Commonwealth v. Mauk* calling what the trial court did, by jailing Mr. Mauk and the 53 others without determining why they failed to pay, “constitutionally disastrous.” That court no longer jails defendants for nonpayment.

In another case, an ACLU of Pennsylvania staff member received a call from Shana Gardner, a single mother from Fayette County, who was being told at that very moment by a magisterial district judge that she needed to come up with \$500 or go

to jail. Ms. Gardner’s fines and costs arose out of several truancy cases; she struggled to get her son, who has disabilities, motivated to go to school. She did not have \$500, and was taken to jail.

Ms. Gardner had called the ACLU staffer because he was on his way, with a reporter from the *Pittsburgh Post-Gazette*, to meet with Ms. Gardner to hear about the other times she and her family members had been jailed for nonpayment of court debt. With help from Alec Wright at The Law Offices of Timothy P. O’Brien, we filed a petition and got Ms. Gardner released the next day. After that, the president judge of the Fayette County Court of Common Pleas issued an order prohibiting magisterial district judges in the county from sending people to jail for nonpayment—at least until they received training from the ACLU of Pennsylvania. Fayette County also does not jail defendants anymore, which keeps about 30 people per month out of jail.

These cases and others gave us a blueprint not only to keep people out of jail but also to target other court collections practices. We now have model legal guides and draft motions on our website to serve as resources for lawyers and individual defendants. We continue to work with lawyers who need support, including public defenders from around the state. Increasingly, we are working with public defenders to try to keep fines and costs from being imposed in the first place—after all, defendants cannot be punished for nonpayment if they do not owe anything.

As a result of our intervention in Jessica’s case, Warren County no longer jails defendants for nonpayment. The court now holds robust hearings and has not found that a single defendant has the ability to pay.

We have had similar success working with other county courts to reform their practices, including Armstrong, Cambria, Cumberland, Fayette, and Lebanon. Not every court that we have worked with has adopted all of our recommendations for best practices, but they are all providing appropriate hearings and have essentially stopped incarcerating defendants for nonpayment.

The result has been remarkable. A review of court and jail records from those counties shows that we have managed to keep over 1,000 people per year out of jail.

Lasting statewide change, however, requires top-down direction from the Supreme Court, the General Assembly, or both. We have organized a coalition of organizations, individuals, and even judges who have asked the Supreme Court’s Criminal Procedural Rules Committee to amend the rules to provide clear and specific guidance on how to determine whether a defendant is able to pay. Two bills, influenced by our work combating modern debtors’ prisons, were proposed in this legislative session, to reform the courts’ practices. Combined, all of these reform efforts would provide clear and common-sense instruction to judges, including that someone whose income is under 125 percent of the federal poverty level is too poor to pay.

Jessica is now on a \$5 per month payment plan, and she does not have to worry about going to jail. Thousands of other individuals in Pennsylvania do not yet have that peace of mind, but we hope that as reform efforts advance across the state, we can help all of those people escape the crushing burden of court debt.

IN CASE YOU MISSED IT



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6,498

Follow
760

Followers
11.5K

Likes
1,364

List
4

Moments
10

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Defending liberty where it began. Listen to Speaking Freely With the ACLU-PA at aclupa.org/podcast or wherever you get your podcasts.

Pennsylvania

aclupa.org

Joined Twitter April 2009

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Your ACLU-PA has its fingers in a lot of pies, and with new assaults on civil liberties happening way too often, some of what we do may have fallen under the radar. Here are some stories that make us proud. Without your trust, loyalty, and support, this work would not have been possible. **More information about all of these can be found on our website:**

www.aclupa.org

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To Dream the Impossible Dream December 18, 2017

Parthiv Patel, an Indian immigrant, graduated from law school and passed the PA bar but was denied admittance by the [@PABoardofBarExaminers](#) due to his immigration status. We appealed the denial and today Parthiv's dream came true as he was sworn in to the bar.



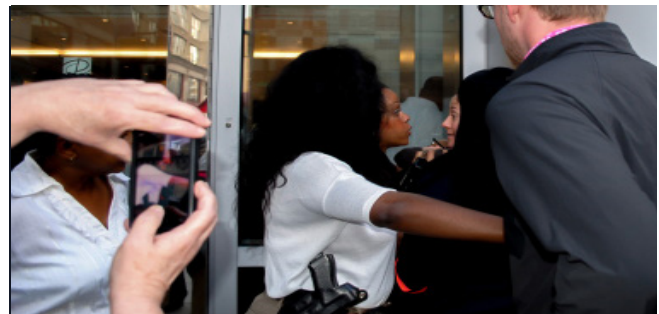
NFL Lobby Day in Harrisburg with Socially Conscious Athletes October 24, 2017

Today, pro football players from the [@playercoalition](#) Malcolm Jenkins, Torrey Smith, and Chris Long visited Harrisburg with us to lobby legislators on criminal justice bills, mandatory minimum sentences, police secrecy, and marijuana decriminalization. [@ESPN](#) covered the affair!



Yes, you CAN record the police in the line of duty July 7, 2017

A unanimous decision by the U.S. Third Circuit Court of Appeals ruled in favor of ACLU-PA clients Rick Fields and Amanda Geraci stating that both plaintiffs have a [#FirstAmendment](#) right to record police officers performing their jobs in public. [#Victory](#)



Education Matters June 30, 2017

Visit endzerotolerance.org to find our newly-updated "Know Your Rights: A Handbook for Public School Students in Pennsylvania", including guidelines ranging from what students can wear and say to teaching religion in school. [#endzerotolerance](#)



Moving Forward Together

Reginald T. Shuford, Esq.



Pennsylvania is nicknamed “the Keystone State” for a handful of reasons. In early American times, it was the joining point between north and south, between the cities of the east and the frontier of the west. It was also the state in which some of the most crucial decisions about governance and freedom in the newborn United States were made - some for good, some for ill.

Since then, the commonwealth has acted as a weathervane for the country. Both our ugliest impulses and our highest ideals have shown themselves in Pennsylvania’s courtrooms, legislative chambers, and streets over the years.

Today is no different.

The ACLU has embarked on two great, intertwined nationwide projects. First, we have resolved to fight, tooth and nail, against Donald Trump’s broad-based violations of people’s constitutional rights. Second, as much as the ACLU is needed to defend against the erosion of civil liberties in the Trump era, our organization is also best positioned to affirmatively fight for changes to the status quo in America. We want to establish the rights of transgender individuals to be seen for who they are by their government. We want to modernize our restrictive, antiquated voter registration system. We want to end mass incarceration and reform our broken, racially biased criminal justice system.

Again, Pennsylvania stands at the epicenter of both of these projects.

Our regional ICE office has deported undocumented residents at a higher rate than any other such office in the country. Anti-immigrant sentiment is on the rise in the state legislature, which has repeatedly tried (and, thus far, failed) to penalize cities, towns, colleges, and universities for protecting immigrants within their ju-

risdictions. We’ve seen municipalities attempt to enter into agreements with ICE that allow local law enforcement officers to be conscripted into enforcing federal immigration laws, leading to abuses and racial profiling.

Across our state, lives are being ruined and families are being torn apart, at great public expense, with no meaningful benefit to public safety or the state’s economy. It’s shameful. And we’re using every tool we have at our disposal to fight against it.

We envision a Pennsylvania that will support and protect its immigrant communities, welcome newcomers and refugees, and guard against discrimination on the basis of race, national origin, or religious belief. Achieving this vision feels like it’s a long way off right now, but we’re working towards that horizon of possibility each and every day.

Meanwhile, we have been staffing up across the state to launch the PA Campaign for Smart Justice - a radical (and necessarily ambitious) attempt to transform our broken criminal justice system, educate Pennsylvanians about the consequences of our addiction to incarceration, and fight the systemic racism evidenced in the huge racial disparities in our prisons and jails.

The national ACLU has identified Pennsylvania as one of the states that will receive substantial investments in our criminal justice work. This decision reflects three key factors: first, Pennsylvania’s criminal justice system is failing our communities in particularly appalling ways compared to other states; second, our staff - my colleagues - at the ACLU of Pennsylvania are seen as second to none in their passion, excellence, and expertise on this issue; and, third, our state has a strong potential to make deep and meaningful changes over the coming years that might

lay the groundwork for improvement in other states.

I want to give special emphasis to this last point: the possibility of change.

We have seen legislators, activists, and people who espouse wildly varying political philosophies (including allies who disagree sharply with us on issues like LGBTQ equality and reproductive rights) agree that a state with the second-highest population of individuals serving life-without-parole sentences - one that imprisons Black men at nearly nine times the rate of their white counterparts - is in major need of reform. The next few years will be critical in determining where Pennsylvania - and the nation - is moving on this issue.

When it’s placed at the top of an arch, a keystone completes and solidifies the structure, giving it a strength that its individual parts lack. If the keystone is weak, or flawed, the arch collapses into disarray.

Civil liberties advocates from across the country are looking to Pennsylvania to again be a bulwark in the preservation of our democracy. We cannot lose these fights; people’s lives, livelihoods, and our increasingly fragile democratic institutions are at stake.

I have faith in our collective strength and integrity - you, and me, and the ACLU of Pennsylvania’s amazing staff, and tens of thousands of supporters across the state. We’re going to ensure that we make it through this dangerous time with the structure - and reality - of civil liberties still standing and stronger than ever.

Onward,

A handwritten signature in black ink, appearing to read "R. Shuford".

Reginald T. Shuford, Executive Director
ACLU of Pennsylvania

To All Our Supporters

THANK YOU

The ACLU of Pennsylvania is grateful to the tens of thousands of individuals whose contributions make our work possible. Every single gift matters and inspires us. Given space limitations, we are only able to list individuals and institutions who made contributions totaling \$1,000 or more to the ACLU of Pennsylvania, ACLU Foundation of Pennsylvania, ACLU and/or ACLU Foundation during the period of April 1, 2017 to March 31, 2018.

100 percent of ACLU of Pennsylvania board members made contributions in the 2017 - 2018 fiscal year.

∞ Denotes Albert DeSilver Society members who have remembered the ACLU and the ACLU of Pennsylvania in their estate plans.

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Fiscal Year April 1, 2017 through March 31, 2018

SUPPORT AND REVENUE

Grants, contributions, and fundraising:	\$3,723,500
Contributed services:	\$2,261,933
Attorney's fees:	\$937,575
Interest, investment, and other income:	\$342,093
Total support and revenue:	\$7,224,414

EXPENSES

Program Services:	\$4,365,338
Management and general:	\$487,598
Fundraising:	\$498,242
Total expenses:	\$5,351,178

CHANGE IN NET ASSETS

Net assets, beginning of year:	\$4,973,508
Net assets, end of year:	\$6,846,744
Change:	\$1,873,236

STATEMENT OF FINANCIAL POSITION As of March 31, 2018

CURRENT ASSETS

Cash and equivalents:	\$2,682,745
Accounts receivable:	\$541,768
Prepaid expenses:	\$59,699
Due from national ACLU:	\$1,522,616
Due from affiliate Union:	\$95,062
Investments:	\$1,409,250
Legacy Trusts:	\$999,900
Security deposit:	\$3,849
Subtotal:	\$7,314,889

PROPERTY AND EQUIPMENT

Building and improvements:	\$238,715
Leasehold Improvements:	\$14,960
Less: accumulated depreciation:	\$ -155,942

Total Property and Equipment: \$97,733

Total assets: \$7,412,622

LIABILITIES

Accounts payable:	\$75,007
Accrued expenses:	\$205,311
Accrued pension:	\$149,800
Accrued vacation:	\$135,760

Total Liabilities: \$565,878

NET ASSETS

Unrestricted	
General, Board funds:	\$4,090,231
Litigation funds:	\$357,883
Total Unrestricted:	\$4,448,114
Temporarily restricted:	\$1,798,477
Permanently restricted:	\$600,153

Total net assets: \$6,846,744

Total liabilities and net assets: \$7,412,622

STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS

Fiscal Year April 1, 2017 through March 31, 2018

SUPPORT AND REVENUE

Memberships:	\$1,689,243
Grants, contributions, and fundraising:	\$509,618
Interest and investment income (loss):	\$14,427
Total support and revenue:	\$2,213,288

EXPENSES

Program Services:	\$744,826
Management and general:	\$183,896
Fundraising:	\$44,745
Total Expenses:	\$973,467

CHANGE IN NET ASSETS

Net assets, beginning of year:	\$1,251,673
Net assets, end of year:	\$2,491,494
Change:	\$1,239,821

STATEMENT OF FINANCIAL POSITION As of March 31, 2018

CURRENT ASSETS

Cash and equivalents:	\$2,435,748
Prepaid expenses:	\$2,563
Due from national ACLU:	\$202,723
Total assets:	\$2,640,584

PROPERTY AND EQUIPMENT

Building and improvements:	\$34,438
Less: accumulated depreciation:	\$ -25,42

Total Property and Equipment: \$9,011

Total assets: \$2,649,595

LIABILITIES

Due to affiliate Foundation:	\$95,062
Accounts payable:	\$0
Accrued expenses:	\$14,944
Accrued pension:	\$13,185
Accrued vacation:	\$34,910

Total Liabilities: \$158,101

NET ASSETS

Unrestricted:	\$2,094,295
Temporarily restricted:	\$397,199

Total net assets: \$2,491,494

Total liabilities and net assets: \$2,649,595



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