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LAWRENCE S. KRASNER
DISTRICT ATTORNEY

October 21, 2022

Dear Members of the Select Committee on Restoring Law and Order:

I had hoped that I could appear with you in person at a public hearing and answer, under oath, any and all of your questions. Crime in the Commonwealth of Pennsylvania, including in Philadelphia, and policing and prosecution of crime, are matters of great importance to the residents of the Commonwealth, including Philadelphia's residents. Much to my disappointment, you have repeatedly refused to speak with me, whether at a public hearing or even at a private hearing where my only request was to have a record (video/transcript) of what said.¹

Instead of meeting with me in person, publicly or privately, you asked me to submit a written statement as long as it was submitted within a very short deadline, due today at 5:00 p.m. You did not specify the questions I should answer or the topics I should address. You said only that it should be "relevant to the Select Committee's work."

There is no mystery as to why today's deadline is important to you. Today is the last business day before the House convenes on Monday (for its last sessions prior to the midterm election), and you'd like to give the *appearance* of hearing from me before you recommend my impeachment as District Attorney of Philadelphia.

You have never specified what your basis of impeachment is. There has been no suggestion of criminal conduct or corruption of any kind. You have never indicated to me or to anyone why I should be impeached, but there is little doubt that the Select Committee intends to recommend my impeachment. Indeed, this Committee was formed for the express purpose of recommending my impeachment. Rep. Ecker, one of the members of this committee, even publicly called for my impeachment *before* the Committee was formed.

The Select Committee has claimed to be focused on curbing crime, but it has refused to investigate any other county in the Commonwealth, even though other counties have experienced

¹ I asked to testify at the public hearings on September 29-30, 2022. You refused. I asked to testify at a public hearing today. You refused. I even asked to testify in a private Executive Session today, so long as we both had the right to record the meeting. Again, you refused.

greater increases in the homicide rate than that of Philadelphia. Indeed, homicides and violent crimes have increased all over the United States, in jurisdictions that have elected both traditional prosecutors and reform prosecutors. By now you are well aware that the terrible increase in the rate of homicide in Philadelphia over 2020-2021 (the most recent full year data) of 59% is much lower than the rates of increase in the counties home to the sponsors of House Resolution 216. According to state police data, Washington County's increase over the same period is 800% (Rep. O'Neill), Adams County is 300% (Rep. Ecker). Beaver County is 250% (Rep. Kail). And when we average the rate of increase in homicides for the sponsors of HR 216 and the members of this Select Committee over the same time period, we find that their average increase in homicides is still higher than that of Philadelphia. This trend is true nationwide. The states that voted for Donald Trump in 2020 had a 40% higher murder rate than the states that voted for Joe Biden. And, as discussed in the study titled "The Red State Murder Problem," 8 of the 10 cities with the highest murder spikes are in Republican states.

Criminologists know what works to prevent crime. It is not love for the NRA, opposition to reasonable gun regulations, or draconian sentences. It is investment in communities, fully funded public schools, mental health and addiction treatment resources, economic opportunity, trade school and higher education opportunity, keeping parents in the community (not in jail) when they have committed non-violent, non-serious offenses, and modern police reform, among other things. All leading criminological reports show zero correlation between crime and progressive/reform prosecution. One [sweeping and very recent study](#) indicates that reform prosecutor jurisdictions are doing slightly better with public safety than the more traditional and conservative ones.

It is my hope that in the future you will undertake an honest, statewide look at how public safety and criminal justice can be improved throughout the Commonwealth, in every county and city, and in an expansive way that shows the true picture of how we can work together to improve and modernize law enforcement by prosecutors and police, and how we can improve the prevention of crime. I will vigorously assist in such a process, conducted in good faith, at several levels; I have already done so with our criminal justice and governmental partners in Philadelphia, published in the "100 Shooter Report." I invite such a fair and thoughtful process.

Every decision I make as District Attorney is with the goal of seeking justice and improving public safety. That is my oath. Public safety has always been my primary goal, and I have never deviated from more intensely focusing on the most serious and violent offenses. My office has been especially focused on prosecuting violent and serious crimes. That is a collaboration with other law enforcement since we cannot charge cases that are not solved by police. While the last full year of data available indicates only 17% of non-fatal shootings were

solved in Philadelphia and only 28% of gun homicides were solved, our current conviction rate for the homicides and gun violence cases that are solved is much higher--- nearly 90% at the trial level. This rate compares very favorably to our predecessors and other large cities. We have achieved it while strictly following the constitutional and legal requirements that protect us all from wrongful convictions that incarcerate the innocent and allow the guilty to escape. Sadly, many traditional prosecutors in Philadelphia and elsewhere have not maintained that high legal and ethical standard. It's harder to win when you don't cheat, but we are winning.

Because federal and state law enforcement as well as the Philadelphia Police Department are our partners, we have shouldered together with them, supporting and advocating necessary reforms in investigation and policing that can greatly improve their success in solving cases. For four years, I have been the loudest and most public voice in Philadelphia advocating for a state-of-the-art, \$50 Million investment in police forensic capacity that has a jaw-dropping capacity to solve gun violence cases that are currently unsolved. My efforts have included multiple meetings with every law enforcement entity (federal, state, local) and several legislators aimed at getting the Philadelphia Police Department's forensic unit additional resources that exceed my office's entire budget. My efforts have included countless media interviews to stir up public support for this investment. Years later, we are starting to see progress in that direction thanks in part to grant opportunities now available and additional governmental investment from the City of Philadelphia and the Commonwealth. Despite the delay, I am excited to see that progress.

There are several other collaborations begun by law enforcement during our administration and solo efforts that I applaud and we intend to continue. They include: Gun Violence Intervention Initiative (GVI)---a focused program on the Kennedy model aimed at deterring people at risk of shooting or being shot, very frequent meetings between senior personnel at the PPD and the DAO to improve the quality of new gun violence and gun possession arrests and prosecutions shortly after arrest, deeper investigative and forensic work by the Gun Violence Task Force (GVTF), placement of DAO personnel inside the DVIC intelligence center to assist law enforcement partners in all legal and intelligence aspects of their important investigations, the creation of an Intelligence Unit in the DAO, unification of the DAO Homicide and Non-fatal Shooting Units into a single unit prior to the PPD's excellent and similar decision to create the SIG (Shooting Investigation Group), which is showing improvements in the solve rate for non-fatal shootings already. And there are many others that show promise. I'd be more than happy to share details about these initiatives with you.

There are many ways to pursue public safety. In the past, The Philadelphia District Attorney's Office (DAO) has relied almost exclusively on the blunt instrument of jail and prison, without recognizing that this approach is often ineffective and, in the long term, may make our communities more dangerous. In my office, we recognize we have numerous tools in our arsenal,

and we use each one to build up our community. We are proud of our work. So are Philadelphians. It is why they overwhelmingly re-elected me less than a year ago.

Supporting victims, witnesses and survivors is a key part of preventing and successfully prosecuting crime. For this reason, our administration started the CARES program, which focuses intensely on the needs of homicide victims' families during the first 45 days after their loved one's death. We are re-locating more endangered witnesses, immediately and vigorously and at greater total expense, with resources from multiple funding sources. We have improved accountability for the very challenging process of communications between our victim-witness coordinators, our lawyers, and witnesses, victims and survivors. We offer limited restorative justice approaches for victims who want it in appropriate cases, and we are seeing excellent results. And we remain in close contact and collaboration with the regional Victim-Witness services agencies in Philadelphia that we fund.

Not only is providing robust support the moral thing to do, it is also important for long-term public safety. We know that victims of violent crime and witnesses exposed to it are significantly more likely to commit crimes of violence in the future. We know that being the victim of violent crime increases the likelihood that someone will carry a weapon in order to feel safe. It is, therefore, absolutely critical that we help all victims who come through our office. That is one of the most effective ways to keep us safe.

Our work with juveniles and young adults has drawn lessons from the best practices around the country, thanks in part to our employment of the former chief of the US Government's Office of Juvenile Justice and Delinquency Prevention. There is much about juvenile justice to discuss. Unfortunately, there is an acute lack of state facilities appropriate for the handling of violent juvenile offenders in the Commonwealth. Abusive, snakepit facilities that were failing to rehabilitate or educate them were closed, but they were not replaced. Re-investment in humane and constructive facilities that are effective for violent offenders are essential to public safety. Here, as in many other issues, the legislature can make an important difference so long as the massive amounts of money being saved from closing the snakepits is re-invested properly, rather than aimed at tax breaks for the wealthy.

Holding people accountable for violent crime also requires us to improve the public trust that has been broken after decades where our policing and legal system failed people, especially people of color. Often, witnesses and victims did not, and sometimes still do not, come forward because of that broken relationship between the police and residents. Let me be clear, I fully support police officers. But I also believe that no one is above the law, and when an officer commits a crime or willfully abuses his or her power, that officer will be held accountable. We have also ended abusive civil asset forfeiture practices, and put prosecutors in neighborhoods so

that people have direct access to them. That's how you restore trust in a system that has too long been broken.

We also divert low-level offenders in appropriate situations. Numerous studies have shown that there is no connection between diverting non-violent crimes of poverty and addiction and violent crime. Meanwhile, there is evidence that prosecuting those crimes makes us less safe because people ended up with criminal records that prevented them from getting jobs and housing. It drove them toward crime, not away from it. Over-prosecuting minor offenses also takes away resources from the prosecution of the most serious cases, both in our office and in the police department.

We cannot end violent crime simply by punishing it after the fact – we must also try to prevent it from ever happening, something we have failed to do in this city for too long. That is why every month, I give away asset forfeiture money (mostly taken from drug dealers) to vetted community based organizations that are engaged in critical violence prevention work, and why we work closely with those organizations, along with the City Council, to put in place the programming that we know will decrease crime. We invest forfeiture money in neighborhoods suffering from criminal (mostly drug) activity in the form of micro-grants. I also push for blight remediation, for better schools, and for job training for our communities, because I know that in the end, we can only stop crime by improving the conditions in which people learn, live, and work. I am tired of telling families that I am so sorry they have lost a loved one. Instead, I try to do everything within my power to prevent violence and stop crime before it happens.

I have discussed some of the things we have done to help combat violent crime. We must always ask what actually causes violent crime. Poor schools, rundown neighborhoods, blight and extreme pollution, and a failure to provide shelter, medical care, and psychological care all lead to an increase in crime. If you look at a map of where violent crime occurs, it happens in our most neglected communities. The maps align perfectly. If the legislature wants to reduce crime, it should be serious about providing needed funding to our most neglected communities.

The legislature should also enact common-sense gun reform. In the wake of Uvalde, where 19 children died, it is almost unfathomable that our legislature would fail to do this, and yet we continue to allow guns to flood our streets. You will recall that on the same week, even the same day, the Pennsylvania legislature rejected several forms of commonsense gun regulation, the Select Committee was formed. The legislature must limit easy access to guns.

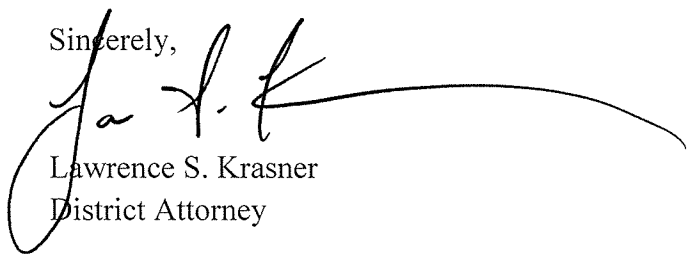
I am utterly disappointed in the Select Committee's approach during its investigation.

It subpoenaed files from my office, including prosecution case files and secret grand jury records that I legally cannot provide, and then rushed to hold me in contempt while I challenged, in a court, the lawfulness of the subpoena. It is pushing this process forward, at a blistering pace, before the courts can even address it. It refused to allow me to testify before it in a transparent way, insisting that it could only be done behind closed doors, and then, before negotiations of my appearance had ended, said that it that it no longer had time for my testimony.

I won an election one year ago with nearly 72% of the vote. My support was even higher (over 80%) in the areas most victimized by gun violence. You cannot claim to care for victims and also refuse to listen to their support for innovation, for change, for reform. It is astounding that this Committee thinks it is appropriate to undo the will of Philadelphians, especially those who are Black and Brown and poor and young, because it believes it knows better what they need. The mere suggestion is paternalistic, offensive, and racist.

I hope that one day we can have a real conversation about the prosecution of crime and public safety. We have much work to do. But we can only do it when you are not seeking political points right before an election.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lawrence S. Krasner', with a long, sweeping horizontal line extending to the right.

Lawrence S. Krasner
District Attorney