

Good Morning Chairman Specter, distinguished Committee members, invited speakers, and guests. Thank you for this opportunity to appear before you today, and to discuss how the Federal Government can assist local and state law enforcement agencies in preventing and responding to witness intimidation. As the Police Commissioner for the City of Philadelphia, and the former Chief of Police for the Metropolitan Police Department in the District of Columbia for nearly nine years, I cannot overstate the importance of collaboration between the federal government and local law enforcement.

What the recent Philadelphia Inquirer's series on the criminal justice system in our city so clearly demonstrated is that our **"system"** is indeed dysfunctional. Together we work to fight crime and make our communities safer. Separately, we often have competing goals and metrics of success, different operating procedures and political pressures.

There is no simple solution to fixing a system-wide problem. The Inquirer pointed out that the conviction rate for violent crime in Philadelphia is the lowest in the nation. Raising the conviction rate should not be viewed, however, as the cure-all for a broken system, nor should any statistic be interpreted as an indicator of its success or failure. Reducing systemic dysfunction and placing blame squarely with any single agency does a disservice to us all.

In a New York Times editorial entitled "Criminal Justice Cube," published on December 9, 1981, the Board wrote the following:

"It's long been understood that criminal justice is a Rubik's Cube: what the police do will affect what happens in court, which will affect what happens in the jails and prisons. You can't hope to deal with crime better by focusing on any single part - any more than you can solve the cube by concentrating on one square at a time."

This editorial was published nearly 30 years ago in response to the dysfunction that marked the criminal justice system in New York City and its surrounding boroughs. Its message, however, resonates loud and clear today. Substitute Philadelphia for New York, or any large city, for that matter, and the conversation is just as relevant as it was in 1981. Now in 2010, we continue to be overwhelmed and under-resourced in terms of how best to approach the deep fissures in our criminal justice system.

It's time to change the conversation.

The topic of this hearing, witness intimidation, and I would add to that, witness noncooperation, undermines the integrity and reliability of our criminal justice system.

From a financial perspective, the Federal Government can play a meaningful role in guarding victims' rights in proposed House Resolution 1741, the "Witness Security and Protection Grant Program Act of 2009." The Bill would make competitive grants available to state and local law enforcement jurisdictions to establish and maintain certain protection and assistance programs. As the Inquirer series noted, financial assistance for these programs has been dwindling since 2007. This is an excellent opportunity for the Federal Government to aid state and local law enforcement agencies in combating the insidious culture of violence around witness intimidation. This is a necessary bill whose value cannot be measured in budgetary terms, and I urge the Committee and the full Senate to enact this bill into law.

Another tangible financial step that the Federal Government can take is investing in law enforcement technology that maximizes data sharing and integration between agencies. "Today's complainant is often tomorrow's defendant," as one of our detectives recently said regarding why witness noncooperation with police is so pervasive. The same people committing crimes are frequently victims of crime themselves. Three out of every four shooting victims in 2008, for example, had a previous arrest record; of those with an arrest record, one out of five had at least 10 or more prior arrests. All of our investigators should have access to a database which traces a defendant, his entire criminal history, his associates, the victims involved, the dispositions of his hearings, and his status in the correctional system, in one clearinghouse of information. The way in which we deploy technology throughout the various criminal justice agencies is a mirror of the criminal justice system itself –fragmented, decentralized and lacking coherence of purpose. Improving the overall efficiency with which all agencies perform their jobs will go a long way toward helping police and prosecutors fight witness intimidation and noncooperation.

On a much broader level, I would also suggest that the Federal Government consider the option of establishing a national major crime commission. In the past, the Federal Government has empanelled crime commissions to accomplish this goal of viewing the entire criminal justice system from a single frame of reference. A national crime commission in 2010 could provide an invaluable compendium of best practices, and strategies for improvement across the board. The difficulty with addressing system deficiencies in a piecemeal manner is that a small change in one part of the system may result in unintended consequences in another area. We cannot continue to operate as a dysfunctional system, and hold on to expectations that the system will remedy itself.

Over time, each individual agency has developed tunnel vision, resulting in either a lack of understanding or appreciation about the operation of the rest of the system.

The result: Tension and conflict, with insufficient resources allocated toward addressing crime and violence in a holistic, preventive and sustainable manner. Of course, these issues aren't the sole purview of criminal justice agencies. Crime is a much broader social issue, with poverty, neighborhood disorganization and lack of education as significant factors. The attitudes and social norms in distraught neighborhoods that promote the "stop snitching" culture cannot be remedied through any one solution. Police, however, can make significant inroads by building trust within communities, and raising the level of public confidence. Forging positive relationships between police and community members in these neighborhoods is essential for breaking down barriers.

Here in this city, the Philadelphia Police Department will continue to work hard, and I believe, make great strides at connecting with our many diverse communities and reducing crime. In doing so, we will play an important role in combating witness intimidation and non-cooperation. We cannot do it alone, however. Changing the system will require a systems approach. It is my sincere hope that the Federal Government can take the lead on providing the leadership and action to effect real change at the state and local level.