UNITED STATES SENTATOR ARLEN SPECTER, UNITED STATES SENATE JUDICIARY COMMITTEE, SUBCOMMITTEE ON CRIME AND DRUGS

Testimony of former District Attorney of Philadelphia, Lynne M. Abraham, on "Helping Find Innovative and Cost Effective Solutions to Overburdened Courts."

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One day, long ago and far away, a chicken was eating her lunch when an acorn fell on her head. Alarmed, the chicked jumped up and ran all over town proclaiming to all and sundry animals, Henny Penny, Goosey Loosey, and so forth, that the sky was falling. A very clever fox, Foxey Loxy, agrees to help this hapless group of silly animals. Depending on which version you believe, the fox either eats the chicken or everyone but the chicken. The moral of the story is much clearer and all too familiar; the chicken jumps to an unwarranted conclusion, whips up the public into a kind of mass hysteria, which the fox uses to manipulate the situation to his own benefit. "The Fairy Tale of Chicken Little."

Thank you Senator Specter for inviting me to appear before the Senate Committee on the Judiciary Subcommittee on Crime and Drugs, to speak about "Helping to find Innovative and Cost Effective Solutions to Overburdened State Criminal Courts. I have, as you might suspect, much to say, but perhaps my first observation is that while other states may have overburdened courts, I maintain that, as I understand that term, while we in Philadelphia have a busy court calendar in the Criminal Courts, to my observation and experience no such problem presently exists in Philadelphia. In years past, when crime was off the charts, and the police were making 1300 to 1500 arrests per week, I would have had no dispute with the term "overburdened." Philadelphia has experienced the nationwide trend of crimes dropping appreciably. Make no mistake, crime and the fear of crime are a continuing, significant and menacing presence across this City, however, we are not talking here about what the citizens may be experiencing , but whether, instead the criminal courts are overwhelmed. I would be the first to admit the obvious; our courts and criminal justice system has serious issues, but overwork doesn't appear to me to be the heart of the issue.

I appear today as former District Attorney of Philadelphia and one of the longest serving District Attorneys in the history of the City, having been elected five times as D.A. by the citizens of this City. In addition, I have served as a Judge in both the Courts of Common Pleas and the Municipal Courts, having been elected three times by my fellow citizens to those positions. In addition, as you know, but the record does not, I worked for you for over five years as an Assistant District Attorney in a variety of divisions, the last being in the Homicide Division. For over forty years I have had first hand knowledge of, and participation in, virtually every facet of the Criminal Justice System.

With this forty plus years in-service background, I assert, without a moment of hesitation or equivocation, that the Criminal Justice System of this City is not now, as has been almost hysterically proclaimed, nor at any time that I have lived through, a "Broken System." To make such a declaration, is not only unsupportable by the facts, but, in addition, does a grave injustice to all of the criminal justice professionals across this country who, like me, and my more than three hundred and thirty Assistant District Attorneys, have dedicated our every breath, every single day to improving the safety and security of our homeland, our fellow citizens, and the integrity of our criminal justice system.

While I do not profess to speak for any prosecutor but myself, from my years of close association and affiliation with prosecutors both state and local, I know just how hard working and committed to justice these men and women are. Prosecutors around the country are struggling every day against a system which used to value prosecutors and celebrate their every

innovation, but now are all too often marginalized, or worse, vilified. Prosecutors, while far from perfect in every instance, are some of the most innovative and creative people in the criminal justice system and readily seek changes to improve the quality, fairness and efficiency of the criminal justice system.

The reason I so strongly reject the notion of a failed criminal justice system, is that I have lived through monumental changes in our criminal justice system and seen it evolve from what might be said to have been a rather naive and simplistic view of how to "dispense justice," in which an accused could be charged, arrested, convicted and sentenced, first in the press, then in a courtroom, in a matter of weeks of a crime's commission, into a highly complex, ever changing and intricate array of court decisions, and statutory enactments, local, state and federal. Added to the revolution in criminal law, were new criminal procedural rules, trial and evidentiary practices and procedures, scientific and technical advances, any one ,or combination of many, could, and frequently did, challenge, change, or even eliminate decades of acceptable practices in the blink of an eye or literally a stroke of a Supreme Court Justice's pen. The expansions of defendants rights the chronicling of myriad judicial improprieties, defense counsel inadequacies, prosecutorial overreaching, jury selection practices and more, was titanic. All of these changes have happened over a relatively brief time period, and even if prosecutors, or others, didn't always welcome these changes, we adjusted our way of doing business in accordance with the laws, even as we sought to test their validity, interpretation or applicability.

No one can seriously assert that those of us who spent our lives in and around the criminal justice system were, or are, presiding over a "failed system," and, for our own narrow reasons, want it to remain that way, stubbornly resisting change for the "fun" of it. As violent crime and homicides increased at warp speed in the late 80's and 90's,in concert with the extraordinary explosion in drug manufacture, importation and distribution, and the proliferation of gun related crimes, our prosecutors routinely went to court in Philadelphia, and consistently and properly handled and disposed of sometimes sixty or seventy thousand cases per year. While arrests shot up to thirteen hundred arrests per week, our budget (and Federal Grants) were either slashed by millions, or not increased to keep up with the case loads, personnel shortages or complexity of the issues we faced every day.

I would be the last person to claim that our system works perfectly, nor do I think that systemic reviews, of our systems, resulting in new laws or better procedures should be eschewed, providing that all "players," views, and requirements are considered in a comprehensive and thoughtful manner. However, the perceived failures, which perhaps, motivated these hearings, were not caused by anything that was "broken" in the District Attorney's Office, but instead, were, in many instances, external to my office. Even the problems pointed out in the Inquirer don t add up to anything like an insoluble crisis, but they are deeply troubling. In my judgment, a well thought out, coordinated and targeted approach is preferable when improvements are called for. However, besides legislative or procedural or policy enactments, what really is needed is the guaranteed stream of financial resources adequate to see to it that whatever is decided has the desired and long term impact and effect. Without this, these hearings will be interesting, but of no real moment.

Moreover, the things we are talking today, bail, witness relocation, and case dispositions, are not problems that have suddenly sprung up on us unawares. Instead, they are the same uncorrected local inefficiencies about which you noted in the 60's and 70's.

> "Delay in the trial of criminal cases is the most pressing and the most important problem facing the District Attorney of any large city.
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> In far too many instances, the District Attorney's hardest job is not convicting the guilty but bringing a case to trial in the first place.
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> Delaying a trial benefits only the guilty defendant. Delay harms (1) the community, which is subjected to the risk of repeat offenses by defendants on bail; (2) the defendant who is later found innocent; (3) the police and civilian witnesses who must come to court time and again at the expense of lost time and money; (4) the police witnesses whose repeated appearances in court drain manpower from other police duties; (5) the prosecutor, who sees strong cases grow weak as memories fade and witnessed lose their interest; and (6) the people of Philadelphia, who suffer the burden of increased taxes necessary as a result of repeated listings.
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> Delay in the criminal courts also weakens the deterrent effect of punishment, for deterrence is based not only on the severity of punishment and communication to the community of that punishment but also on the swiftness with which the punishment is imposed."

1968 Report to the People of Philadelphia, by Arlen Specter, District Attorney of Philadelphia, Page 92.

Major Causes of Delay

"The major factors operative in causing trial delays are; (2) appellate decisions broadening the rights of defendants and thereby enormously increasing the amount of pre-trial litigation; (3) repeated unwarranted continuances of cases on the motion of defense attorneys; and (4) a concentration of too many cases ion the hands of a small number of defense attorneys."

1971 Report to the People of Philadelphia by Arlen Specter, District Attorney of Philadelphia, Page 92-93

The heart of the problems which bring us here are, among other things, is; (1) a lack of political will by successive mayoral administrations to have moved more aggressively to correct obvious, no, glaring, faults, the Clerk of Quarter Sessions, and the entire bail system was dysfunctional. The Clerk failed to maintain records; collect appropriate bails; account for the

millions of dollars in bail monies put up each year by defendants or their families, and failed utterly to pursue Bail Order Sue Outs, when defendants became fugitives; (2) that the Philadelphia's Criminal Court System, has been under the direct supervision of a Justice of the Pennsylvania Supreme Court for almost three decades, the first being former Justice John Flaherty, but the problems we are facing today would never have been able to happen or continue, if the Justice assigned was truly "minding the store;" (3) judicial recalcitrance for over a decade and a half, to accept one of the most creative approaches to dispensing justice based on geography of the offense, the implementation of "Zone Courts," and the refusal of our Municipal Court Bench to accept the Rules of Evidence, prematurely dismissing charges, downgrading cases not based on prima facie evidence, and engaging in justice by the numbers; (4) the massive budget cuts over many years for some of the most important partners in our system, such as the Probation/Parole Officers, the District Attorney's Office, and others and; (5) the City's refusal to fund a witness protections/relocation program.

In the face of all of these and other problems, real, substantive progress has, nevertheless, been made because of a number of unique, meaningful and innovative programs and policies that I have spearheaded over the past eighteen years. Now, I didn't do this by myself, it was an effort by an array of CJ partners. These new approaches in the Philadelphia Court and prison system heralded new ways of dispensing justice: Community (Quality of Life) Court, Gun Court, Juvenile and Adult Drug Courts, Mental Health Court, Domestic Violence Court, Veterans Court, Drunk Driving Court. And other programs such as the Gun Violence Task Force funded entirely by millions of dollars in State Funds, obtained for my Office by former Pennsylvania Senator Vincent Fumo. This money for the first time allowed the Philadelphia District Attorney's Office to literally drive a significant wedge into the illegal sale and transfer of guns, called "straw purchasing" of Firearms. Then there is the Fugitive Safe Surrender Program, where non-violent probationers can turn themselves in at a community church and receive an immediate hearing, represented by counsel to dispose of that old bench warrant; the Youth Violence Reduction Partnership, a multi-layered approach to decreasing violent Juvenile behavior by offering school based programs, supervision, job training and parental help; and a Truancy Prevention Program and an entire Blueprint for a Safer Philadelphia, a 10 point plan for violence reduction, new legislation dealing with gun crimes, and Zone Courts. There is much more, but the Inquirer never wanted to mention that the District Attorney's Public Nuisance Task Force was started by me in 1992 which works with the community group to close nuisance bars, crack houses, etc. By the time I had left the DA's Office, thousands of these nuisance properties had been abated.

In addition, the story never mentioned the Criminal Justice Advisory Commission (CJAB) on which I served, prior to the Inquirer series, has completely revamped the way the pre-trial discovery, and consolidation of cases have been administered, nor did it mention the consolidation of every Violation of Probation Case in the entire system before a single judge. Nor did the Inquirer hail the lowering of our prison population by almost Fourteen Hundred Prisoners in the past year because of a Prison Reform Legislation Package passed in 2008 and written in significant part by Sarah Hart, of my Office.

"The Judges and Justice By The Numbers"

Before we get to where we want to be, it might be useful to state where we have been. These hearings have undoubtedly come about because of a series of articles in the Philadelphia Inquirer about our criminal justice system. Unfortunately, the Inquirer essentially rehashed the same issues about which they had previously written, but with bigger headlines. Of course, in their zeal to falsely portray a system in disarray, or worse, collapse, the stories failed to note the true state of the system, troubled but functioning well. In addition, the Inquirer ignored all of the reforms, programs, initiatives and changes in the criminal justice system, some of which I alluded to above, arrived at by consensus of all of the participants. In addition, in an attempt to print the story as they wanted it to appear, they deliberately refused to admit that their own figures disproved their premise, of a "criminal justice system in crisis." This, in spite of the fact that members of my office and I proved that the Inquirer's own figures about the number of cases won and lost, dismissed and held for trial, clearly established the opposite of what they said they proved. Senator, I never believed in "justice by numbers." I believed then, and still do, in Justice because of law and facts.

Using the Inquirer's own numbers, the District Attorney's Office achieves convictions 89 percent of the time, in both the Common Pleas and Municipal Courts. These same numbers demonstrate that in the Common Pleas Courts, a conviction rate of 75% is attained. The results in the Municipal Court are a conviction rate of 85% of the cases actually heard, however, the dismissal rate is unacceptably high, but not due the "fault" in the District Attorneys Office, but because of the factors that I have complained about: the ridiculous bail system, witness intimidation, manipulation by the defense bar, and judges who are in to "productivity" or, if you will, "efficiencies," instead of allowing justice to have a chance. This latter term is a euphemism for judges who "blow out cases." See Tom Ferrick's Inquirer Column of April 30, 2000.

How do the judges do this? Well, they dismiss cases at the earliest time in the morning because a police officer is in another courtroom testifying, or a civilian witness has not yet arrived, or because they won't permit admissible hearsay in these prima facie proceedings. or they burn out the witness by granting unnecessary line-up requests This "disposes" or "blows out" meritorious cases without ever getting to the merits of thousands of cases. Good productivity, bad justice.

You might inquire; how was it that the Inquirer manipulated the figures? Easy. Using a Bureau of Justice Statistics study, they compared Pennsylvania's definition of a felony, a crime generally punishable by five years of imprisonment, with the definitions of felony in other jurisdictions, crimes punishable by imprisonment of one year, See also 18 U.S. 3559, and Federal Sentencing Guidelines Manual, Section 4A1.2(o) and then compared cases held in jurisdictions using the one year definition with Philadelphia's cases. What resulted was comparing our felony convictions with other jurisdictions misdemeanor cases, or comparing apples to oranges. In addition, the Inquirer looked at our guilty plea rates relative to all convictions, which in many other jurisdictions is higher than in the District Attorney's cases. The reason for this difference is that other jurisdictions offer more lenient negotiated pleas than were offered by me. The percentage of defendants who accept negotiated plea agreements is directly proportionate to the leniency of the offer. The more lenient the offer, the higher the

percentage of defendants who accept such offers. If a prosecutor wishes to focus on conviction rates at the expense of appropriate sentences, it is possible to achieve a much higher conviction rate, maybe as high as 90%. All the prosecutor has to do is focus on conviction numbers, rather than "doing justice." The Inquirer didn't see fit to point this out.

What about the complaint by Municipal Court Judges that; if the District Attorney of Philadelphia believes that we Judges are doing something wrong by dismissing or downgrading charges and cases why don't you, Madam District Attorney, just re-arrest or re-charge? Well, we did just that, and more. The Criminal Procedural Rules Committee passed Rule 143, effective January 1, 2000. Prior to that date there was no state procedural rule that addressed re-arrests following dismissal at a preliminary hearing, although prosecutors followed the well established practice of re-arresting in the absence of such a rule. Besides taking more than two years to accomplish, the promulgation of this rule, that was just the beginning. When I began to implement Rule 143, I was sued in Federal Court by a coalition of criminal defense attorneys who directly benefited from these massive "blow-outs" See Stewart v. Abraham, Civil Action No.00-2425.filed in May, 2000. A Federal District Court Judge on July 17, 2000, held that the new Rule violated the United States Constitution, and issued an injunction preventing me from following PRCP143. I appealed. The Third Circuit Court of Appeals, stayed the District Court's Injunction and expedited our appeal. On December 27, 2001, the Third Circuit Court of Appeals, reversed the District Courts, Findings and Order holding that the decision below was fundamentally flawed and reaffirmed the prosecutor s power to re-arrest suspects immediately after a Municipal Court's dismissal of charges..

Now, for the bad news. With thousands of cases being wantonly dismissed, as thousands more cases come into the system each week what chance of success does that approach have? About as much chance as the Sorcerer's Apprentice. Because these same Judges compel us to put on the remaining cases and proves every crime, and every element ,beyond a reasonable doubt, instead of merely a prima facie case, even though we re-arrested as many defendants as possible given our resources, more cases were downgraded, or dismissed. The sum total of all of the foregoing, thousands of cases, dismissed, downgraded, eliminated. But not because of any failing on my part as District Attorney of Philadelphia, but because of the Municipal Court Judges. The Inquirer conveniently forgot about its own column by Tom Ferrick.

Instead of the chronicling needed changes that any criminal court system might find desirable, the Inquirer chose to make what really might have been a terrific, and substantive story, into a splashy, rehash of, well, yesterday's news. "Sound The Alarm," bleated one Editorial. (12-17-09). Sound the alarm, indeed...but for the Inquirer. For the past several years, the Inquirer cut back on reporters who actually sit in the courts every day, roam the halls and seek stories of human interest, and, instead, replaced all of these reporters, with some notable exceptions, with those who would call our office every day and ask; "What happened in court today?" Pathetic and a sad commentary on what passes for news gathering. Had they been in the Courts everyday, they could have named names of the Judges and any lawyer trying to game the system.

What could be their motive for doing this? Could this possibly be a vain attempt at trying to re-capture their former prowess as a news gathering organization? Stave off bankruptcy? Try

to settle old vendettas? Who can say for sure? But one thing emerges quite clearly, that the newspaper tried to spread their position that the Criminal Justice System is "in crisis" or, put another way, that the criminal justice system is "broken." You know, Senator, everything now is "Broken" --- Washington, the United States Senate and House of Representatives, see The New York Times, February 21, 2010. The list is endless. It is a wonder how this Nation is still standing!

These declarations have some initial appeal to a narrow constituency, but cannot withstand intense scrutiny. No, these are just catchy phrases, not truth. Philadelphia's Chief Public Defender, Ellen Greenlee, who will be here today, and with whom I have some very sharp differences, proclaimed two weeks ago, as reported in the Inquirer, see Inquirer, April 20, 2010, that their stories were "...unreliable and driven to generate headlines" and that there new business was "...managing the courts." Judge D. Webster Keough, Administrative Judge of the Courts of Common Pleas states in the same article that;"... the conviction rate was 75% or more...that the Common Pleas Court System was not broken...not in crisis...and not dysfunctional," and President Judge Denbe last week testified that the Common Pleas Court system while busy, had no backlog for years. Legal Intelligencer, April 14, 2010.

The Bail System

The Federal Courts "take over" of local prisons ,via Federally imposed prison caps, such as the one Philadelphia, and Philadelphians suffered through for over ten years, were judge-created "remedies" which made our crime problems worse, not better. The only people that were "helped" by this Prison Cap Consent Decree were the criminals. This unwise, ill advised intrusion into local authority over prison management, created more crime problems than it helped to solve and was a serious threat to public safety. Fortunately, the Prison Litigation Reform Act, of 1996 which I personally lobbied for passage in our Congress, managed to pry control over prison population management from Federal Judges, and restore it to appropriate local control, but it took a decade to do it.

Because of this Prison Cap, and the capitulation to the pressure from the court cases by then Mayor Goode, Philadelphia's Bail system began to slip into disarray, which has persisted to this day. This situation had several components only two of which I will address because of the length of the history of this problem and the fact that the historical context need not be discussed at this time and in this forum. It was not even hiding, it was patent.

As soon as I took office in 1991, this city and its then Mayor W. Wilson Goode, were embroiled in the aforementioned prison litigation via at least two cases; Harris v. Levine, and Harris v Reeves. These suits set the stage for wholesale release of thousands of prisoners to relieve overcrowding in ancient Holmesburg Prison, 50% of whom never appeared again for court. Rather than fixing the prison conditions ,which would have cost money, the Mayor, instead opted to agree to the wholesale release of prisoners, and also agreed to place severe limitations on the number of pre-trial detainees who would be admitted to the prison. It was the "charges" that determined whether a person would be admitted to the prison, not the risks of crimes and violence upon our citizens, that a detainee posed. Crimes such as robbery, car jacking. vehicular homicide, gun charges, including semi automatic weapons, possession of no

more that $100,000 of pot, etc were not admitted to custody. Judges were not permitted to consider a defendant's prior criminal record, failures to appear, immigration status, drug and alcohol dependency, mental health status, etc in granting bail. Not surprisingly, bench warrants for defendants who failed to appear for court, went from 18,000 to over 50,000. In one 18-month period, Philadelphia police re-arrested 9,732 defendants released to the streets under this Consent Decree. These defendants were charged with 79 murders, 959 robberies, 2215 drug dealing crimes,701 burglaries, 2,748 thefts, 90 rapes, 14 kidnappings, 1,113 assaults, 264 gun law violations, and 127 DUI charges. (Testimony of Lynne Abraham before the Subcommittee on Crime of the United States House of Representatives, Judiciary Committee, October 2, 2000)

When I and my staff and other prosecutors from around the state, opposed changes in the state bail guidelines, via the Pennsylvania Rules of Criminal Procedure, because of the implementation of "non-monetary bail," instead of cash or other bail security, and because the Rules assumed, without any basis for doing so, that the country probation officers would assure compliance with pre-trial bail release, the bail system's collapse started to seriously accelerate. I have already provided to your staff some of my letters, but I wanted this record to reflect that I have been speaking about Bail reform since the mid-1990's. Bail decisions are made by bail commissioners, not prosecutors, sentencing decisions, are uniquely in the hands of the judges, not the prosecutors, except in the case of negotiated guilty pleas, as are all pretrial decisions on the admissibility of evidence. An incorrect decision, pre- or post- trial, will takes years to be reviewed. All the while most defendants are on bail because it was generally perceived to be "unfair" for the defendant to be held in custody after a Court Ruling in his favor but which is legally flawed. By the time an appellate court rules, the witnesses have disappeared.

We may celebrate that an appellate court decided that the lower court erred, but the case disintegrates, nor is it the District Attorney's Office at fault, if the court dismisses a case prematurely because a witness is late or a police officer is testifying in another courtroom. Again, we can, and have, rearrested defendants because the judge is wrong, but we may never get the complainant back again

Our city government, instead of seeing the urgency of the problems, and then springing into action, saw the problems, decried and lamented them, then went right back into "inaction mode." This has been going on at least since the Prison Cap debacle of 1991. This, in spite of an alarming rise in bail jumping, and a corresponding rise in the mounting debt of uncollected bail monies owed to the city, now estimated to be over ONE BILLION DOLLARS. When defendants failed to appear for court, and inaction on Bail Order Sue Outs, escalated thousands of crime victims were frustrated and even the most determined crime victims gave up on our criminal justice system. In combination with the bail system, drastic cuts in bench warrant servers, and probation and parole officers; and an epidemic of witness murder and intimidation, emboldened criminals and lead them to believe that crime commission, witness intimidation, and discharged cases were the order of the day. Meanwhile, the City really swung into high gear engaging in excessive hand wringing, tsk-tsking, and expressions of deep concern.

Not even the constant thrum of press stories about these major failings stirred any real action. Like a disease that no one wants to confront, the course chosen instead, was "maybe if we don't talk about it, it will go away." Funding streams to the District Attorney's budget, and

the budget process itself, was reduced to mere political theatre. Much of what is wrong could have rather easily been avoided, or ameliorated. Instead, failed programs, like "Safe Streets" and its sequel, "Safer Streets," and others, as expensive and ineffective as they were unsustainable, were hailed as the next crime fighting strategy, and fully funded. It is not that the Police didn't like overtime pay created by these two boondoggles, but arrests without the known certainty of swift and sure prosecution, is a failed effort.

The Clerk of Quarter Sessions Office, and the City Solicitor's Office, responsible for the paperwork, record keeping etc related to bail, etc., and the collection of bail monies and bail judgments respectively, took a snooze that would rival Rip Van Winkle's. Meetings were held between my Office and both of these Offices for over two years, when it became apparent that becoming a fugitive was a cottage industry within Philadelphia's Criminal Justice System. The letter I wrote on April 22, 1998 to then Mayor Edward Rendell, which prompted these meetings, resulted in, well, lots of meetings. The District Attorney's Office provided several easy improvements which could be made could be made with no expense which would improve the bail in the bail paperwork, provide clerks with guidance with regard to accounting for collections, and better record keeping with new procedures and policies, went no where because of a lack of political will. Two years of meeting on the Bail Order Sue Outs in both that Office and The Solicitor's Office when a bailed offender failed to appear. We did everything but draw them a treasure map. What happened? Nothing.

All of these, the prison cap, the bail rule changes, the lack of pre-trial monitoring of bailed defendants, lack of court probation officers, and lack of funding, when coupled with inadequate electronic home monitoring equipment, poor record keeping and fund oversight by the Clerk of Quarter Sessions and more, elevated Bail Jumping in Philadelphia to a high art form.

Imagine, I had to call the late Senator Jesse Helms to seek his help in passing the extradition treaty between The Republic of South Korea and the United States, which had been stalled forever, and call upon the late Congressman Tom Foglietta to use his best efforts with the Government of South Korea on extradition matters. Why did I have to do this? Because one of our judges allowed an accused killer facing life in prison, to be placed on bail after his attorney "guaranteed" the Court that he would see to it that his client appeared at every court proceeding. David Nam, who was accused of murdering a 76 year old retiree on his front porch during a botched armed robbery, was permitted to put up One Million Dollars to secure his freedom. His father put up his very expensive home as security, owned by the entireties with his wife, sounds good. But the Quarter Session clerk didn't bother to get the signature of both the wife and the husband on the bail bond. So, naturally, when Nam was released, his father and mother helped their son flee to South Korea, where even though Nam was born in America, Korea accepted as a dual national. Then the Nam's declared bankruptcy. Guess what? When we tried to sue out the bail, we had to go to Federal Court to try to get the bail money. However, the District Court Judge agreed with the elder Mr. Nam, that bail obligations cannot be collected as they are dischargeable bankruptcy debts. We then had to appeal to the Third Circuit which reversed the lower court saying that a bail bond is not discharged by Federal bankruptcy. So, success finally? No. Mr. and Mrs. Nam renounced their United States citizenship and fled to South Korea.

Did we get the bail money now that all of the Nams had fled? No! Why Not? Because the bail clerk's utter failure to follow fundamental principles of securing the release of prisoners

by putting up real property as security. It took an unbelievable effort to get that extradition treaty to the Senate Floor for a vote, and then eleven more years to find Nam in Korea, where he was living under an assumed name, and bring him back to Philadelphia. I am pleased to say that just a few months ago, Nam was finally convicted of First Degree Murder and sentenced to Life in prison.

How about the infamous Ira Einhorn? He also was accused of murder and his lawyer, whom I believe you'll remember, managed to get him released on bail. Einhorn also fled after putting his mother's house up as security for his appearance. For the entire time I was District Attorney we chased him all over Europe finally finding him, through the efforts of Interpol, in a small village in Southwest France. Did that end it? No! For the next five years I was jumping through diplomatic and legislative hoops. First, the United States Department of State told me after meeting with the French Government, that I had to get a law passed in Harrisburg guaranteeing Einhorn, who had been convicted in absentia of first degree murder, a new trial because that's what the French do to their fugitives convicted in absentia After I accomplished that we had to submit written assurances that Einhorn would not be subject to the death penalty, even though his conviction occurred while there was no death penalty in effect in several states including Pennsylvania, because of the United States Supreme Court's decision in Furman v. Georgia. Then, we had to go through four more years of litigation in the French courts, including appeals all the way up to the Cour d' Appel, which included hiring a French attorney, sending our ADA's over to France two or three times along with the victim's family. In addition, I personally lobbied President Bill Clinton, and United States Attorney Janet Reno to get Einhorn back and also enlisted the help of Senator Joseph Biden and U.S. Ambassador to France, Felix Rohatyn.

After twenty-five years, Ira Einhorn was brought back to Philadelphia in chains and he was, once again, tried and convicted of first degree murder and is serving a life sentence. Did I mention, that the Clerk of Quarter Session never executed on the bail bond on Einhorn's mother's house? What a shock! We have had untold thousands of defendants flee every year. It is a rare event to ever have the bail sued out and a judgment entered and collected.

Here's the good news, the pot of gold at the end of the rainbow. The Clerk of Quarter Sessions has resigned, the Pennsylvania Supreme has exercise appropriate authority over all of Pennsylvania's Prothonotaries and Court Clerks and folded their duties into the Court, and City Council is poised to abolish this Row Office in due course. Appropriate kudos to the Inquirer.

Witness Intimidation

Retaliation against witnesses used to be primarily exacted against member of organized crime gang members who were known, or suspected of being informants, or "stool pigeons." Rarely if ever were family members of the suspected informant, or collateral relatives, or entire neighborhoods, threatened or murdered. The informant just disappeared never to be seen again, or they were murdered in public places to "send a message" or their bodies were carefully placed where law enforcement officers would be sure to find them. Money or objects were forced down the dead person's throat, or elsewhere, to let police know that this was the price gangsters paid for turning on their gang.

This all changed in a dramatic way in the late eighties and especially in the drug wars of the nineteen nineties. It cannot be overlooked that communities began to stop cooperating with police partly in response to real or perceived mistreatment or inequities in the way police treated these community members. This however expanded dramatically with the culture of "stop snitching" which spread from community to community, the jails where defendants and witnesses were frequently housed, the courthouse, where associates of the defendant or family members show up with the intent of intimidating or threatening the witnesses for the prosecution either openly by their sheer numbers, by stares, bumps, or even outcries as the witnesses come into the hallway, or even the courtroom.

Two cases from the early 1990's illustrate the escalation and brazenness of witness retaliation by murder. In 1991, LaShawn Whaley identified Donyell Paddy as the man who murdered her cousin, John Rainey, and John Jackson in a playground in January of that same year. At the trial of Paddy in those two murders, Whaley failed to appear at the trial and charges against Paddy were dropped and he was released from jail with the stipulation that if Whaley were found, the murder charges would be reinstated. According to published stories, when police found Whaley in 1992, she told her attorney that the reason she failed to appear was because her family had been threatened. Whaley finally was persuaded to testify. However, on April 28,1993, as Whaley stood on a North Philadelphia street corner a car drove up in broad daylight, a man in a wig and wearing a dress stepped out and shot Whaley three times killing her instantly. A second eyewitness to the two earlier killings refused to testify after Whaley was murdered. All told, Paddy is suspected of killing or shooting others. All seven witnesses who agreed to testify against Paddy at his murder trial had to be placed into "witness relocation," but, we had to use Federal Dollars from a $10,000 grant for this purpose, and a small grant from the Pennsylvania State Police. No city money was available for witness protection.

Lest it be perceived that these cases are anomalies or two of the few cases, there are many more cases. Two of the most heart rending were; Kaboni Savage, a suspect in two witness murders, has recently been convicted in Federal Court of setting an arson fire that killed an entire household of a man suspected of being a Government "snitch" Eugene "Twin" Coleman. Coleman's mother, sister, two teenage grandsons, and two of his young nieces. And who can forget young Faheem Thomas Childs, 8, gunned down, by mistake on his way to grade school, when he and his mother were caught in the crossfire of two rival gangs as the pair crossed the street at 8;30 in the morning. His vital organs were donated to others just before he was taken of life support.

In August of 1993, three women were murdered in a housing development apartment in North Philadelphia, one of these, Tenisha Robinson, 18, was expected to be a witness in the trial of two men who were suspected of killing Pedro LaCort. At the Preliminary Hearing for these two men, Robinson was the sole witness who testified for the prosecution. She had testified that the two defendants shot LaCort ten times killing him in a dispute over the sale of a "gold" chain.

From that time forward, killing, threatening, or intimidating Commonwealth witnesses increased as the pace of violent crimes and homicides increased. In 1965 there were 205 homicides in Philadelphia. In 1995 there were 448. Similarly, with the escalation of killings and the escalation of witness retaliations, more violent crimes were either not reported or went

unsolved. In 1965 15 homicide cases were unsolved. In 1994 139 cases were unsolved. Between 1994 and December 1995, the number of unsolved homicides rocketed to 339. At the end of 1997, the number of unsolved homicides went to 493. Put another way; in 1965 the homicide clearance by arrest rate was 93%. By 1995, the clearance rate plummeted to 58%.

As if the killing and threatening of witnesses weren't bad enough, a cottage industry of sorts sprung up in Philadelphia. Tee shirts which have a large red "stop sign" with a bar through it and the words "Stop Snitching" or "Snitches Get Stitches" became hot items, sold by vendors in the very communities where witness murder was the highest. Even "friends" who visited gunshot victims in Magee Rehabilitation Center came in wearing "Stop Snitching" tee shirts. Perhaps, even worse is a Web Page; "Who Is A Rat" disseminating the names and other important information of those whom the contributors think, or believe, or suspect of being an informant for the government, Federal, State or Local. But did all this mean anything to the powers that held the purse strings in Philadelphia, such as the Mayor? Was anyone moved to action?

It was clear in the early 1990s when I began to appear before City Council, after appealing to our Mayor, unsuccessfully, for witness relocation funds, that the need for immediate attention to witness relocation was critical for the integrity of the criminal justice system. What happened? Nothing. (Testimony of Lynne Abraham to City Council February 21, 1996, and February 25, 1997. Every year I asked for money for witness relocation. Every year the answer was the same from the Mayor and Council; This is really terrible! Oh, and by the way, no money.

As a statement of fact, in spite of the lip service, the hundreds of articles and stories in print, television and otherwise, this country wide phenomenon, never stirred a dollar bill out of the City for witness protection/relocation. Lots of gnashing of teeth, many "oh, this is terrible," tons of sympathetic sighs, but not even one dime. This is exactly where we are today. All of the witness relocation money I have received came from the Pennsylvania's Attorney General's Office, and even that funding was threatened with cutting by Governor Rendell last year. We have also offered testimony on this issue to the United States House of Representatives. See Hearings of the House Judiciary Committee -- Subcommittee on Crime, June 17,1997.

In 2006 City Councilman James Kenney proposed that a revolving fund of five million dollars be established and dedicated solely to witness protection/relocation, to supplement the campaign of "Step Up, Speak Up" sponsored by me, The Philadelphia Police Department and the United States Attorney for the Eastern District of Pennsylvania. Councilman Kenney pledged that he would urge his colleagues on City Council, and then Mayor Street to support this budget line item. The Councilman deserves praise and thanks, which I have offered him. He failed in his efforts. But, at least he tried.

Not one Mayor of Philadelphia during my almost nineteen years as District Attorney, Mayors Rendell, Street, or, to date, Nutter, has ever allocated money to combat witness intimidation by providing for a meaningful witness relocation effort. All it takes is some money and the political will to protect frightened, terrorized, and intimidated witnesses. Instead, these Mayors, citing "budget constraints" were content to allow the Attorney General of Pennsylvania,

carry the load, even though, the generous amount we received from him, was inadequate to offer assistance to all who would want it.

I accept that money alone will not combat the "cultural" aspects of police distrust, lack of faith in the system, unwillingness, from fear or otherwise, to give truthful testimony about violent crimes, or even those who don't want to go into some witness relocation program no matter how much money is available. But, when victims see that their very own City Government , in its entirety, is out there in the streets proclaiming that the city is behind those who come forward, and if you are fearful, we can remove you temporarily from the places where you can be dissuaded from testifying fully and freely, that sends a powerful signal to our fellow citizens, that we understand what you have gone through, and we are your champions.

Here the Inquirer gets the credit they deserve for this aspect of the story, except for the fact that they haven't to any degree called the Mayor(s) out for not insisting that his/their Budget Director find the money to protect witnesses in the face on years of bloodbaths, street violence, and drug-gang dominance of whole sections of the City, including the murders of many witnesses, and the intimidation of countless thousands of others who never testify, or even come forward to offer help even as their own neighborhoods descend into chaos.

So, Where Do We Go From Here?

As you can undoubtedly tell, I have tremendous criticism, and some praise, for the Inquirer series, and also praise for any Daily News stories on similar topics, which I haven't mentioned. However, one thing to come out of it is a re-evaluation of the Criminal Justice Systems. I am willing to wager, is that there will be some needed, and constructive changes, but nothing revolutionary or earth-moving. Just the things that could, and should, have been done years ago, and for which I have been a passionate long time advocate. Oh, well, just because change comes late is no reason to be ungrateful. I have to ponder, however: Why, if the these changes are so easy to accomplish, did it take so long? See my earlier remarks about inertia, and lack of political will stand. Indeed many of these have begun to materialize in the past few months.

Since December, 2009, we now have so many different committees, groups, experts, panels and people reviewing CJ systems, they are fairly falling over each other. Some of the changes that will be pronounced were actually in the making well before the publication of the series. The CJAB, should get the credit due them for tackling the thorny issues that began from the inception of the committee, and of which I was then a member. Change through consensus of Judges, Prosecutors, Defenders, Prison Officials, etc work best, as I mentioned before. However, some things can't come about by or through consensus. Real Leadership should take place from those who previously have failed, or refused, to exercise it.

I love my country and our Constitution, and I recognize the need for Federal Intervention when the states cannot adequately deal with local issues and which threaten to bring citizens or local governments to their knees. It is my considered judgment, however, for the most part, that the areas which have been the subject matter of these Hearings are local, and they must be grappled with and solved locally. Where, of course, the local governments or subdivisions

thereof, cannot, or will not, do so, then of course, the Federal Government should quite properly step in.

I have been the beneficiary, and avid proponent, of Federal Laws and Grants, including the Prison Litigation Reform Act, the Witness Protection Act and others too numerous to name here but they deal with a variety of subjects such as the Cops Act, mandatory sentences for armed career criminals, cyber crimes, and juvenile crime reform, to name just a few.. I have also received Federal money to investigate and vertically prosecute a number of crimes and criminals; the Domestic Violence, the Domestic Assault Response Team or D.A.R.T. for local prosecution of D.V. cases in the early 1990's, and the F.A.S.T. grants or Federal Alternative to State Crimes money, Project Cease Fire, to send local prosecutors to Federal Courts, to prosecute local cases there. Still, there is a pang in my heart when I have had to resort to Federal prosecution of State crimes, because the local courts failed in their duty to protect their citizens, and follow the law as it is written. Our local judges have been so lenient, and have consistently down-graded felonies, to non-mandatory status, because they "don't like" mandatory sentences. The Federalization of State Crimes has been our "ace in the hole," but the number of cases is small relative to the need. Moreover, Federal Judges are "unhappy" to be prosecuting local cased in their courts. Just this past week, another version of FAST was announced. The FBI and the Philadelphia Police Department will be sending cases into the Federal Courts several Hobbs Act Robberies. Why is this? For the same reasons I just mentioned. Local Judges in Philadelphia don't take these violent crimes seriously enough, don't impose long enough sentences, and look for any reason to avoid, or evade, appropriate convictions and sentences. It is for this reason, that I ,and my prosecutorial colleagues ,lobbied so hard for and accomplished a change in Pennsylvania's Constitution, to give prosecutors the power to veto a defendant's request for a non-jury trial before a known "lenient" judges.

These programs are and were all extremely helpful because while our budgets were being axed by the City of Philadelphia, we had a brief safety net. The only problem with all of these Federal Grant opportunities is that, like Pirandello's "Six Characters In Search of An Author," we were constantly scrambling around trying to catch a piece of Federal Grant money whenever a Federal Grant opportunity arose. We also had to expend an inordinate amount of time filling out volumes of grant applications, which were offered only for short periods of time and which put increasing monetary demands on local governments for the "local Share." We never knew if these grants would be terminated after a short time, which would disappear into the ether because the Federal Funding went elsewhere, and which were crushing us because of the onerous burdens on reporting of "results." While the amount of money allocated to localities was huge in the aggregate, the demand was even more huge, leaving localities like Philadelphia scrambling for small bits of money, which we could never be counted on for the long haul. This becomes a self defeating problem when cities are in financial crisis and can't, and in some instances won't, fund even the most meritorious program.

My suggestion is that good programs which are proven to work ought to be fully funded for the time the grant lasts, instead of in decreasing amounts, and then transformed into a series of "best practices" which serve as a template for localities to tailor to their particular needs. Of course, it won't feed the bureaucratic "beast," but I believe it will work better. There are plenty of experts who will work with you and other Senators to adopt a series of protocols which won't

create havoc and which will, in the end, work better, and promise a guaranteed funding stream for longer periods of time. Pie in the sky? I don't think so.

What about Federal Enactment which have not been funded or where the money is available but not dispersed? I am given to understand that there are Four Billion Dollars in Victims of Crimes Act money in Washington, that has not been given to the States because it has been "earmarked" for other purposes because, in part, of the over $430 Billion Deficit, and other reasons. One cannot be serious about helping victims of crime when the government which promised help holds on to the very money that was promised to victims. How much can the people believe in the Federal Government for, say, witness protection, when the same government will not pay for older enactments, like V.O.C.A.? By all means, pass amendments to the Federal Witness Protection Act to protect, to the extent possible, local witnesses who are intimidated or worse, but fund it too.

Much fanfare was attendant upon the so-called Second Chance Act which was signed into law by then President George Bush in 2008. It promised $165 Million in annual Federal Grants to the States for re-entry programs. I have never heard of this act being funded. Did I miss something? Since so many localities are looking to offer re-entry programs to offenders coming out of custody, isn't the time well past to fund these programs.

Senator James Webb is proposing a new National Criminal Justice Commission Act of 2009., which has been approved for whatever process comes next. Do we really want to do this now? I know completely that our prison budget is high, and many states have let prisoners out to prey upon the same citizens they previously victimized. Is this "thoughtful"? Balancing the budget at the expense of victims of unspeakable violence is the wrong way to go. Just watch the finger pointing when a sexual predator, or wanton killer re-offends. Everyone points to someone else as deserving of the blame. Who let this guy out? Point, point. What is to be accomplished if hundreds of thousands of prisoners are turned out onto the streets of every city, town and village of this country, with no job skills, illiterate, and no history of meaningful employment, and no real hope of future employment. Given the crime rate, the national debt and the Federal deficit , two wars an, economy in crisis, millions of people out of work, and no funding for existing meritorious Federal Enactments. is this the best the United States of America can do?

The Extradition Treaty between the United States and Mexico

Let me start with a rather esoteric point revealed by, another, fault in the Clerk of Quarter Session's Office. Two prisoners were erroneously released from custody, when the court clerk mistakenly recorded a lesser sentence of imprisonment than the Judge actually imposed; three to six months, instead of three to six YEARS. One of them, Emilio Sanchez, fled to Mexico. When his extradition was sought to Pennsylvania so that he could serve the full sentence, our State Department informed the Commonwealth that the Extradition Treaty between the United States and Mexico provides for the extradition of those whose charges are "willful." See Article 2 Extraditable Offenses (1). Extradition Treaty of January 25,1980, between the U.S. and Mexico. The crime for which the defendant, Emilio Sanchez, was convicted was Vehicular Homicide while DUI. This is not a willful offense and therefore, Mexico, according to the State Department, denied extradition of Sanchez.

Given the extraordinary explosion in cases between the various states, and our U.S. Government, and Mexican nationals, or by those who see Mexico as a convenient exit port when fleeing charges, or convictions, I am requesting that you and the Senate seek to change this Treaty to remove the word "willful," leaving the rest of that sentence the same, or, in the alternative, seek to make whatever changes will best effectuate the realities of crime which have been dramatically altered with the ascendancy of drug cartels, massive importation north into the U.S. of marijuana, cocaine, methamphetamine etc., the murders these businesses generate, and illegal immigrants, and the southern traffic in guns, and money. since this Treaty was negotiated and passed when President Jimmy Carter was President.

Zone Courts

Since 1991 up to and including December of 2009 I have been trying to get the Courts of Common Pleas to adopt a geographic, or Zone Court method of prosecuting criminal cases. It began in 1991 that I instituted a program in West Philadelphia which did both vertical prosecution of criminal cases in designated geographic cases with the input and help of local citizens and groups. It was called the L.I.N.E. program or Local Intensive Narcotic Crime. It was written up in the Bureau of Justice Assistance, Office of Justice Program at that time as one of the new ways of "community prosecution." Our efforts were so successful that the program spread to four other police districts. We had obtained a grant from the Pennsylvania Commission on Crime and Delinquency to do this.

At the same time I founded a program called the Nuisance Bar Task Force, (later called the Public Nuisance Task Force) which was enabled by an act of the Pennsylvania Legislature, shepherded through by then House Speaker Robert O'Donnell. He also gave me a grant to carry out our plans; to eradicate nuisance bars, clubs, speakeasies, crack houses, houses of prostitution, etc, by and with the help of community members and specially assigned vertical prosecutors. Another example of community prosecution. Thus far, as of the time I left the DA's Office fourteen hundred properties were seized, sealed and forfeited through the courts, and countless thousands more brought into total compliance with the laws by threats of confiscation. At every step of the way, nearby neighbors were our partners and community advocates. We even got the Philadelphia Bar Association Chancellor, Larry Beaser, to get us a host of volunteer attorneys who would work, pro bone, with out assigned geographic prosecutors. In addition, our Habitual Juvenile Offender Unit also began to geographically based prosecutions with vertically assigned ADA's. As I just mentioned, when the money ran out, we really had to scramble to save these programs because the City refused, even though all of them worked. Some were lost, but the P.N.T.F. was continued.

I began to look at what other jurisdictions were vertically prosecuting cases with geography where crime was the worst, as the basis for the choice and assignment of assets. I went to Brooklyn and spoke to District Attorney Joe Hynes and he told me about Zone Courts, geographically based prosecutions with judges assigned, as well as prosecuted, to hear cases which arose in specific police districts in Brooklyn. This was just what I was looking for. Not only prosecutors working vertically and in geographical areas to handle cases unique to that area, with the citizens' help, but Judges specifically assigned by the Court Administrators to sit is these specially designated areas.

I returned to Philadelphia and tried to get our Common Please Judges to sign on. The Municipal Courts already sit geographically in Police Districts, for the most part. Not the CP Judges. I was met with howls of protest and objections by the car load most all of which revolved around the judges lament that they didn't want their names to be known and their records of work to a be able to be so easily watched. It didn't matter one bit, that this is what the public needed, that this was extremely cost efficient in that it eliminated many millions of dollars in police overtime. In addition "gamesmanship," practiced so skillfully by defense attorneys, and sometimes by prosecutors, because there was always a different judge assigned to a case as it went from continuance date to continuance date, instead of the same judge. This program also reduced witness intimidation, or harassment by repeated appearances in different courtrooms, eliminated "blowing out" cases by reducing or eliminating police officers running between courtrooms for cases they made arrest for in their "home" districts, and it made good use of judicial manpower, probation officers, etc, etc.

Over the next ten years we met with every administrative judge and court officials, and then Supreme Court Justice, Sandra Shultz Newman about Zone or Geographic Courts. I have many letters if you, Senator, want them. The same result occurred for the entire ten years. NO. This is inspite of the fact that the Pennsylvania Legislature in our joint effort to create a Blueprint For A Safer Philadelphia in 2005, included Zone, or Geographic based Courts in our Ten Point Program. I also testified about this program in City Council We did have a small victory in 2006 when the First Judicial District reluctantly agreed to implement my Zone Court Program in the Felony Waiver Program. Only recently has this Zone Court program become "hot." With the current District Attorney falsely asserting to Justices of the Pennsylvania Supreme Court that Zone Courts was "his idea." See The Legal Intelligencer of March 18, 2010.

Had this program been implemented, even in graduated stages beginning after discussions regarding implementation by an open minded and thoughtful judiciary, we would have saved untold millions of dollars in police overtime, saved thousands of cases from going "South," saved many witness lives, and effectively and efficiently done justice. We also might not be here today. Still, if it occurs I will be pleased, and it will prove worth all of my efforts over the past two decades.

Electronic Records

Here we are in the twenty-first century and the District Attorney and Defense Counsel don't have a computer terminal at their courtroom table? Isn't this an indication of just how fiscally foolish this city has been when it comes to dispensing justice? Moreover, we in the District Attorney's Office still use paper files. We have hundreds of thousands of them and, to date, no way of becoming part of the electronic age. Oh, we have been promised "electronic discovery" capabilities soon, but this is hardly thrilling news, decades after the electronic transmission of CJ records was made possible. We are still putting everything on paper; in formations, statements, police reports, etc, but why is this still the case? Why doesn't every Judge in the Criminal Justice Center, have a computer? Unless, and until, the entire criminal justice system is made electronic, we will continue to waste precious resources on time consuming make-work, when, instead, we can just push a button and the information is sent or received in an instant.

"Legalizing" Marijuana"

A few weeks ago, District Attorney Seth Williams announced that he would not be prosecuting cases for defendants arrested in possession of thirty grams of marijuana, or less. Instead, these defendants would be treated as if they had been given a summons. and these offenders would be subject to only a fine and no criminal record. The Pennsylvania Supreme Court apparently agreed. See The Philadelphia Inquirer, April5, 2010. A truly de minimus amount of marijuana has never been prosecuted in recent memory. Thirty grams of pot is not de minimus. The District Attorney, with the apparent acquiescence of the Supreme Court of Pennsylvania's Chief Justice and Associate Justice McCaffery have, effectively, legalized marijuana without legislative enactment.

The drug cartels who import pot from Mexico are thrilled, and local gangs and. marijuana growers everywhere are positively overjoyed. "Welcome to Philadelphia Light Up A Joint," may just be our new slogan What is to be accomplished by this plan to divert, by his count three to five thousand cases into summary dispositions, when the Philadelphia Police Department says they are arresting, fingerprinting and photographing these defendants? Well, first it creates the distinct possibility of a class action law suit against police to stop arresting these defendants and, fingerprinting and photographing them. Instead, just give them a summons. Next, it artificially lowers the crime rate to make it look as though crime has gone down, when it hasn't. This at a time which has traditionally been the case where most of our defendants are either drug or alcohol addicted when they commit crime, and also may have mental health problems, as well. Additionally these criminals are not just mere possessors of pot, these defendants have already for ten years been placed in Drug Treatment Courts, either Juvenile or Adult, with expungement of their criminal records for this arrest only after successfully completing a court supervised treatment and job training program. It does make our judges happy, fewer cases to have to adjudicate. Oh, but there are the fines that are going to generate loads of money. We already have multiples; of millions of dollars of uncollected fines dating back thirty years, or more. What chance does this program offer? Are we going to send non-existent probation officers out to find these defendants when they don't pay? Incarcerate them when they have no money?.

These people who when arrested for 20-to 30 grams of pot, are not first time offenders for the most part. They frequently are the repeat offenders who have committed untold numbers of crimes, and have been arrested dozens of times. They are the same criminals who ruin the city's neighborhoods by aggressive, destructive conduct, engage in shoot-outs, commit violent crimes to support their habits, and they intimidate or kill witnesses. The Marijuana market is into the billions. Now we are going to encourage its growth. Just think of all those ICE Officers on the U.S.-Mexico Border trying to stem the tide of Marijuana Mules, who now will be welcomed to bring their product into Philadelphia.

There is already a very effective drug court program, as I have mentioned. No one should be given a "pass" for this kind of crime. They should be offered, instead, a chance to participate in drug treatment, where the case is appropriate, and be fully prosecuted when it isn't. We have been doing that for years. Just in case someone suggests that our jails are overflowing with non-violent prisoners, this is also untrue. Our jails are filled with prisoners who should not have been sentenced to local jail when they should have been sent to state prisons. Because of

the Prison Reform Package, written by my ADA, Sarah Hart, fourteen hundred prisoners have been transferred to where they properly belong., or released on strict supervision, including electronic home monitoring which supposed to be tamper proof and which is monitored 24-7.

What we really need is thousands more of these electronic bracelets. Perhaps you can see to it that we get a grant to achieve that and the probation officers or pre-trial service officers to effectively monitor these people.

Early Plea Offers

Another way to achieve a false sense of crime dropping, when it isn't, while, at the same time, increasing "conviction rates" is to offer early plea agreements. What a windfall for defendants. As I alluded to earlier, the conviction rate is directly proportional to the leniency rate of the plea offer. Cheapen the crime, get more convictions, look like you're a "real" crime fighter, or that you are "smarter" on crime, when what you are really doing is selling out victims and their rights to be fully heard in court, for a "box score." Personally, this is exactly what a prosecutor should never do. Instead, plea bargains are to be offered only after the entire case is investigated and should be based, not on a desire to "dispose of cases" which is what the judges have been doing, and offer a plea bargain on what the case truly is, not on a desire to get a "win." Sure, it is expedient, but that is not why the people elect their prosecutors. Here again, it lowers the crime rate falsely, because a plea bargain to get an early acceptance, must necessarily be low enough to get the defendant to accept it without requiring the Commonwealth to be put to its proof. Voila! Instant conviction, but for a much reduced sentence to gain a "conviction."

This is precisely why we have, and still are using, the Federal Courts to incarcerate local criminals, because the local judges won't do what is demanded of them. Now we face the distinct possibility that the local prosecutor will join the judges, even as the police and the FBI join in the pursuit of longer prison sentences. This lessens, not enhances the regard that victims have for "the system." Why bother, victims will think, the prosecutor is only going to plea bargain my case away. This approach when coupled with "charge bargaining" is a slippery and dangerous slope to the degradation of the criminal justice system, in favor of the merely expedient criminal justice system.

Where Else?

Cameras on the street?

Shot Spotters?

More Community Courts?

Advances in Forensic Sciences?

You name it, and I will, to the best of my ability answer these or any other questions to improve how we dispense justice

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