

PHILADELPHIA DISTRICT ATTORNEY'S OFFICE

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FY09 BUDGET HEARING STATEMENT

APRIL 15, 2008

My sincere thanks to this Body and its President, Anna C. Verna, for demonstrating true leadership in restoring funding that was cut from my Budget last year, even as this City was in the midst of ongoing record killings, shootings and other violent criminal episodes. These unspeakable acts of criminality have, for years, fueled anxiety over Philadelphia's future, and made this City known all across the Nation, not as the City of Brotherly Love, but as "Killadelphia." No world class city should have to be weighted down by the despair of our citizens, worry by potential tourists, or fear by people who want to come here to live or work, but put off doing so.

We are satisfied that this year our proposed budget is for the same amount as last year; and, with one exception, we are not seeking an increase in funding. The one exception is that should the soon to take place labor negotiations result in a Cost of Living Allowance (COLA), or a one time bonus, I would anticipate, that, as in former years, that amount will be added to my Budget for both contract and exempt employees.

By restoring the Budget of The District Attorney's Office last year, we were able, at least, to keep pace with the many cases generated by the wave of crime that ravaged the people of this City in 2006, and 2007. With the Police Department making an average of 1200 arrests per week, that is no small feat. And with more aggressive recruiting by the Police Department, and with more aggressive policing under the mandate of the Mayor and Police Commissioner, it is certain that more arrests and prosecutions will be the order of the day this year, as well. There is also a significant backlog in the pipeline of cases awaiting trial. According to the Administrative Judge of the Court of Common Pleas, there were over 8000 cases in the inventory of that court at the end of 2007, 484 of which were Homicides. This does not include the figures from the Municipal Court, nor does it count the cases generated since January 1, 2008. We do note, however, that shootings and homicides have eased off somewhat for the first three months of 2008, but it is far too early to predict whether this trend will continue for the rest of the year.

Shooting Victims

	2003	2004	2005	2006	2007	2008
1st quarter				399	404	306
2nd quarter				544	457	
3rd quarter				539	501	
4th quarter				<u>522</u>	<u>372</u>	
Total	1695	1705	1793	2004	1734	

Homicides

	2004	2005	2006	2007	2008
Total	330	380	406	393	70 (1 st Qtr)

Families of murder victims can never be made whole again, even if the trial of the perpetrators results in a guilty verdict and an appropriate sentence. Some of our shooting victims will recover, scarred for life from the events of victimhood. Some will recover from wounds, only to be killed later on. Some will never recover and will, along with their families, suffer unspeakable physical and emotional effects for the rest of their lives. Last year more than 5000 guns were confiscated by the police; and in the first three months of this year, another 1000 illegal guns have been confiscated.

Of course, we could speak endless volumes about the large number of elder victims of crimes, the family violence and rapes, and sexual assaults committed against women and children, the thefts, burglaries, and a host of other crimes committed against our fellow citizens that resulted in over 60,000 adult arrests last year, and another 10,000 juveniles arrests, as well. It is, therefore not surprising that our local prison population is over 9000.

One bright spot to report in grappling with the inordinate number of crime problems facing the City, is that we have been actively engaged by the new Mayor, Michael Nutter, in a series of high level and substantive meetings so that we might offer the wealth of experiences and ideas we have on the vexing and complicated issues facing our criminal justice system. I and my deputies have met with the Mayor more times in the first three months of his Administration, than we did the entire eight years of the prior Administration. Our collective experience of over 200 years in the Criminal Court and Policing systems of Philadelphia has given us unique insights that the Mayor and his staff have inquired of in our discussions. We are certainly optimistic that our meetings will continue at an accelerated pace and further address and implement real, far reaching and substantive changes in our criminal justice system -- many of which we have been advocating for years, but which were ignored by the prior administration.

Having said that, I would be remiss if I failed to mention several problems about which I have spoken both here, and elsewhere, on many prior occasions, but which have, to date, not been adequately addressed.

WITNESS RELOCATION

By far, the most serious and longstanding of these has been the utter failure to provide local funding for a Witness Relocation Program. Since at least 1994, I have asked this Council and the Mayor, each year, to fund a program to help to relocate witnesses. Citizens who perform their civic duty by becoming fact/eye witnesses have, in too many cases, had to pay a terrible price for doing so. Urban terrorists, acting as their own lawless shadow government, have threatened, intimidated, or murdered these citizens, or their families, either because they are about to testify, or already have testified, against criminals accused of committing murder, attempted murder, aggravated assault, rape, and other crimes of violence.

By no means is this a purely local phenomenon. It is a national emergency. The New York Times, on March 20, 2008, and on several other dates, said of New Jersey: "In the state's most violent cities, like Camden, Trenton, and Newark, prosecutors have struggled to close murder cases against the backdrop of widespread witness intimidation. Key witnesses

have changed their stories on the witness stand or have been murdered. And the police officers have interviewed scores of witnesses to shootings, unable to persuade anyone to testify." In Baltimore, Maryland witness intimidation has been likened to an epidemic. In Mesa, Arizona, a woman who reported a couple for child abuse was kidnapped and beaten and the word "snitch" burned into her forehead.

From one end of the country to the other, in cities of every size, "stop snitching" has become the sickening mantra of the lawless amongst us who thrive on violence, chaos, fear and murder to keep themselves out of police custody or prison. No witness equals no arrest. No arrest means no conviction. In Philadelphia, where "stop snitching" tee shirts are even worn by visitors to Magee Rehabilitation Hospital, which treats the walking wounded of our street violence, our Mayor, within hours of his inauguration, declared a "crime emergency", in part, because of the well entrenched scourge of "STOP SNITCHING." Two weeks later, a witness to a homicide, Chante Wright, and a girlfriend, were assassinated because Chante was to testify in that murder trial. As recently as March 26th, 2008 in the middle of a mild, sunny afternoon, a young Starbucks manager, Sean Conroy, was beaten and died in the Subway station at Thirteenth and Market Streets. Beaten, as the reports indicate, in an unprovoked attack by a gang of school

age predators, looking for someone to beat up. Besides howls of anger and protest by the riding public after yet another episode of mayhem and violence on the Subways of Philadelphia, news stories cataloged other instances of gangs of school age thugs, roaming the subway system preying on other school kids or adult riders. The public was incensed; yet, to date, except for one Septa employee, civilian eyewitnesses to the attack have failed to materialize. The front page of the Philadelphia Daily News of April 2, 2008 depicts a face with a zipper across its mouth. The headline reads: "No More Silence. Who Else Was Involved in Fatal Subway Attack?"

Councilman Kenny proposed a revolving fund that would be made available to the District Attorney's Victim Assistance unit, on an as needed basis. As you know from many prior testimonies I have offered here, the Attorney General gives one-half of the approximately one million dollars budgeted statewide for witness relocation, to us. However, we are unsure that the State will, year after year, continue to provide even these limited funds to us. Indeed, on several occasions we have had to go back to the State to request supplemental funding, because we have spent our small allotment.

The number of cases requiring relocation of witnesses has continued to rise each year; and the amount and percentage of State relocation dollars used by Philadelphia has risen even more. This past year, the State funding for witness relocation was exhausted; and we were required to supplement the State funding with money from the DA budget in order to insure that all witnesses received necessary services.

Witness retaliation is a problem that, over the years, has gotten progressively worse, and will continue to deteriorate further. After more than 14 years of asking, I am entreating this Body to take a bold and worthy step, of acting without any more delay, to implement a City funded financial stream, so that we may be able to offer more people access to witness protection and relocation programs. A failure to act by this City will mean that more people will die; more crime will occur without fear of arrest or prosecution, more robust economic development may be stymied, more people will think negatively about Philadelphia and not want to visit or live here.

YOUTH VIOLENCE REDUCTION PARTNERSHIP

The Youth Violence Reduction Partnership is a combined program which targets the City's most dangerous and at-risk youth, ages 14 to 24, and

provides them with intensive supervision and support. It was launched in 1999 in the 24th Police District, and then expanded to the 25th District in 2000, to the 12th District in 2002, the 19th in 2005, and the 22nd in 2006. YVRP is a true partnership, and includes, among others, the District Attorney's Office, the Police Department, the Juvenile and Adult Probation Departments, the Department of Human Services, the Department of Behavioral Health, the School District, the Managing Director's Office, as well as the Philadelphia Anti-Drug Anti-Violence Network (PAAN) and Philadelphia Safe and Sound.

The main components of YVRP include the designation of at-risk youth, called "youth partners," approximately 3/4 of whom are adults and 1/4 juveniles, who are most likely to kill or be killed. These young people are given: intensive supervision by police and probation officers; connection with various community supports and programs offering self development and job training and placement opportunities; intensive interaction with PAAN "streetworkers" who act as advocates for the youth and serve as liaisons between the youth and other YVRP partners; an expedited judicial process and committed prosecution of youth partners who violate the terms of their probation or are arrested for illegal conduct. The close supervision of the youth discourage them from getting involved with the "wrong"

influences, or to associate with the people in their circle of associates who might encourage a youth partner to commit a crime of violence, or result in the youth becoming a victim of violence.

The ultimate goal of YVRP is to help the youth to become self confident, self sufficient, better educated and law abiding adults. Helping to get these youth into jobs, job training, job placement programs, etc. will insure that they will not become another statistic and will help them be "Alive at 25." This exemplary effort of saving young lives has had impressive results to date, but the program is in jeopardy of going out of business. As noted, we are operating in four of the nine most dangerous, crime plagued police districts as designated by Police Commissioner Ramsey; but the cost of running the programs is approximately \$1.6 million per District. Last year, we lost our \$4.6 million in State Funding due to budget cuts. However State Representative Dwight Evans, a long time advocate of, and participant in, the YVRP Program, and State Senator Vincent Fumo worked their magic and got the State to give \$2 million, and then convinced the City to kick in \$2.2 million so that the program might stay (barely) alive through the end of this fiscal year, June 30, 2008.

We have not been able to persuade the Federal Government to fund this program, even when grant funding was flush. Now that federal grants to

victims, witnesses and crime prevention programs in this City and in the Nation have virtually been eliminated, or are about to be eliminated, that avenue seems to be foreclosed for now. While that state funding stream still is a viable option if we are to continue to build on success in helping to save lives, the burden now falls to the City to commit sufficient funds to this most worthwhile crime prevention program. Accordingly, I am pleased that Mayor Nutter has proposed \$5 million in his FY 2009 Budget for YVRP. This figure is \$1 million less than needed to fund YVRP in its present configuration, without planned expansion. The planned expansion into the 5 remaining, identified as most violent, Police Districts, (14th, 15th, 18th, 35th and 39th) is essential to complete the circle of crime prevention, and to bring economy of scale to this effort. Therefore, I am asking City Council to support the Mayor's Budget proposal for the \$5 million for YVRP, and then to turn its attention to finding the additional \$10 million for needed expansion. More than 2900 young people have been served since YVRP's inception. The City must take a leading role in funding the program and expanding it to all of the 9 most dangerous, violent districts. Failure to do so, always brings the same results; failure to save young lives.

TRUANCY PREVENTION

Several years ago, I started a truancy prevention program and dedicated a prosecutor to oversee this fledgling project. I did so because a marker in virtually every juvenile life of crime was, inter alia, truancy. Truant behavior starts as young as First Grade, if not in Kindergarten. Whether with or without the knowledge of parent or child watcher, the child misses school in an ever increasing number of days. When out of school, the child wanders the streets of this city virtually destined to get into trouble. During the first days of the Truancy Program, our Assistant District Attorney learned from the group of schools that had been selected for this small pilot project, that because attendance records were so sloppy, the schools actually became eligible for more state funding. This was because the state allots a per diem amount based on the number of children actually in school on every given day. Overstating the number of children present was financially rewarding, because the added money could be used for whatever purposes a school needed. Unfortunately, this did nothing to help the children who were chronically absent. We, of course, recognized that school attendance is, in the first instance, the responsibility of the parent or guardian; however, these "families" in stress were frequently in no position to send their kids to

school. The result was, of course, poorly socialized and educated children whose options in life were consequently severely limited. Criminal conduct was an all too often result.

What we felt was essential was that our children attend school every day of the school year. Our plan had beauty in simplicity, although the process was anything but simple. When the true absentee rate was determined by computer searches, our Assistant, contacted the family, first by letter informing them of the child's failure to attend and setting up a meeting at the school. This was followed up several times to make certain that the responsible person in the child's life would actually show up. The legal requirements of school attendance were carefully explained and the conversation would always include a "needs assessment" of the "parent" If the family was in some sort of crisis, counseling or other interventions were proposed; and follow-up meetings, or contacts, were instituted. The family was notified that the parent as a last resort could face arrest, and prosecution; and that the child could be declared a "dependant child" under the control of the Family Courts. I am pleased to report that throughout the life of this program, no parent was ever charged with neglect, and no child had to be declared dependant. The Family Court was employed whenever the need

arose, and was especially helpful when it was discovered that the family had pre-existing Family Court actions.

We were pleased to report to this Council several years ago that this was a model worth pursuing, because of the close association of truancy with criminality. Unfortunately, Mayor Street did not see the same value in this program as we did; and refused to fund it. Instead, he hired several hundred parents to be "truant officers". Our Assistant was hired by the School Reform Commission to do Truancy Initiatives with the Commission, and the project died a boring. Now the Parent-truant officers have been dismissed. According to the recent publication "Cities in Crisis: A Special Report on High School Graduation", dated April 1, 2008 , and funded in part by the Bill and Melinda Gates Foundation, Philadelphia's drop out rate is about 50%. The Suburban District graduation rate within the Philadelphia Metropolitan Area is 82%. This disparity rate of 33.3 is the 6th worst gap in urban vs suburban rate of graduation in the country's 50 largest cities. It should be no surprise if one were to suggest to you, as I am doing now, that this drop out rate was almost predictable, virtually from the earliest days of the child's poor attendance in school, plus, of course, other markers,

A review of the criminal histories of our juvenile and adult arrestees demonstrates that failure to attend school on any regular basis, failure to be

able to be legitimately promoted from one grade to the next, is a hallmark of many of our criminal justice populations. It's not present in every arrestee/prisoner, but it is present in sufficiently significant numbers to justify my suggestion to Council that this Body seriously revisit this issue again and decide, in consultation with the Mayor, to fully fund a truancy initiative run by a special group of Assistant District Attorneys, and implemented city-wide as an effective crime prevention strategy.

Some may ask, "Is it appropriate to use the District Attorney's Office as a vehicle for assuring the daily attendance of school aged children?" I would strongly assert that our experience of more than two years indicates that the answer is yes. First, because we are lawyers with the full force of the laws behind us. Parents pay attention to a prosecutor who is neither threatening nor confrontational. It signals to the parent that we do have enforcement powers, but that we hold them in repose so long as the parent accepts his/her responsibility of assuring that their child be in school every day, on time. While this is no guarantee of how much the child will learn if he or she goes to school daily, it at least holds out the ray of hope that the child, with patience and supervision by our very fine teachers, will stay in school longer and even finish school. The other alternative is to let the matter remain as it is today; chronic truancy, lack of even a fundamental education, bullying,

physical confrontations, crime, imprisonment and failure of the City of Philadelphia to produce a significantly large and talented labor pool that will be the best educated and well prepared work force for the 21st century.

I think this is a very worthwhile issue to pursue with an in depth discussion, at which time we can flesh out the details, funding and manpower requirements. I await your response.

There are many more things we could discuss today, Elder abuse, neglect and financial exploitation; house stealing; domestic violence; gun crimes; serial criminals; Community Courts, to name just a few. However, we believe that, for this fiscal year, we have sufficient funding to, at least, keep us above the high water mark. This is, after all, a young, new administration and there will be ample opportunities to discuss these and other issues at a later date.

Thank you very much for your time.