



ISSUE BRIEF

The Case Against Krasner

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"[W]hile individual decisions in certain matters are constrained by Legislative enactments, the major check of the exercise of discretion is the electoral process. Short of that, resorting to the exhaustive process of impeachment is available. And in specific cases, the Attorney General may seek to intervene and supersede the District Attorney in a given prosecution. Beyond that, little is available as a legal avenue to check a prosecutor's executive power."

**Bruce Antkowiak, professor and counsel
to Saint Vincent College**

Written testimony submission to the House Select Committee on Restoring Law and Order 9/29/22

Why is this important...

Public safety is a core function of government. Since Philadelphia District Attorney Larry Krasner has taken office in 2018, crime in Philadelphia has exploded. Meanwhile, Krasner has pushed ultra-progressive policies, which has led to decreased convictions, more repeat offenders being set free and inarguably contributed to the crime surge. In June, the Pennsylvania House of Representatives passed legislation to create the Select Committee on Restoring Law and Order with the purpose of investigating the matter, reviewing the performance of public officials and making legislative recommendations, which may include impeachment.

By the Numbers...

The following data sets demonstrate how crime has risen in Philadelphia and then offers a comparison to the rest of the Commonwealth. In Philadelphia alone, violent crimes are up by 4.4% in comparison to last year, including a staggering increase of robberies committed with a firearm – which is up by nearly 49%.

Philadelphia, Year to Oct. 16 Crime Statistics¹

	2021	2022	% Change
Violent Crime Offenses	11807	12334	4.46%
Homicide	437	420	-3.89%
Robbery/Gun	1588	2364	48.87%
Robbery/Other	1930	2266	17.41%
Property Crime Offenses	40435	52863	30.74%
Burglary/Commercial	1155	1712	48.23%
Theft from Person	316	473	49.68%
Theft from Auto	8596	12408	44.35%
Retail Theft	7183	11075	54.18%
Shooting Incidents	3346	3391	1.34%
Shooting Victims	1865	1916	2.73%

¹Philadelphia Police Department. Major Crimes as reported to PPD. (10/10/2022 to 10/16/2022).
<https://www.phillypolice.com/crime-maps-stats>

The atmosphere of lawlessness in Philadelphia continues. As homicide rates continue to climb, the homicide clearance rates (solving or closing a case) continue to drop at alarming rates.²

According to 2021 data by the Pennsylvania State Police, Philadelphia accounted for nearly 50% of the state's total number of violent crimes (15,030 in Philadelphia, 31,350 statewide). Worse yet, 64% of the state's total number of firearms-related crimes occurred in Philadelphia (7,177 in Philadelphia, 11,253 statewide). These numbers are extremely disproportionate, considering Philadelphia's population of 1.58 million makes up only 12.3% of Pennsylvania's total population of 12.79 million.

Comparing Philadelphia to Pennsylvania, 2017–2021³

	Statewide Total Violent Crimes	Statewide Total Firearm Crimes	Philadelphia Total Violent Crimes	Philadelphia Total Firearm Crimes	Statewide % of Violent Crime Committed in Philadelphia	Statewide % of Firearm Crime Committed in Philadelphia
2017	36,102	10,284	13,910	4,790	38.5%	46.6%
2018	34,928	9,360	13,507	4,851	38.7%	51.8%
2019	35,141	9,544	14,452	5,181	41.1%	54.3%
2020	33,088	10,508	14,723	6,255	44.5%	59.5%
2021	31,350	11,253	15,030	7,177	47.9%	63.8%

Offenders Returned to the Street...

According to the Pennsylvania Commission on Sentencing, the amount of Violation of Uniform Firearms Act (VUFA) cases started by Krasner's office but ended by being withdrawn, dismissed or nolle prossed (prosecution discontinued) is disproportionately high in comparison to other counties. Between 2015 and 2020 the number of VUFA cases within Philadelphia increased from 7% to 21%. In that same time span, the Commonwealth's 66 other counties experienced an increase from 7% to 10%. Additionally, those charged with a VUFA offense were charged with another VUFA offense within three years at a higher rate in Philadelphia (29.5%) compared to the statewide average (20%).

VUFA cases are particularly concerning because they include charges of possession of a firearm by someone who is prohibited to do so because of a previous criminal conviction. By abandoning charges against VUFA offenders, Krasner's office has allowed more offenders who were recently arrested for possessing a firearm to return to the community with no repercussions.

Additionally, it is important to recognize Krasner's office's performance in cases that are considered in Commonwealth Court is weaker than that of other Pennsylvania district attorneys.

When looking at the charts below, it is important to remember the district attorney's office approves charges before they are filed. Knowing these charges were initially approved, the number of cases included within the nolle pros is substantial.

²"Crime Without Punishment: Homicide Clearance Rates Are Dropping In Philadelphia As Murder Rates Skyrocket." CBS Philadelphia. June 29, 2022
<https://www.cbsnews.com/philadelphia/news/crime-without-punishment-homicide-clearance-rates-are-dropping-in-philadelphia-as-murder-rates-skyrocket/>

³Pennsylvania State Police, Bureau of Research and Development. Pennsylvania Uniform Crime Reporting System, Actual Offenses as of 6/16/2022

- The number of cases lost, dismissed and nolle prossed is substantial.
- Losing a case or filing a nolle pros when the district attorney's office has already determined which cases to charge and advance beyond the preliminary hearing is alarming.
- A primary responsibility of a district attorney is to seek justice in a legal and ethical manner. Justice requires looking at the effects on the victim and the community.
- Victims of crime must go through the district attorney's office for charges to be filed. The Philadelphia district attorney is the gatekeeper to justice.
- A failure to prosecute is not an effort to seek justice but a dereliction of one's duty, which is a misbehavior in office.

Court of Common Pleas VUFA* Dispositions (2015–2020)
Percent Nolle Prossed* out of non-pending cases⁴

	Statewide	Philadelphia	Statewide (not Philadelphia)
2015	7%	7%	7%
2016	8%	10%	7%
2017	9%	12%	8%
2018	9%	13%	7%
2019	11%	18%	8%
2020	12%	21%	10%
TOTAL	10%	13%	8%

* VUFA (Violations of the Uniform Firearms Act)

**Nolle Prosequi refers to a legal notice or entry of record that the prosecutor has decided to abandon prosecution. This can be brought any time after charges are brought and before a verdict is returned or a plea is entered.

Court of Common Pleas Dispositions (2015–2020)
Type of VUFA Docket⁵

	Statewide	Philadelphia	Statewide (not Philadelphia)
NOT GUILTY			
ALL VUFA	3%	5%	2%
F1/F2 VUFA	4%	6%	3%
Co-Charged with a Violent Offense	5%	6%	4%
DISMISSED			
ALL VUFA	1%	1%	1%
F1/F2 VUFA	1%	1%	1%
Co-Charged with a Violent Offense	1%	1%	1%
NOLLE PROSSED			
ALL VUFA	10%	13%	8%
F1/F2 VUFA	12%	15%	10%
Co-Charged with a Violent Offense	6%	7%	5%

⁴Mark H. Bergstrom and Matthew Kleiman, Ph.D., Pennsylvania Commission on Sentencing. (12, October 2022). *House Judiciary Committee Information Meeting House Resolution 111 of 2021*. Pasentencing.us

⁵Mark H. Bergstrom and Matt Wintraub, Bucks County District Attorney. House Republican Policy Committee. *It Stops Here: Taking Action to Protect Pennsylvania from Increasing Crime*. Oct. 18, 2022.

Krasner's Crusade of Lawlessness is a Willful Dereliction of Duty

In Philadelphia, there should be a war on crime, but crime is waging a war on people.

Larry Krasner was sworn in as district attorney of Philadelphia on Jan. 1, 2018, and started immediately to use his position to prompt social change.

- Examples of DA Krasner's policies:
 - » *During his first week in office, he fired 31 prosecutors.*
 - » *Officers were instructed to not pursue criminal charges against criminals possessing marijuana.*
 - » *Prosecutors were told to stop seeking cash bail for some felonies.*
 - » *Prostitutes with fewer than three convictions would no longer be charged.*
 - » *A sentence review unit was created to review past cases and seek resentencing.*
 - » *He encouraged reduced sentencing lengths.*
 - » *He filed a motion declaring capital punishment unconstitutional in Pennsylvania.*

These policies are easily considered attributes to Philadelphia spike in violence. Bigtrial.net tracked results of 231 VUFA defendants who were charged in July of 2019. The study showed:

- Seventy-three, or 32%, were released after the charges against them were either dropped, dismissed or lost by the D.A.'s office.
- Forty-five, or 19%, pled guilty after striking a plea agreement with Krasner's office.
- Forty of the 45 defendants received lenient county jail terms, well below state sentencing guidelines and some resulted in immediate parole, early parole, house arrest or probation; or the defendants were out on bail because they hadn't been sentenced yet.
- As of Nov. 1, 2020, just 16 months after their arrest in July of 2019, a total of 176 out of the original 231 defendants, or 76%, were out of jail.
- Fifty-one, or 22%, were arrested again and charged with more crimes that included gunpoint robberies, armed carjackings, rape and attempted murder, as well as a half-dozen murders.

Further demonstrating Krasner's position, shortly after taking office, he withdrew the Philadelphia District Attorney's Office's membership from the Pennsylvania District Attorneys Association. In testimony provided by Greg Rowe, the association's director, Krasner believes the association's policies are "too punitive and too focused on incarceration." The relevancy to this is that the association offers its members and their assistant district attorneys networking sessions, training opportunities and, more importantly, alerts when court decisions effecting precedence are announced. These court decisions often take effect immediately and can impact an ongoing case. By withdrawing his office from the association, he is eliminating an important resource for his staff.

Crime's Impact on the Economy

At 1.58 million residents, Philadelphia is the Commonwealth's largest city. When its economy is thriving, so will the Commonwealth's. The same can be said should Philadelphia's economy falter.

This month, citing safety and security concerns, convenience store and gas station chain Wawa announced the closing of two locations on the city's popular Market Street in Center City, marking the chain's fifth closure in Philadelphia. Last month, a Wawa was ransacked in a Philadelphia neighborhood by a group of 100 people, presumably juveniles, whose ages may be as young as 10 years old.

In addition, a Philadelphia Starbucks made the list of national coffee stores closed because of safety concerns.

Closed store fronts are just part of an ongoing cycle of economic destruction. Because retail service is a common employment source for young people, every store closure presents lost opportunity. Furthermore, closed businesses contribute to neighborhood blight and bring down property values, thereby hindering economic growth.

The emotional and economic toll of violent crime is being felt across the city and surrounding communities. According to the Philadelphia Inquirer, that cited a survey by the American Psychological Association, 81% of people are anxious about violence and 40% avoid going to public places with large gatherings. The health of children is also affected by the trauma of violence.⁶

The Inquirer also reported each murder in the city of Philadelphia costs \$1.42 million in medical expenses, lost earnings, property damage and criminal justice costs. In 2018, with 351 homicides, the economic cost to the city was nearly \$500 million.⁷ Nonfatal shootings cost \$500,000 in lost productivity and medical expenses. The number of murders this year is even higher at 437.⁸

In 2019, the Philadelphia city controller released a report on the economic impact of violence.⁹ The report illustrates how there is a “sizable effect on residential property sale prices.” A reduction of homicides in a single year could account for a \$13 million increase in property tax revenue.

Bleeding Doesn't Stop at City Lines

At a House Republican Policy Committee hearing held Oct. 18 in Warminster to discuss actions to protect Pennsylvania from increasing crime, members heard from Bucks County District Attorney Matt Weintraub, who shared how crime is creeping into his bordering county from Philadelphia. According to District Attorney Weintraub, *“Another issue that I see is the creep of crime from Philadelphia. The criminal legal philosophies in Bucks County and in Philadelphia are different. Here, as Bucks County District Attorney, I believe in law and order. In enforcement of the laws, keeping people safe, but with compassion. People have a right to not only be safe, but to feel safe. One specific issue we are seeing spread from neighboring counties, particularly Philadelphia, is the commission of more gun crimes, and straw purchases of firearms on behalf of criminals who are prohibited from possessing guns, and who then use them to commit more crimes.”*¹⁰

Bensalem Police Department Safety Director Bill McVey said he has seen an increase in robberies in 2002 and has seen an increase in the number of illegal firearms. Forty-two percent of those arrested in 2021 were Philadelphia residents. Just two years ago it was 29%. This shows the problems of Philadelphia are becoming the problems of suburban towns and is spreading outward.

⁶“As shootings continue unabated, they exact an emotional and economic toll/Editorial” Philadelphia Inquirer. Sept. 20, 2022. <https://www.inquirer.com/opinion/editorials/gun-violence-emotional-toll-financial-cost-20220920.html>

⁷“As shootings continue unabated, they exact an emotional and economic toll/Editorial” Philadelphia Inquirer. Sept. 20, 2022. <https://www.inquirer.com/opinion/editorials/gun-violence-emotional-toll-financial-cost-20220920.html>

⁸Philadelphia Police Department. Current Crime Stats. Oct. 24, 2022. <https://www.phillypolice.com/crime-maps-stats/>

⁹Rebecca Rhynhart. “Report on the Economic Impact of Homicides.” Oct. 23, 2019. <https://controller.phila.gov/philadelphia-audits/economic-impact-of-homicides/>

¹⁰Matt Weintraub, Bucks County District Attorney House Republican Policy Committee. *It Stops Here: Taking Action to Protect Pennsylvania from Increasing Crime*. Oct. 18, 2022.

Are Unemployment Statistics a Telling Sign?

According to the U.S. Bureau of Labor Statistics (BLS), Philadelphia’s unemployment numbers, 5.9% in August 2022, fall behind those of the rest of Pennsylvania, at 4.2% for the same month. Furthermore, the Philadelphia area held the highest rate among the BLS’s 38 metropolitan divisions.

MEDIA COVERAGE OF VIOLENT CRIME IN PHILADELPHIA

- Philadelphia local businesses are impacted by crime. One restaurant (Barra Rossa) was vandalized 3 times in 2 years. <https://www.foxnews.com/opinion/restaurant-window-smashed-philadelphia-leaders-failing-basic-duty>
- As retail crime climbs, Wawa decides to shutter two stores in Philadelphia’s business district. <https://www.foxbusiness.com/retail/wawa-shuttering-two-philadelphia-stores-amid-citys-retail-crime-surge>
- Employee pepper sprayed during a 5-man robbery at Wawa in University City. <https://www.fox29.com/news/2-wawa-employees-pepper-sprayed-at-university-city-store-police-say>
- A mob of 100 juveniles stormed a Wawa convenience store near the city. District Attorney to determine charges for suspects. <https://www.foxnews.com/us/philadelphia-wawa-mob-police-release-new-footage-ransacking-say-citizens-dont-deserve-it>
- A center city Starbucks is closing because of repeated safety issues, including drug use and threats to staff. <https://www.nbcphiladelphia.com/news/business/center-city-philly-starbucks-closing-safety/3297618/>

- Philadelphia businesses closing left and right over increase in shoplifting.
<https://nypost.com/2022/05/20/philadelphia-businesses-closing-over-increase-in-shoplifting/>
- Man accused of multiple Bucks County carjackings slipped in and out of Philly custody in 2022.
<https://broadandliberty.com/2022/09/07/man-accused-of-multiple-bucks-county-carjackings-slipped-in-and-out-of-philly-custody-in-2022/>
- Organization provides free cameras for homes, businesses in West Philadelphia to fight crime.
<https://www.fox29.com/news/organization-provides-free-cameras-for-homes-businesses-in-west-philadelphia-to-fight-crime>
- The number of Philadelphia Carjackings are up this year from 2021.
<https://6abc.com/philadelphia-carjacking-philly-police-2022-map/12209566/>
- Arrests fall 57% in Philadelphia.
https://www.thecentersquare.com/pennsylvania/arrests-fall-57-in-philadelphia/article_360f6b76-fc98-11ec-bf9b-17ae3785b383.html
- Philadelphia cops seek man accused of rape in subway station.
<https://www.wpxi.com/news/local/philadelphia-cops-seek-man-accused-rape-subway-station/KWFB7UH5D5D7ZBRRYWKXNZVM24/>
- A Philly 911 dispatcher was robbed right outside police headquarters.
<https://www.inquirer.com/crime/philadelphia-police-headquarters-robbery-dispatcher-north-broad-street-callowhill-20220915.html>
- Business owners say weak enforcement is emboldening violence.
<https://www.inquirer.com/business/south-street-shootings-philly-business-owners-20220607.html>
- Philadelphia police attacked by ATV, dirt-bike riders.
<https://www.yahoo.com/video/philadelphia-police-attacked-atv-dirt-151512625.html>
- Empty offices could cause ‘fiscal doom loop’ in Philadelphia
<https://www.inquirer.com/news/office-sector-covid-decline-vacancy-20221007.html>

¹¹Bill McVey, Safety Director, Bensalem Police Department. House Republican Policy Committee. *It Stops Here: Taking Action to Protect Pennsylvania from Increasing Crime*. Oct. 18, 2022.

