



SETH WILLIAMS' PLAN TO IMPROVE SAFETY BY FOCUSING ON THE MOST DANGEROUS CRIMINALS

The tragic murders of Philadelphia police officers show the urgent need for a new prosecution policy that would re-arrange the priorities for the District Attorney's 300 prosecutors, placing far greater emphasis on getting the most dangerous people in Philadelphia off the streets. That policy would use the most resources for prosecuting defendants with prior convictions for weapons offenses, as well as other previous convictions and arrests that indicate an extremely high level of dangerousness.

This new policy would shift the prosecutorial focus from the crime to the criminal, from the seriousness of their most recent charge to the seriousness of their overall criminal record. This means that even a car theft arrest would trigger a massive investigative effort by D.A.s and police to prepare the strongest possible case against a very dangerous person. It also means that:

- dangerous offenders would be fast-tracked for very speedy prosecution;
- there would be a reduced number of plea-bargains in such cases;
- with the DA's Office totally committed to taking such cases to trial and winning conviction, it would also be in the best position to argue for the longest sentence possible; and
- that Philadelphia would stop using guesswork, and start using advanced computerized forecasting, to identify the most dangerous people in each day's list of people arrested.

Using recently developed criminological methods, Seth Williams as D.A. would use criminal records on recent offenders as the basis for identifying the most dangerous 2% for "red flag" high priority prosecution status. Under Seth's plan, each and every person arrested would be given every Constitutional protection that the law requires. But they would also be assessed as to the risk that they will kill someone. When that risk is high, as long as police had probable cause to arrest, Seth would insure that the most complete investigation possible would be the basis of any decision to press or to drop charges.

That would also be a major departure from the present system, in which Philadelphia declines to prosecute too often and judges dismiss over half of all felony charges. By using statistical risk assessment tools recently published in major statistical and criminology peer-reviewed journals, Seth would know where to make the best investments in public safety.

As District Attorney, Seth will:

Work closely with police to identify “red flag offenders.”

As District Attorney, Seth would work closely with the Philadelphia Police to team up on checking every evidentiary lead to prove the latest crime for which a “red flag” offender has been arrested. If only one or two witnesses can tie the defendant to the crime, Seth’s Assistant District Attorneys (“ADAs”) would ask police to find more witnesses — and then videotape all their statements with defense counsel present for cross-examination. If there were any chance that DNA could be found at the crime scene, Seth’s ADAs would ask police to do a thorough search — twice. If there is any surveillance video footage, Seth’s ADAs would immediately obtain a warrant to take the footage into custody. Rather than letting such details slip by in the flood of arrests each day, Seth’s ADAs would use every arrest as a chance to prevent the next murder.

Move to have prosecution of some fast tracked”.

While speed of judicial proceedings is ultimately determined by judges and court administration, the D.A.’s Office can apply to have prosecution accelerated, especially if it can argue that all evidence has been assembled and disclosed to defense attorneys. By speedy compilation of necessary evidence, Seth’s ADAs would be in a stronger position to ask the court to have the trial go forward as quickly as possible.

In the case of Rasheed Scrugs, the accused killer of Officer John Pawlowski, his criminal conviction record would have shown that he had previously committed robbery and weapons crimes. His arrest record would have shown a far longer list of crimes for which he was arrested, with the charges dropped or dismissed. Taken together, this criminal history meant that Scrugs would probably have been identified by a statistical risk assessment as being a “red flag” offender.

So when Scrugs was arrested in September of 2008, as reported, he would not have been treated as “just” a car thief or a receiver of stolen property — even though these were the crimes with which he was charged.

Under Seth’s plan, Scrugs at the point of arrest just like the Pennsylvania Sentencing Guidelines would treat him at point of sentence — as someone who has both a current charge and a criminal history. The combined gravity of the risk to the public would be Seth’s metric for deciding how much time and money to invest in preparing a case, and not just the seriousness of the latest arrest. So under Seth’s proposed policy,

- ADAs would oppose bail based on prior record, such as a parole violation;
- Even if bail was granted, ADAs would fast-track the prosecution;
- Police would be asked to get statements and title records from the car owner or other witnesses to bring the case to trial; and
- ADAs would ask the Judge for an expedited trial date;

Reduce the number of plea bargains.

Previous efforts to put a stop to plea-bargaining have been defeated by inadequate resources. There are not enough prosecutors to bring every case to trial — not in Philadelphia, not in New York, L.A., Chicago, federal court—not anywhere. A flat, one-size-fits-all policy of taking every case to trial would grind the entire criminal process to a halt, at least in our big cities.

But where previous efforts went wrong was in failing to set the right priorities. People charged with murder are generally subjected to a no-bargain policy, or more than for other offenses. But by then the murder has already happened. The point is not just to punish murder, but to prevent it. That means flagging people who have not yet killed anyone, but may do so soon. It is these potential murderers Seth would invest in, stopping them before they kill.

Seth Williams, the City's former Inspector General, has 10 years of experience as a top prosecutor and supervisor in Philadelphia's District Attorney's Office. For more information, please visit his campaign website at www.votesethwilliams.com.

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