A RESOLUTION

1 Impeaching Lawrence Samuel Krasner, District Attorney of Philadelphia, for misbehavior in office; and providing for the appointment of trial managers.

2 WHEREAS, Lawrence Samuel Krasner was elected to the position of District Attorney of Philadelphia on November 7, 2017, and re-elected to the position on November 2, 2021, pursuant to section 4 of Article IX of the Constitution of Pennsylvania; and

3 WHEREAS, Upon assuming office, District Attorney Krasner terminated more than 30 assistant district attorneys (ADA) from employment with the Philadelphia District Attorney's Office; and

4 WHEREAS, Many of these terminated assistant district attorneys were senior-level staffers in supervisory roles who possessed significant prosecutorial experience and knowledge of criminal procedure; and

5 WHEREAS, District Attorney Krasner replaced this vast institutional knowledge in the Philadelphia District Attorney's Office with attorneys who lacked any meaningful experience in prosecuting criminal cases, some of whom only recently graduated from law school; and
WHEREAS, District Attorney Krasner subsequently withdrew the office from membership in the Pennsylvania District Attorneys Association (PDAA) because, he asserted, PDAA supported regressive and punitive policies; and

WHEREAS, In withdrawing from PDAA, District Attorney Krasner denied the attorneys in his office the ability to participate in the various professional development and training programs provided by PDAA through its educational institute; and

WHEREAS, Rather than offering traditional prosecutorial training on such subjects as prosecutorial ethics, human trafficking, witness examination, trial advocacy, trial management and achieving justice for domestic violence and sexual assault victims, District Attorney Krasner offered attorneys seminars, including "A New Vision for Criminal Justice in Philadelphia," "Deportation: The Unforeseen Consequences of Prosecution in our Immigrant Community," and "Philadelphia and Safe Injection: Harm Reduction as Public Policy"; and

WHEREAS, The Philadelphia District Attorney's Office eventually returned to more traditional prosecutorial training, however, the office continued to focus on issues that promote District Attorney Krasner's progressive philosophies rather than how to effectively prosecute a criminal case; and

WHEREAS, Upon being elected to office, District Attorney Krasner established a series of office policies with the purported purpose to "end mass incarceration and bring balance back to sentencing," and later adopted a series of policies related to certain crimes or classes of people; and

WHEREAS, These policies include directives not to charge sex workers or individuals for certain classes of crimes such as prostitution or possession of marijuana and marijuana-related
drug paraphernalia; and

WHEREAS, These new policies identified a series of offenses for which the gradation may be reduced with the purpose of "reduc[ing] pre-trial incarceration rates as no bail is required and the shorter time required for hearings expedites Municipal Court and Common Pleas dockets," and requiring disposition of retail theft cases unless the value of the item stolen exceeds $500 or where the defendant has an extensive history of theft convictions; and

WHEREAS, District Attorney Krasner instituted policies to make plea offers below the bottom end of the mitigated range under the Sentencing Guidelines from the Pennsylvania Sentencing Commission and seek greater use of house arrest, probation and alternative sentencing when the sentencing guidelines indicate a range of incarceration below 24 months; and

WHEREAS, In February 2018, District Attorney Krasner established a policy that his office "will ordinarily no longer ask for cash bail for . . . misdemeanors and felonies" listed in the policy, because "The cash bail system is rife with injustice and exacerbates socio-economic and racial inequalities, disproportionately penalizing the poor and people of color"; and

WHEREAS, In November 2018, District Attorney Krasner adopted a policy in which a criminal defendant's immigration status should be considered in the plea-bargaining process, effectively providing that where an immigration consequence is detected pre-trial or with respect to a sentencing recommendation, counsel will advise if an offer can be made to avoid the consequence; and

WHEREAS, Other policies that District Attorney Krasner directed were as follows:
Assistant district attorneys may not proceed in cases against defendants driving under the influence of cannabis when the defendants blood "contains inactive metabolite (11-Nor-9-Carboxy-Delta-9-THC) or 4 or fewer ng/mls of psycho-active THC" and that "if the defense presents evidence that calls impairment into question, an ADA may consider dropping the charges against the defendant."

(2) The District Attorney's Office "will only oppose motions for redactions or expungements in limited circumstances" and sets forth various scenarios in which the Office will agree to, seek or not oppose the expungement of a defendant's criminal history.

(3) The District Attorney's Office directed plea offers and sentencing recommendations:

(i) for felonies, "aimed at an office-wide average period of total supervision among cases of around 18 months or less of total supervision, with a ceiling of 3 years of total supervision or less on each case";

(ii) for misdemeanors, aimed at an office-wide average of "6 months or less of total supervision, with a ceiling of 1 year";

(iii) for all matters, for "concurrent sentences";

and

(iv) for cases involving incarceration, "for a period of parole that is no longer than the period of incarceration";

and

WHEREAS, Nearly all of District Attorney Krasner's policies "create a presumption" for ADAs to follow and require approval from Krasner himself or a first assistant district attorney for
deviations from the policies; and

WHEREAS, District Attorney Krasner, in an April 2021 report published by the DAO titled "Ending Mass Supervision: Evaluating Reforms," wrote in his opening letter: "I am proud of the work this office has done to make Philadelphians, particularly Philadelphians of Color, freer from unnecessary government intrusion, while keeping our communities safe"; and

WHEREAS, In reality, the policies and practices of the Philadelphia District Attorney's Office instituted under the direction of District Attorney Krasner have led to catastrophic consequences for the people of the City of Philadelphia; and

WHEREAS, According to the City Controller, spikes in gun violence and homicides have dramatically impacted historically disadvantaged neighborhoods, and those neighborhoods are "primarily low-income with predominately black or African American residents"; and

WHEREAS, The Philadelphia Police Department (PPD) reports that the number of homicide victims has increased every year since 2016, more than doubling from 2016 to 2021, with a year-over-year increase of 40% between 2019 and 2020; and

WHEREAS, As of October 16, 2022, there have already been 430 homicides in the City of Philadelphia in 2022; and

WHEREAS, As of October 17, 2022, reported trends gathered from the PPD's "incident" data, which tracks the reporting of all crimes in addition to homicides, shows a 12% increase in all reported offenses, a 6% increase in violent offenses and a 21% increase in property offenses; and

WHEREAS, While incidents of violent crime are increasing, prosecution of crime by the Philadelphia District Attorney's Office has decreased during this same period; and
WHEREAS, In 2016, the Philadelphia District Attorney's Office reported that only 30% of "all offenses" resulted in a dismissal or withdrawal, but that number spiked to 50% in 2019, 54% in 2020, 67% in 2021 and 65% to date in 2022; and

WHEREAS, A similar trend is evident when filtering the data for violent crimes, where, in 2016, the withdrawal and dismissed violent crime cases accounted for 48% of all violent crime case outcomes, but that percentage increased to 60% in 2019, to 68% in 2020, to 70% in 2021 and to 66% in 2022 to date; and

WHEREAS, Data from the Pennsylvania Sentencing Commission relating to violations of the Uniform Firearms Act (VUFA) evidences a similar jarring trend; and

WHEREAS, The Sentencing Commission reports that guilty dispositions in the City of Philadelphia declined from 88% in 2015 to 66% in 2020, compared to a decline from 84% to 72% in counties of the second class, with the driver of the decrease being nolle pros dispositions; and

WHEREAS, As compared to the Statewide data and other county classes, the percent of guilty verdicts has decreased significantly, while the percent of nolle prossed cases has increased in the City of Philadelphia; and

WHEREAS, Studies by the Delaware Valley Intelligence Center (DVIC) attempted to provide "an explanation for the increase in homicides and shootings in an effort to begin a conversation to address the challenge at a strategic level," significantly, the report notes:

"The rate of prosecution dismissal and withdrawal has been increase [sic] substantially since 2015 under DA [Seth] Williams, and has continued to increase after DA Krasner took office. Furthermore, a closer examination of these dropped cases
indicates that more cases are dismissed/withdrawn at the preliminary hearing state [sic] under DA Krasner than the actual trial state[]. This implies that, even when criminals are caught with a gun, they are swiftly finding out they may not receive as significant a consequence as they had historically. Notably, the likelihood of being arrested is low to begin with. This means that, criminals know that their likelihood of getting caught with a gun is slim and, even if they get caught, they feel that they can leave without severe (or any) consequences."

and

WHEREAS, The DVIC conducted a "cursory examination" of dismissed/withdrawn cases in 2018/2019 and "found 6 offenders whose cases were dismissed (VUFA former convict charge) and got later involved in shootings . . . 2 of these shootings were fatal and 4 out of these 6 offenders were gang members"; and

WHEREAS, The DVIC studied the prosecution declination for narcotics, retail theft and prostitution arrests from 2016 to 2018, and concluded in its key findings that the percentage of all declinations, not just narcotics, prostitution and retail theft, increased "especially in 2018" to more than 7%, when it had been just 2% or less between 2007 and 2015; and

WHEREAS, In September 2020, the Philadelphia City Council authorized the Committee on Public Safety and the Special Committee on Gun Violence Prevention to study gun violence in the city. This study involved a collaboration between the Controller's Office, Defender Association, Department of Public Health, District Attorney's Office, First Judicial District, Managing Director's Office, Pennsylvania Attorney General and PPD. The published results, called the "100 Shooting Review Committee Report," discusses trends and general findings.
regarding shootings in the City of Philadelphia; and

WHEREAS, The published results showed the following:

(1) The clearance rate (i.e., when an arrest was made or a suspect that could not be arrested was identified) for fatal shootings in 2020 was 37% and the rate for nonfatal shootings was 18%.

(2) There has been a "marked increase" in the number of people arrested for illegal gun possession without the accusation of an additional offense, including a doubling in arrests for illegal possession of a firearm without a license since 2018.

(3) The initial and final bail amounts set by courts in illegal possession of firearms cases declined between 2015 and 2019 and increased in 2020 and 2021.

(4) Conviction rates in shooting cases declined between 2016 and 2020 from 96% to 80% in fatal shootings and from 69% to 64% in nonfatal shootings.

(5) There is a long-term trend of a reduction in conviction rates for illegal gun possession cases, dropping from 65% in 2015 to 45% in 2020;

and

WHEREAS, In August 2022, the Philadelphia Police Commissioner indicated that her department is short-staffed by approximately 20%, or 1,300 officers, due to low morale, politics, increased scrutiny and "uniquely stringent hiring requirements" during a nationwide shortage; and

WHEREAS, Commissioner Danielle Outlaw stated, "The truth is the homicides are not happening in a vacuum - there are those who are determined to attack and kill their victims. While we are making constant adjustments to mitigate this sickening
reality, our officers, simply put, just can't keep up by being
everywhere at all times."; and
WHEREAS, While the PPD may arrest a suspect for the
commission of a crime, the Philadelphia District Attorney's
Office is one of the few district attorney's offices in this
Commonwealth that reserves unto itself the authority to charge a
person for a criminal act; and
WHEREAS, In October 2022, following yet another act of
violence against police in the City of Philadelphia, Police
Commissioner Danielle Outlaw issued the following statement:
"We are tired of arresting the same suspects over and over
again, only to see them right back out on the street to continue
and sometimes escalate their criminal ways. We are tired of
having to send our officers into harm's way to serve warrants on
suspects who have no business being on the street in the first
place.
No - not everyone needs to be in jail. But when we repeatedly
see the extensive criminal histories of those we arrest for
violent crime, the question needs to be asked as to why they
were yet again back on the street and terrorizing our
communities.
I am beyond disgusted by this violence. Our entire department
is sickened by what is happening to the people that live, work,
and visit our city. Residents are tired of it. Business owners
are tired of it. Our children are tired of it.
We are long past 'enough is enough'.";
and
WHEREAS, Acts of violence, and particularly violent crimes
committed with firearms, have exacted a heavy toll on victims
and their families, with countless lives unnecessarily lost or
irretrievably broken, due to the increase of violent crime in
the City of Philadelphia; and
WHEREAS, In his special concurrence in Commonwealth v.
Pownall, Justice Dougherty highlighted what he feared to be an
effort by the District Attorney's Office to deprive certain
defendants of a fair and speedy trial; and
WHEREAS, Following the June 2017 incident in which former
Philadelphia police officer Ryan Pownall shot and killed David
Jones, the District Attorney's Office submitted the matter to an
investigative grand jury; and
WHEREAS, The investigating grand jury issued a presentment
recommending that Pownall be charged with criminal homicide,
possession of an instrument of crime and recklessly endangering
another person; and
WHEREAS, During trial, the prosecutor filed a motion in
limine to preclude the standard peace officer justification
defense instruction, based on the assertion that the
instruction, which largely tracked language of statute, violated
Fourth Amendment prohibition against unreasonable search and
seizure; and
WHEREAS, The motion was denied and the prosecution appealed
to the Superior Court, which quashed the appeal as unauthorized.
The Supreme Court granted the prosecutor's request for allowance
of appeal; and
WHEREAS, The Supreme Court ultimately denied the appeal, but
the special concurrence filed by Justice Dougherty illuminated
startling behavior by the District Attorney's Office; and
WHEREAS, Justice Dougherty held that the District Attorney's
Office's actions during grand jury process "implicate[] a
potential abuse" and stated that "the presentment in this case
is perhaps best characterized as a 'foul blow.' He referred to the grand jury presentment, authored by the District Attorney's Office, as a "gratuitous narrative"; and

WHEREAS, Justice Dougherty also recognized that any abuse of the grand jury could have been remedied by "Statutory safeguards embedded in the process," such as a preliminary hearing. He went on to say "What is troubling is the DAO's effort to ensure that would not occur," i.e., their filing of a motion to bypass the preliminary hearing; and

WHEREAS, Justice Dougherty found it "inexplicable" that, in presenting a bypass motion to the Court of Common Pleas, the District Attorney's Office failed to highlight the Investigating Grand Jury Act Section 4551(e), which directs that a defendant "shall" be entitled to a preliminary hearing. He emphasized that the District Attorney's Office "appear[ed] to have known [about that requirement] at the time it filed its motion."; and

WHEREAS, As it related to the prosecutor's motion in limine and interlocutory appeal, Justice Dougherty observed that the District Attorney's Office's motion "presented only half the relevant picture." He went on to say that "this type of advocacy would be worrisome coming from any litigant," but coming from a prosecutor, "is even more concerning, particularly in light of the motion's timing . . .". He cited directly to Pennsylvania Rule of Professional Conduct 3.3 regarding candor to the tribunal; and

WHEREAS, Further referencing ethical concerns, Justice Dougherty found that the timing of the motion in limine, "[w]hen combined with the other tactics highlighted throughout this concurrence," could lead to the conclusion that the decision to take "an unauthorized interlocutory appeal was intended to
deprive [Mr. Pownall] of a fair and speedy trial.""); and

WHEREAS, Justice Dougherty went on to say:

Now, for the first time before this Court, the DAO finally admits its true intent in all this was simply to use Pownall's case as a vehicle to force judicial determination on 'whether Section 508(a)(1) is facially unconstitutional.' DAO's Reply Brief at 1; see id. at 6 (asserting Section 508's applicability to [Pownall] is not the subject of this appeal'). What's more, despite having assured the trial court it was not trying 'to bar [Pownall] from a defense[..]' N.T. 11/25/2019 at 8, the DAO now boldly asserts it would be appropriate for this Court to rewrite the law and retroactively apply it to Pownall's case because he supposedly 'had fair notice of his inability to rely on this unconstitutional defense[..]' DAO's Brief at 10.;

and

WHEREAS, Justice Dougherty concluded, "Little that has happened in this case up to this point reflects procedural justice. On the contrary, the DAO's prosecution of Pownall appears to be "driven by a win-at-all-cost office culture" that treats police officers differently than other criminal defendants. DAO CONVICTION INTEGRITY UNIT REPORT, OVERTURNING CONVICTIONS - AND AN ERA 2 (June 15, 2021) available at tinyurl.com/CIU report (last visited July 19, 2022). This is the antithesis of what the law expects of a prosecutor."; and

WHEREAS, On remand, Common Pleas Court Judge McDermott said that there were "so many things wrong" with the District Attorney's Office's instructions to the investigating grand jury that it warranted dismissing all charges against Mr. Pownall;

and

WHEREAS, After hearing testimony from the assistant district...
attorneys who handled the grand jury and preparation of the
presentment, Judge McDermott concluded that the District
Attorney's Office failed to provide the legal instructions to
the grand jurors on the definitions for homicide and information
regarding the use-of-force defense; and
WHEREAS, In her October 17, 2022, Statement of Findings of
Fact and Conclusions of Law, Judge McDermott stated, "The
Commonwealth made an intentional, deliberate choice not to
inform the grand jurors about the justification defense under
Section 508. While [the ADA] was aware of Section 508 and its
applicability to the Defendant's case at the time of the Grand
Jury proceedings, she decided not to advise the Grand Jury about
Section 508 after consulting with other, more senior Assistant
District Attorneys."; and
WHEREAS, As it related to Pownall's right to a preliminary
hearing, Judge McDermott wrote:

In its Motion to bypass the preliminary hearing, the
Commonwealth demonstrated a lack of candor to the Court by
misstating the law and providing Judge Coleman with incorrect
case law.

* * *

The Commonwealth was also disingenuous with the Court
when it asserted that it had good cause to bypass the
preliminary hearing under Pa.R.Crim.P. 565(a) because of the
complexity of the case, the large number of witnesses the
Commonwealth would have to call, the expense, and the delay
caused by a preliminary hearing. As a preliminary hearing was
not held in this case, the Defendant's due process rights
were violated and the Defendant suffered prejudice.;

and

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WHEREAS, Judge McDermott told the District Attorney's Office that if defense counsel had made the decisions that the District Attorney's Office made, she would "declare them incompetent."; and

WHEREAS, The District Attorney's Office's own expert report from Gregory A. Warren, Ed.D., of American Law Enforcement Training and Consulting concluded that, given all the facts presented to him, Officer Pownall's "use of deadly force in this case was justified."; and

WHEREAS, This expert report was withheld from Pownall by the District Attorney's Office; and

WHEREAS, In the Federal habeas corpus proceeding in Robert Wharton v. Donald T. Vaughn, Federal District Court Judge Goldberg issued a memorandum order admonishing and sanctioning the District Attorney's Office; and

WHEREAS, Robert Wharton was convicted of murdering the parents of survivor Lisa Hart-Newman, who was seven months old at the time and was left to freeze to death with her deceased parents by Mr. Wharton; and

WHEREAS, After his conviction, Wharton pursued a death penalty habeas petition in the Federal district court; and

WHEREAS, The District Attorney's Office under prior administrations had opposed this petition; and

WHEREAS, In 2019, District Attorney Krasner's administration filed a "Notice of Concession of Penalty Phase Relief," stating that it would not seek a new death sentence, and, based on that sentencing relief, the litigation and appeals could end; and

WHEREAS, The concession noted only that the decision to concede was made "[f]ollowing review of this case by the Capital Case Review Committee of the Philadelphia [District Attorney's
Office], communication with the victims' family, and notice to
[Wharton's] counsel."; and

WHEREAS, Judge Goldberg undertook an independent analysis of
the merits of the claim and invited the Pennsylvania Office
Attorney General (OAG) to file an amicus brief in the case; and
WHEREAS, In its amicus, the OAG submitted additional facts
that the District Attorney's Office had not disclosed, including
evidence of prison misconducts, attempted escapes and Department
of Corrections concerns regarding "assaultiveness" and "escape"
by Mr. Wharton; and
WHEREAS, The OAG concluded that "given the facts of this
investigation and aggravating sentencing factors present in this
case, Wharton could not establish a reasonable probability that
the outcome of his penalty phase death sentence would have been
different if the jury had heard evidence of his alleged
'positive' prison adjustment."; and
WHEREAS, The OAG further determined that members of the
family, including victim Ms. Hart-Newman, were not contacted and
that they opposed the concession by the District Attorney's
Office; and
WHEREAS, After an evidentiary hearing, Judge Goldberg held as
follows:

(1) The District Attorney's Office failed to advise the
court of significant anti-mitigation evidence, including that
Mr. Wharton had made an escape attempt at a court appearance.
(2) Two of the office's supervisors violated Federal
Rule of Civil Procedure 11(b)(3) "based upon that Office's
representations to this Court that lacked evidentiary support
and were not in any way formed after 'an inquiry reasonable
under the circumstances.'"
Representations of communication with the victims' family were "misleading," "false," and "yet another representation to the Court made after an inquiry that was not reasonable under the circumstances."

The Law Division Supervisor, Assistant Supervisor and District Attorney's Office violated Rule 11(b)(1), and concluding that the violation was "sufficiently 'egregious' and 'exceptional' under the circumstances to warrant sanctions,";

and

WHEREAS, Judge Goldberg imposed nonmonetary sanctions on the District Attorney's Office, requiring that separate written apologies be sent to the victim, Lisa Hart-Newman, and the victim's family members; and

WHEREAS, Given the testimony of the two Law Division supervisors that District Attorney Krasner approved and implemented internal procedures that created the need for this sanction, and that the District Attorney had the sole, ultimate authority to direct that the misleading Notice of Concession be filed, therefore "the apologies shall come from the District Attorney, Lawrence Krasner, personally."; and

WHEREAS, House Resolution 216 of 2022 established the House Select Committee to Restore Law and Order pursuant to Rule 51 of the General Operating Rules of the House; and

WHEREAS, The select committee is authorized and empowered "to investigate, review and make finding and recommendations concerning risking rates of crime, law enforcement and the enforcement of crime victim rights," in the City of Philadelphia; and

WHEREAS, House Resolution 216 further charges the select
committee to make findings and recommendations, including, but
not limited to, the following:

    (1) Determinations regarding the performance of public
officials empowered to enforce the law in the City of
Philadelphia, including the district attorney, and
recommendations for removal from office or other appropriate
discipline, including impeachment.

    (2) Legislation or other legislative action relating to
policing, prosecution, sentencing and any other aspect of law
enforcement.

    (3) Legislation or other legislative action relating to
ensuring the protection, enforcement and delivery of
appropriate services and compensation to crime victims.

    (4) Legislation or other legislative action relating to
ensuring the appropriate expenditure of public funds intended
for the purpose of law enforcement, prosecutions or to
benefit crime victims.

    (5) Other legislative action as the select committee
finds necessary to ensure appropriate enforcement of law and
order in the City of Philadelphia;

and

WHEREAS, In pursuit of these obligations, the resolution
empowers the select committee chair to, among other things,
"send for individuals and papers and subpoena witnesses,
documents, including electronically stored information, and any
other materials under the hand and seal of the chair."; and

WHEREAS, The chair issued subpoenas to a number of
Philadelphia municipal offices, including the Controller, the
Mayor, the Police Department, the Sheriff's Office, the
Treasurer and the District Attorney's Office; and
WHEREAS, The subpoenas sought nonprivileged records necessary
to fulfill the select committee's obligations to the House of
Representatives pursuant to House Resolution 216; and
WHEREAS, While other municipal offices worked cooperatively
with the select committee to respond to the subpoenas issued to
them, District Attorney Krasner and his office chose instead to
obstruct the select committee's work at every turn; and
WHEREAS, District Attorney Krasner and his office asserted
that the select committee was illegitimate and that its
subpoenas served "no valid legislative purpose, violating the
separation of powers, invading legal privileges, and seeking to
deny the constitutional rights of Philadelphia's citizens,
especially their democratic right to vote and choose their local
leaders"; and
WHEREAS, District Attorney Krasner asserted various claims
that held no basis in fact or law, including the following:
   (1) District Attorneys are not subject to impeachment.
   (2) Impeaching the District Attorney violates the
       constitutional rights of the people who voted for him.
   (3) The District Attorney committed no wrong, and
       therefore was not required to comply with the committee
       chair's subpoena.
   (4) Impeachment of a public official requires a
       conviction for a criminal act;
and
WHEREAS, District Attorney Krasner and his Office refused to
search for or produce any documents in response to the subpoena;
and
WHEREAS, Despite multiple attempts by counsel to the select
committee chair to bring District Attorney Krasner and his
office into compliance with the subpoenas, explaining on multiple occasions that the select committee was seeking nonprivileged records and, as it related to any record for which the District Attorney believed were privileged, the District Attorney should follow common practice in responding to a subpoena by providing a privilege log to identify those records for which the District Attorney asserts a privilege; and

WHEREAS, On September 12, 2022, after multiple exchanges between counsel and a Request to Show Cause why the District Attorney should not be held in contempt by the House, the select committee issued an interim report pursuant to Rule 51 of the General Operating Rules of the House of Representatives, notifying the House of District Attorney Krasner's refusal to comply with the subpoena and recommending that the House consider contempt proceedings; and

WHEREAS, The House of Representatives adopted House Resolution 227 on September 13, 2022, resolving that the House hold District Attorney Krasner in contempt; and

WHEREAS, House Resolution 227 was adopted by a bipartisan vote of 162 to 38; and

WHEREAS, District Attorney Krasner filed an action in Commonwealth Court on September 2, 2022, in which he raised the same arguments that fail to have any meaningful basis in law or fact; and

WHEREAS, District Attorney Krasner and his office have since feigned partial compliance with the subpoena, providing several public-facing records obtained without the need to engage in any legitimate effort to search for the records; and

WHEREAS, The select committee chair invited District Attorney Krasner to testify before the select committee in executive
session on October 21, 2022; and

WHEREAS, District Attorney Krasner refused to testify in executive session, demanding a public hearing instead; and

WHEREAS, District Attorney Krasner then published a press release which was misleading at best, mischaracterizing the invitation to Krasner to testify in yet another moment of grandstanding; and

WHEREAS, Given the District Attorney's rejection of the invitation to testify in executive session, the select committee was compelled to cancel the hearing; and

WHEREAS, Throughout the select committee's efforts to satisfy its charge under House Resolution 216, District Attorney Krasner steadfastly insisted that the select committee somehow had the power to impeach him; and

WHEREAS, Only the House of Representatives, as a body, has the power of impeachment; therefore be it

RESOLVED, That Lawrence Samuel Krasner, District Attorney of Philadelphia, be impeached for misbehavior in office and that the following Articles of Impeachment be exhibited to the Senate:

ARTICLE I

In its 1994 opinion in *Larsen v. Senate of Pennsylvania*, the Commonwealth Court spoke to the meaning of the current language "any misbehavior in office."

Justice Larsen argued that the applicable standard of "misbehavior in office" was nothing more than a codification of the common law offense of misconduct in office, meaning "the breach of a positive statutory duty or the performance by a public official of a discretionary act with an improper or corrupt motive."

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In its opinion, the Commonwealth Court held that even if the strict definition espoused by Larsen were the appropriate rule, Larsen's conduct still met that heavy burden. More importantly, however, the court said that this "strict definition . . . finds no support in judicial precedents." In other words, there is no precedent that the current language is so constrained. The use of the word "any" necessarily implied a broad construction.

The Philadelphia District Attorney's Office's stated mission is to provide a voice for victims of crime and protect the community through zealous, ethical and effective investigations and prosecutions. District Attorney Krasner, by and through his failed policies and procedures, and throughout the discharge of his duties as Philadelphia's chief law enforcement officer, has been derelict in his obligations to the victims of crime, the people of the City of Philadelphia and of this Commonwealth.

Under District Attorney Krasner's administration, and as detailed herein, his lack of proper leadership serves as a direct and proximate cause of the crisis currently facing the City of Philadelphia. These policies have eviscerated the District Attorney's Office's ability to adequately enforce the laws of this Commonwealth; endangered the health, welfare and safety of more than 1.5 million Pennsylvanians that reside in Philadelphia and the tens of millions of Americans who visit the City every year; and, have brought the Office of District Attorney into disrepute.

WHEREFORE, District Attorney Lawrence Samuel Krasner is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

ARTICLE II

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District Attorney Krasner has, at every turn, obstructed the efforts of the House Select Committee on Restoring Law and Order. He has consistently raised specious claims without a good faith basis in law or fact. Even after the House of Representatives resolved to hold him in contempt, District Attorney Krasner's efforts to comply with subpoenas issued by the select committee chair fall far short of what could be described as a reasonable good faith effort.

WHEREFORE, District Attorney Lawrence Samuel Krasner is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

The House of Representatives hereby reserves to itself the right and ability to exhibit at any time after adoption of this resolution further or more detailed Articles of Impeachment against District Attorney Lawrence Samuel Krasner, to reply to any answers that District Attorney Lawrence Samuel Krasner may make to any Articles of Impeachment which are exhibited and to offer proof at trial in the Senate in support of each and every Article of Impeachment which shall be exhibited by them.

Upon the articles of impeachment against Lawrence Samuel Krasner, Philadelphia District Attorney, being signed by the Speaker of the House of Representatives, the Speaker shall appoint a committee of three members, two from the majority party and one from the minority party to exhibit the same to the Senate, and on behalf of the House of Representatives to manage the trial thereof.