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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: Public Hearing on Proposed Anti-Drug Legislation

* * * * *

Stenographic report of hearing held
in Courtroom 653, City Hall, Philadelphia,
Pennsylvania

Friday,
May 19, 1989
9:30 a.m.

HON. THOMAS CALTAGIRONE, CHAIRMAN
Hon. Babette Josephs, Secretary
Hon. Gerard Kosinski, Subcommittee Chairman on Courts
Hon. Kevin Blaum, Subcommitte Chairman on Crime and
Corrections

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Lois S. Hagarty
Hon. Nicholas Maiale
Hon. Paul McHale
Hon. Robert D. Reber
Hon. Karen A. Ritter
Hon. Robert Wright

Also Present:

Hon. Jon Fox
David Krantz, Executive Director
William Andring, Majority Counsel
Mary Woolley, Minority Counsel
Katherine Manucci, Staff

Reported by:
Ann-Marie P. Sweeney, Reporter

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1 CHAIRMAN CALTAGIRONE: I'd like to start
2 today's proceedings. This is a public hearing on drug
3 bills sponsored by members of the Pennsylvania House of
4 Representatives. This is the House Judiciary Committee,
5 and our first witness to testify today is the Pennsylvania
6 State Attorney General, the Honorable Ernest D. Preate,
7 Jr., a very good friend and a strong supporter of our
8 legislative initiatives.

9 ATTY. GEN. PREATE: Thank you, Chairman
10 Caltagirone and members of the committee. Thank you for
11 inviting my testimony here today on anti-drug legislation.
12 I believe that developing a legislative program to combat
13 drugs is the single most important responsibility that
14 this legislature faces in this session.

15 As many of you know, the drug issue was the
16 central focus of my campaign for this office. I pledged
17 that at every opportunity that fighting the exploding drug
18 menace was going to be my top priority. In 18 years as a
19 prosecutor, during which I personally prosecuted and won
20 convictions against 20 drug dealers, I saw that despite
21 our efforts, the problems continued to grow. Something
22 had to be done. The laws were ineffective, the manpower
23 inadequate, the funding was absent, and most importantly,
24 we, as a society, lacked the commitment to fight.

25 I repeated in my inaugural speech that the

1 drug fight would be my top priority, and I promised that I
2 would have a legislative package completed and ready for
3 your consideration within 30 days, and I did and I met
4 that goal.

5 At the same time, the legislature
6 increasingly has come to recognize the urgency of the
7 situation. In a survey of legislators completed just
8 before I took office, drugs came in fifth on the priority
9 list. In the newest survey, you ranked drugs number one.
10 Indeed, there are now more bills pending in the House and
11 Senate of Pennsylvania regarding drugs than any other
12 subject. There are more than 100 bills in all, a
13 threefold increase over last year.

14 This hearing is scheduled to deal with some
15 of that legislation, approximately 40 pieces. Mr.
16 Chairman, I commend you for bringing your committee here
17 to Philadelphia rather than scheduling this session in the
18 secure confines of the Capitol. Here, more than anywhere
19 else in the State, the drug problem is most severe, and
20 its consequences have most infected the social order. The
21 headlines in the daily newspapers sum up the situation.
22 Just on March 21, 1981, "Bullets Fly Near City Hall." The
23 very building in which this testimony is being taken by
24 this committee, just a little over a month ago there was a
25 gun fight at 10:30 on Monday morning right outside of this

1 building.

2 The violent crime rate nationally was up 2
3 percent last year, but up in Philadelphia a record 9
4 percent. Another headline: "Drug Gang Suspects Accused
5 of Three Murders in Ten Days." That was May 4th, less
6 than a month ago, just a couple of weeks ago.

7 This year, Philadelphia's murder rate is
8 running 34 percent ahead of last year. There were 149
9 murders by April 30th of this year, 34 percent more than
10 the same period last year. Fifty-five percent of those
11 murders are linked to drugs, as opposed to just 28 percent
12 last year.

13 What is happening here in the inner city is
14 truly horrifying. We are, and it is no exaggeration,
15 losing entire neighborhoods to drugs, to one drug
16 particularly, Crack. There are two things you have to
17 understand about Crack. Number one, it is almost
18 instantly addictive; and number two, it is incredibly
19 cheap. A \$5 bill is all it takes to get high once, and
20 perhaps ruin your life permanently. Keep that in mind,
21 should any of your witnesses espouse the theory that
22 legalizing drugs would make them cheaper and somehow
23 eliminate crime.

24 Another headline: "Mom Accused of Making
25 Girls Sell Crack." This was March 22, 1989.

1 Crack is ripping apart the very fabric of
2 society. Mothers, who for so long have met the challenge
3 of holding the family together, are becoming Crack
4 addicts. It is the children who suffer. Welfare
5 Secretary John White just recently stated that in 80
6 percent of all Philadelphia child abuse cases, the parent
7 is stoned.

8 Another headline from the Daily News, May
9 16, 1989: "Crack Use Causes More Baby Deaths." One in
10 every six babies born in Philadelphia is born to cocaine
11 using mothers. Since Crack became popular here in 1985,
12 the black infant mortality rate has jumped more than 50
13 percent in west and north Philadelphia, and more data just
14 released this week confirms that the soaring infant
15 mortality rates, as high as a staggering 41.7 per thousand
16 in the Kingsessing neighborhoods, are directly linked to
17 Crack addiction.

18 Children as young as 10 are being exploited
19 as look-outs and couriers for drug dealers. Children as
20 young as 13 are dealing. We're losing the city, we're
21 losing the children and we're losing the war. And not
22 just here; not just in Philadelphia. The problem is more
23 severe because that's where Crack came in first. So don't
24 hold Philadelphia liable, but this is a problem that's
25 started in other cities, spread to Philadelphia, and it's

1 now spreading across the entire State.

2 We prosecuted Los Angeles drug gangs for
3 selling Crack in York. The Bloods and the Crips that you
4 hear about on television that are in war in Los Angeles
5 are now seeking a foothold in the heartland of
6 Pennsylvania. We prosecuted Jamaican drug dealers for
7 selling Crack in Wilkes-Barre and in Farrell in western
8 Pennsylvania. In fact, from January of 1988 through April
9 30th of this year, our Attorney General Strike Forces have
10 arrested 127 Crack dealers in such diverse counties as
11 Adams, Allegheny, Beaver, Bucks, Cumberland, Delaware,
12 Erie, Forest County, Franklin County, Lawrence County,
13 Lehigh, Luzerne, Mercer, Northampton, and York, in
14 addition to Philadelphia.

15 Crack suddenly has become readily available
16 in Pittsburgh, where until last year it has been virtually
17 unavailable. Listen to these statistics. Last year,
18 1988, of all the drug arrests Pittsburgh Police made
19 between January 26th and May the 3rd of last year, not a
20 single one was for dealing in Crack. Crack was
21 nonexistent in Pittsburgh at this time last year. During
22 the same period this year, since January to May, there
23 have been 83 Crack dealers arrested in Pittsburgh. They
24 now, in that short space of time, account for almost 20
25 percent of all drug dealers arrested in the city of

1 Pittsburgh. Crack was not known in the rehabilitation
2 community in Pittsburgh until October. October. Now more
3 than half the addicts being treated in Pittsburgh are
4 being treated for Crack addiction.

5 Mr. Chairman, we face an absolute crisis, a
6 crisis so severe that some have lost the will to fight.
7 They declare the problem unsolvable, they declare the war
8 lost and concede victory to the cartels and, having
9 surrendered, criticize the police and the prosecutors for
10 failing to fight effectively. I urge you to reject these
11 insidious recriminations. Listen instead to those who
12 boldly are prepared to carry on the fight. Bear this
13 thought in mind: We cannot possibly have lost the war
14 because we haven't even fought the war. We haven't even
15 tried. We haven't made the commitment or indeed the
16 sacrifice that war demands. We've had a war of words,
17 we've fired volley upon volley of speeches and news
18 releases and editorials and profess shock, but those
19 verbal salvos had no effect in the drug community.

20 I urge you to use this hearing to develop a
21 plan for a real war and recognize too that the answers
22 won't come quickly. It took two decades of inaction to
23 get us into this mess and it will take us a while to get
24 out. And recognize too that the answers won't come
25 cheaply. Wars cost money and force us to make hard

1 choices. Simply redividing the existing meager resources
2 and taking from treatment to support law enforcement or
3 taking from law enforcement to support prevention will not
4 work. We cannot rule out additional revenue, if that is
5 the only way to get the job done.

6 And recognize that the answers won't come
7 simply. There is no one answer. Claims of a single
8 miracle cure are invariably self-serving, inevitably
9 false, and most often foolish. There was, for instance,
10 the Crime Commission's embarrassing recent proclamation
11 that the answer is to stop arresting major drug
12 traffickers and to concentrate our energies on those
13 teenage street corner peddlers, the "pizza house pushers,"
14 they call them. That's going after the problem in the
15 wrong way.

16 We must, of course, go after both. You not
17 only have to attack the street corner pusher but you've
18 got to attack the organization. We must keep the pressure
19 on the street dealers while also going after their
20 suppliers, and their suppliers in turn from wherever they
21 are shipping drugs into Pennsylvania. We cannot just
22 arrest the street corner individuals, we must attack the
23 organizations from top to bottom. And we must not ignore
24 the users, whose insatiable demands keep the supply lines
25 open. The drug suppliers could no more survive without

1 customers that want it. It's a business, so that the plan
2 you must produce must be a complete, comprehensive, and
3 cohesive plan. The legislation before you provides the
4 means to develop just such a comprehensive law enforcement
5 response to the drug issue.

6 But we must recognize that while the bills
7 under consideration at this hearing focus on law
8 enforcement, law enforcement cannot alone solve this
9 problem of the drug crisis. We must also confront the
10 problem of prison overcrowding. Three of our major county
11 prison systems are under Federal court order to limit the
12 number of inmates they hold - Allegheny, Philadelphia, and
13 Luzerne. And Western State Correctional Institution in
14 Pittsburgh is now in court under a lawsuit again having
15 sought -- the plaintiffs there seeking to turn a State
16 correctional institution over to Federal judge control.

17 It is not long down the road, therefore, where we can see
18 that the Federal courts will be running virtually the
19 entire prison system of Pennsylvania.

20 Every single county prison is overcrowded.
21 Our State prison system has jumped from approximately
22 7,500 inmates 10 years ago to 18,000 last year. We're 40
23 percent overcrowded. And the Corrections Commissioner,
24 David Owens, just recently admitted that the system is
25 ready to explode. Those are his words. And he also

1 acknowledged that 64 percent of all new inmates admit,
2 admit that they are drug users. And, of course, there's a
3 lot more that won't admit it.

4 The fact is, we know that almost 70 percent
5 of all crimes in this State is directly or indirectly
6 attributable to drugs. So we must be prepared to spend
7 more on prisons and to devise innovative means to punish
8 offenders. Drug dealers belong in prison. We must
9 recognize the need for major new treatment and
10 rehabilitation efforts. Today, as we sit here in this
11 courtroom, there are 2,000 Philadelphia drug users who are
12 seeking admissions to overcrowded treatment facilities and
13 can't get in, while hundreds of beds lie empty at
14 facilities such as Farview State Hospital and Byberry
15 here. It's inexcusable, the waste and inefficiency that's
16 in our system, when people are crying out for help and we
17 have facilities available or that can be easily converted
18 to treatment facilities that we are not doing enough to
19 rehabilitate and treat the addicts.

20 And we must address what is ultimately the
21 most important question of all - drug education and
22 prevention. We support the clergy and the community
23 groups that are fighting to take back our cities and our
24 towns block by block, playground by playground, and child
25 by child.

1 We must provide a comprehensive mandatory
2 drug education program for every student in this State,
3 and not just in high school but from kindergarten,
4 kindergarten through senior high school. Mr. Chairman and
5 members of this committee, I have prepared a model drug
6 education bill and submitted it to Governor Casey in late
7 January, early February, of in year, and so far,
8 unfortunately, there has not been a formal response,
9 though it remains my hope that we can statutorily mandate
10 drug education in this State.

11 Overall, however, I must remark that I have
12 been extremely pleased with and gratified by the warm
13 bipartisan reception I have received from the Governor and
14 the legislature. The Governor and I, being from opposite
15 political parties, nonetheless have recognized the
16 importance of this crisis and put aside those partisan
17 political differences and started on a joint effort to
18 help alleviate the drug crisis. And I have worked with
19 members of this committee, including you, Mr. Chairman, in
20 developing the important pieces of legislation that are
21 before you for your review. In fact, you stood with me,
22 Mr. Chairman, when I introduced my 21-bill drug reform
23 package before the Pennsylvania legislature earlier this
24 year. And I am proud to say to the members of this
25 committee and the members of the legislature that the

1 bills that we have produced have earned the sponsorship of
2 no less than 90 members of the Pennsylvania House in a
3 dramatic demonstration of bipartisan support and effort.

4 My commitment to you, Mr. Chairman, and
5 members of this committee and the legislature, is clear.
6 This Attorney General is going to work with the Governor
7 and the legislature to insure that Pennsylvania has a
8 comprehensive, cohesive plan to meet the drug crisis and
9 to win it. We would use the money that I hope that you
10 will appropriate for fiscal year '89-'90, and we have
11 asked for and the Governor has supported an initiative, a
12 budget initiative, consisting of 6 million new dollars to
13 the Office of Attorney General. In addition to that, I
14 have asked for and diverted money from my budget to be
15 given to the Pennsylvania State Police so that they can
16 add a new complement of 50 troopers to the drug fight.

17 As I said, we will use the money in addition
18 to funding 50 new State Troopers to put 50 new Bureau of
19 Narcotics Investigation agents into the field. Bob Hurst,
20 former Philadelphia police officer, the most decorated
21 police officer perhaps in the history of Philadelphia,
22 sits at my right side. For a dozen years or more he
23 worked as an undercover agent and police officer here in
24 the streets of this city; been shot and wounded 13 times,
25 hospitalized over 50. And Bob Hurst is the President of

1 the Fraternal Order of Police, and I asked him to come and
2 join my organization to take over the fight against drugs
3 in this State and to work with all law enforcement
4 throughout the State to insure that we are putting our
5 best people in the field. I am proud to have Bob Hurst
6 and the team of professionals that we're putting together
7 from across the State.

8 In addition, to bring together this new team
9 of professionals, we will assign a prosecutor, a deputy
10 Attorney General, to each of the Regional Narcotics Strike
11 Force offices, and there are presently eight across the
12 State. We will do even more to help local police fight
13 drug traffickers through local municipal narcotics task
14 forces. There are 28 of those presently in existence, and
15 they are moving extraordinarily effective in the fight
16 against drugs, and some of those municipal task forces are
17 in areas covered by some of the members of this very
18 committee. For example, Kevin Blaum, Representative
19 Blaum's district, I know the Luzerne County Municipal Task
20 Force has been extraordinarily successful in making three
21 drug arrests in the last three months alone - major in the
22 numbers of dozens in each one of those raids.

23 In addition to that, we will be creating,
24 and the Governor has announced and I have announced
25 jointly with the Governor, that there will be a new

1 Regional Strike Force composed of State Troopers and
2 agents from our office here right in Philadelphia to meet
3 the crisis in Philadelphia. And I have met personally
4 with District Attorney Ron Castille, who provided me with
5 invaluable counsel regarding both my legislative package
6 and the needs of Philadelphia. District Attorney Castille
7 has requested the assistance of the State, and long ago we
8 committed to working with the district attorney. And I've
9 met with the Police Commissioner, Willie Williams, as has
10 Bob Hurst, the Director of my Bureau of Narcotics
11 Investigation. We have been impressed with and gratified
12 by the commitment to cooperation demonstrated by the
13 district attorney and the police commissioner. What I
14 promise you is a team effort. This is no time for
15 politicization of the drug crisis. This is a time for
16 working together. Whether you're Republican or Democrat,
17 look at this as something that affects everybody and not
18 to make it a political football.

19 But adding law enforcement officers here or
20 in any other county of the State will be truly effective
21 only if those new agents and troopers are put in place as
22 part of a comprehensive anti-drug strategy. And that
23 means aiming them -- arming them not only with weapons and
24 badges, but also with the laws they need to be effective.
25 The legislature's recognition of that need is evidenced in

1 part by the sheer volume of bills that are before you for
2 your consideration at this hearing. As I said, some 40 in
3 all. Almost all of these bills have some merit, and many
4 of them overlap.

5 Among them are a number that reflect my own
6 legislative proposals. Of the 21 bills I proposed in
7 January, 19 are included in the legislation before you
8 today embodied in House Bills 1276 through 1289, and House
9 Bill 1298. I'm extremely pleased, as I said before, that
10 every one of them was introduced with strong bipartisan
11 support, and that 14 of these 21 bills have already been
12 endorsed by Governor Casey. It is imperative that we
13 develop a bipartisan approach, as I've said before, to
14 this drug crisis. If I've done nothing else, Mr. Chairman
15 and members of this committee, in my four months that I
16 have been in office is to impress upon you, the
17 legislators, and the people of this Commonwealth that we
18 cannot approach this in a political way, we must approach
19 it in a bipartisan way. We must share the credit where
20 credit is due, and if we are to be criticized, then we are
21 all to accept that for our shortcomings.

22 These bills, as I said, can be organized and
23 considered in terms of the need for reform in five
24 fundamental areas, each of which I would like to discuss
25 with you briefly.

1 First, crackdown on violence. The
2 increasingly violent drug gangs put all of our citizens at
3 risk and demand a strong response. And most importantly,
4 the legislature should act to enable prosecutors to seek
5 the death penalty in intentional drug-related murders.
6 This legislation, also supported by the Governor, would
7 expand the list of aggravating circumstances that can be
8 considered by a jury in the penalty phase of first-degree
9 murder prosecution. The additional aggravating
10 circumstances would include killing a drug associate, a
11 customer, or a competitor, or the retaliatory killing of
12 an informant, or the killing of a judge, a prosecutor, or
13 other law enforcement official that is not already covered
14 in the law.

15 I also urge enactment of legislation
16 mandating prison terms for armed drug dealers, mandating
17 life sentences for drug-related murders that are not
18 capital offenses, and increasing the penalties for
19 assaulting judges and other public officials. And we need
20 legislation to make it clear that dealers can be charged
21 with murder when their customers die of overdose. Right
22 now in Pittsburgh, some of the Representatives know that
23 we have had an outbreak of deaths because of a synthetic
24 drug called China White. It's caused nearly two dozen
25 deaths in the Pittsburgh area, and we can't prosecute the

1 makers of that drug because there is no statute that makes
2 that murder, but clearly it is killing people, the kinds
3 of drugs that are there on the streets of Pennsylvania
4 today. And the drug pushers ought to be responsible when
5 they kill the users through their bad drugs.

6 Second, there must be a concerted effort to
7 attack the drug organizations. You have before you bills
8 that present the opportunity to strike a major blow at the
9 organizations. I specifically urge that you act on our
10 drug kingpin statute, with penalties up to 40 years in
11 prison and up to \$100,000 in fines, plus tough forfeiture
12 provisions for drug ring organizers, financiers, and
13 managers.

14 Our ability to attack the organizations
15 would also be markedly improved by passage of legislation
16 to ban money laundering, criminalize the use of telephones
17 to arrange drug deals, restrict the use of probation
18 without verdict, and control the precursor chemicals
19 needed to manufacture drugs. These bills are before you,
20 as well.

21 Third, there is the unquestioned need to do
22 more to protect our communities from drug traffickers,
23 Crack houses and meth labs. The House has taken one
24 important step by passing and sending on to the Senate HB
25 310, sponsored by you, Mr. Chairman, which will make

1 possible the creation of real drug-free zones. Another
2 significant step to protect our communities is embodied in
3 the package of bills, all endorsed by Governor Casey, that
4 would make it a felony to knowingly maintain a Crack
5 house, a shooting gallery, or drug lab, with enhanced
6 penalties if the structure is fortified. The bills would
7 also cover landlords. Landlords, for the first time,
8 would be covered by a criminal statute if they knowingly
9 permit drug activity on their premises and reap the
10 benefits of the drug user's profits and turn the other
11 cheek, turn away. We want them to begin to pay. And this
12 law would permit us to charge them with a crime and also
13 to seize their property.

14 The intent of this legislation, to be sure,
15 is to make all people involved in the fight against drugs.
16 These Crack houses and similar citadels of crime send a
17 message to our communities that the drug traffickers are
18 in control and that the police are impotent. These
19 symbols of the drug trade power must be retaken. I urge
20 you to move this package of bills, again, that I have
21 submitted before you in my 21-bill package, to move these
22 bills forward as quickly as possible.

23 Additionally, the Governor and I support
24 proposed legislation to impose life terms for drug dealers
25 after their third conviction and to impose mandatory

1 prison terms on anyone convicted of repeat sales.

2 Fourth, it's imperative that we focus on
3 deterrent drug use. In that regard, we need both
4 legislation to address the issue of workplace drug testing
5 and legislation to provide meaningful penalties to those
6 convicted of drug use. Drug testing legislation is
7 critical to guard two fundamental rights of working
8 Pennsylvanians: First, the right to be protected against
9 arbitrary, unreasonable, and unreliable testing programs;
10 and second, the right to a safe, drug-free workplace.

11 Workplace drug testing is a proven and
12 increasingly common method of protecting against
13 industrial accidents, public transit disasters, public
14 transportation accidents as we have experienced here in
15 Philadelphia and all over Pennsylvania, and indeed on the
16 crash of the Amtrak train two years ago outside of
17 Washington, and other public safety threats posed by
18 on-the-job drug use. On-the-job drug use is costing
19 industry in this Commonwealth and in this nation hundreds
20 of millions and indeed billions of dollars every year. I
21 believe that the legislation that I have proposed strikes
22 a fair balance between the rights, privacy of the
23 individuals and the public safety.

24 You must also confront the fact that drug
25 users who are arrested are now virtually immune from

1 punishment because of prison overcrowding. Judges simply
2 will not send users to jail; not send users to jail. Yet,
3 we all recognize that users create the demand that keeps
4 the massive illegal supply operation going. Legislation
5 before you would provide the courts with innovative means
6 to punish drug users. The legislation I have proposed
7 would impose mandatory fines for users of at least \$500,
8 expose them and have their names put in the paper, and
9 strip the convicted users of their driver's licenses for
10 at least 46 months. In addition to that, coupled with our
11 forfeiture provisions in the bills that we've submitted,
12 it would permit us to continue to seize their cars.

13 Your bill, Mr. Chairman, HB 556, contains a
14 similar license suspension proposal. Governor Casey's
15 legislative package contains a provision that may also
16 appear similar, but unfortunately it has a serious defect.
17 Their proposal would suspend the licenses of children who
18 use drugs but not adults. The implicit message,
19 therefore, to children would be drugs are okay for adults.
20 And of course, it would leave us without the effective
21 punishment of adult users who are the ones who are driving
22 their BMWs and fancy cars into the streets of Philadelphia
23 and then returning to the suburbs. We have to make sure
24 that they are exposed and that they pay some penalties too
25 in the law.

1 Fifth, we must remove the legal roadblocks
2 that now stand in the way of effective drug treatment.
3 And there are two that are of especially great concern.
4 We must reform the Criminal History Records Information
5 Act, CHRIA, as it's called. This proposal is universally
6 supported by district attorneys, the Pennsylvania State
7 Police, local police departments, and the Governor. It is
8 an essential element of my plan to mount investigations
9 designed to destroy drug organizations.

10 Currently, CHRIA bans law enforcement use of
11 computers for investigative or intelligence gathering and
12 sharing. So it effectively prohibits us from planning to
13 go after the drug organizations and the drug kingpins.
14 Removing that ban is, arguably, the single most important
15 thing this legislature could do, because it would enable
16 us to make far better use of our resources and at no cost.
17 The problem is that we spend thousands of hours of
18 manpower on manual retrieval. 3 by 5 cards and incident
19 reports are gone over laboriously by investigative and
20 intelligence analysts. When the drug kingpins have their
21 use of computers, the police officers and law enforcement
22 does not. Take the handcuffs off the police.

23 The current ban on computerized maintenance
24 of investigative intelligence data is arbitrary and
25 indefensible. It serves no purpose other than to make

1 police work more tedious, more time consuming, and less
2 effective. New Jersey and 47 other States have led the
3 way in using computers in drug investigations.

4 Pennsylvania is falling behind because CHRIA shackles us
5 to an antiquated system of index cards, file folders, and
6 the fallible memories of investigators.

7 I would note, Mr. Chairman, that the
8 administration's CHRIA reform bill, HB 1427, permits
9 computerization of treatment as well as investigative and
10 intelligence data, and so this is even more comprehensive
11 than my own proposal of HB 1283.

12 The other significant and easily remedied
13 legal roadblock affects our local police departments. One
14 of the few bright spots in the fight against drugs in
15 recent years has been the success of the municipal task
16 forces. These are groups of municipalities organized with
17 help from the Office of Attorney General that share police
18 officers to conduct coordinated multi-municipality or
19 regional drug investigations. When it started almost two
20 years ago, there was just a handful of these municipal
21 task forces. In the last 18 months, they have grown
22 significantly to 28 task forces which are now in
23 operation. And the Governor and I have announced that it
24 is our initiative to create at least 20 more in the next
25 12 months.

1 However, many municipalities are reticent to
2 join because if their police officers serve outside of the
3 municipality, as they often do, then the municipality's
4 liability insurance rates go up. So I proposed some
5 legislation which I have submitted to you as part of my
6 21-bill package that would shift liability from your local
7 municipality to the Commonwealth whenever the municipal
8 police officer is participating in a State-sponsored task
9 force operation. The benefit to the local municipalities
10 would far exceed any minimal additional costs the State
11 might incur. The bill would be a major step toward
12 enabling us to take full advantage of what is now our most
13 underutilized resource, the thousands of skilled and
14 dedicated men and women on our municipal police forces.

15 Mr. Chairman and members of this committee,
16 you have before you literally dozens of important bills.
17 I wish that the time allotted to me would be sufficient so
18 that I could sit down and discuss each and every one of
19 them with you in detail, but you know that you have your
20 witnesses today and there are important witnesses to
21 follow.

22 I want you to know that you have my deepest
23 admiration for the efforts you're making in this area. I
24 think it's commendable. I think you know you can call
25 upon me or any member of my staff at any time for any

1 help, and I've already demonstrated that to you, Mr.
2 Chairman, and any time you have requested information or
3 help, I have personally come to your office to talk with
4 you about legislation.

5 The task you face is enormous, but so are
6 the rewards. Working together we can achieve the one goal
7 that I have placed above others, and that's this: It is
8 my desire, and has been stated many times, I want to make
9 Pennsylvania the toughest State in the nation against drug
10 pushers, and that's your desire, too.

11 Thank you Mr. Chairman. I appreciate this
12 opportunity.

13 CHAIRMAN CALTAGIRONE: Thank you.

14 Attorney General Preate, we will stand ready
15 to work with you, and you know I've made a personal
16 private commitment to you to work with you to resolve this
17 problem, and now I make it publicly. We stand shoulder to
18 shoulder, together on this project, and you know that I'll
19 be here to support you in these initiatives.

20 ATTY. GEN. PREATE: Thank you, Mr. Chairman.
21 Your bipartisan efforts are to be commended, as the
22 members of this committee are to be commended for their
23 desire to work in a bipartisan fashion too.

24 CHAIRMAN CALTAGIRONE: For the record, would
25 the rest of your staff please introduce themselves for the

1 court reporter?

2 ATTY. GEN. PREATE: Yes, I would be happy to
3 do that.

4 On my right is Annette Madigan, one of my
5 legislative aides, and you have seen her in the halls of
6 the legislature.

7 On my immediate right is Bob Hurst, former
8 head of the Philadelphia Fraternal Order of Police and now
9 the director of Bureau of Narcotics Investigations in my
10 office.

11 On my immediate left is Deputy Attorney
12 General Joseph Peters, who used to be in charge of the
13 Organized Crime Prosecutions unit and was a prosecutor of
14 Nicky Scarfo, along with the Federal government, and
15 convicted Nicky Scarfo last fall in Federal court, and he
16 is now the head of the prosecutions unit in the drug
17 section of my office.

18 And on my immediate left is Fran Cleaver,
19 another Deputy Attorney General who was an aide to the
20 House of Representatives and for 10 years worked with many
21 of you on a number of important pieces of legislation and
22 is now the head of my legislative lobbying section.

23 So those are the people that you will be
24 working with, and I'll be working with you.

25 CHAIRMAN CALTAGIRONE: I'd like to open it

1 up for some questions from the committee.

2 Kevin Blaum to start.

3 BY REPRESENTATIVE BLAUM: (Of Atty. Gen. Preate)

4 Q. Mr. Attorney General, first of all, I'd like
5 to congratulate you on everything you've done in this area
6 and to congratulate you and Governor Casey on the
7 bipartisan manner in which you've conducted yourselves.
8 That is unseen in Harrisburg, and I think it's a tribute
9 to both of you.

10 A. I hope you tell that to the Governor, too.

11 Q. I will.

12 When we talk about that drugs are
13 responsible for 70 percent of our crime, that 80 percent
14 of our child abuse may be attributed to the drugs--

15 A. That is correct

16 Q. --and when we start arresting Jamaicans in
17 the city of Wilkes-Barre, which we're very thankful for
18 your efforts in doing that, I agree with everything you've
19 said, that there isn't a war on drugs, that what it is is
20 words, and in yesterday's hearing I mentioned that a
21 couple of times. I think that you're making it a war on
22 drugs. I think your efforts to make Pennsylvania the
23 toughest State in the nation is something that we're going
24 to achieve as far as drug pushers go.

25 Having said that, isn't there a piece

1 missing to this puzzle, and isn't it the Federal
2 government's responsibility to make this a foreign policy
3 issue? The State Department, it seems as though Secretary
4 Bennett is trying to push--

5 A. Drug Czar Bennett. He's not a Secretary.

6 Q. --in that direction, and I don't know that
7 he's meeting with much success. Is that something that
8 you agree with? And if so, is it something that the
9 attorneys general of the 50 States could urge the Federal
10 government to do?

11 A. Well, I sit on the executive working group,
12 which is chaired by Attorney General Thornburgh and
13 consists of six attorneys general from the United States,
14 six major district attorneys of the United States, and six
15 people from the Department of Justice, including Ed
16 Bennett, who used to be the United States Attorney here in
17 Philadelphia. We have discussed this problem. It will be
18 on the agenda for the meeting that we have upcoming in
19 June. I can assure you that the administration in
20 Washington is trying to develop a plan of action. The
21 Secretaries of various departments have been asked to
22 submit data and proposals to Drug Czar Bennett, and he has
23 until September to come up with a plan of action for the
24 Federal government.

25 What we've seen from the President himself

1 so far has been some encouraging words. However, what --
2 and I haven't seen exact proposals that have been put
3 forward yet, but I do know that there have been a couple
4 of instances where he has indicated that it is his desire
5 to add more money to the fight against drugs. In one of
6 his announcements he said that there would be 1 billion
7 additional dollars allocated to the fight against drugs,
8 and that was in March of this year. And then this past
9 week he announced that there would be 1.2 billion in
10 additional dollars that would be earmarked basically for
11 Federal prosecution and Federal prison building. It yet
12 remains to be seen how much money the States are going to
13 get, where it's going to be prioritized, but it just seems
14 to me that more could be done.

15 We have yet to develop a very strong plan
16 federally to fight drugs. There is still some tension
17 between some of the various departments, and they are
18 going to be resolved, I'm sure. So we have to await, I
19 think, in all fairness, the September plan of Dr. Bennett
20 and to determine just what the complete and comprehensive
21 response of the administration is going to be.

22 Q. And even more than money, and I'm not
23 sophisticated and I don't know anything about the State
24 Department, it seems to me that when Attorney General
25 Preate is working very, very hard to keep this poison out

1 of Commonwealth of Pennsylvania, and we have tons and tons
2 and tons of it coming in, I agree with spending the money
3 on prisons and everything else, but I just think, and
4 maybe there's big reasons why it can't be done, you know,
5 that we cannot, through the State Department, you know,
6 put more pressure on these countries where this stuff is
7 being shipped from. And I mean firm pressure on these
8 countries to stop the nonsense. And I don't know if
9 there's good reasons why that can't be done. But when
10 homes are being broken into and people are living in fear,
11 they don't have drugs in their life but they're the
12 victims of crime to get the money to buy the drugs, and
13 the tons of money that we're going to spend on prisons and
14 expanding the prisons, it seems like they're stealing
15 money from the people of the United States. And not
16 knowing that much about it, you know, but the attorneys
17 general, I wonder, in addition to money, can we put some
18 pressure on the Federal government to have them use the
19 State Department to turn the screws on these countries
20 which just laugh at us and keep shipping this stuff into
21 our country?

22 A. Well, I think that you're absolutely right
23 that every available avenue must be explored, whether it's
24 on the local level or the State level or on the
25 multi-national level. I just want to point out to you

1 that the package of bills that you see, this 21-bill
2 package, has been taken by a number of attorneys general
3 around the United States, at least six of them that I
4 know, and are now proposing that in their own legislature
5 around the United States, so this is a package that is
6 beginning to receive very strong movement as a model
7 package for other States to follow.

8 Yesterday I spoke to a group of highly
9 trained police officers from 11 States in northeastern
10 United States, a group called MAGLALLEN, which is the
11 Middle Atlantic-Great Lakes Law Enforcement Network, and
12 we discussed there some are new drug initiatives that are
13 taking place. They thought that these proposals that we
14 put forward here, the kingpin legislation, the money
15 laundering, the telephone bans, they are just so brand new
16 that they are at the cutting edge of law enforcement, and
17 you're going to see them replicated across the United
18 States. You have in your power, in your power, to make
19 Pennsylvania the toughest State in the nation. I suggest
20 we get on with the business of doing that.

21 Q. And I hope that, you know, that maybe you
22 can take this back to Attorney General Thornburgh, you
23 know, that I think it undermines a lot of what we're
24 trying to do in Pennsylvania when we pass all these laws
25 but this stuff just keeps coming like a flood into our

1 country, and hopefully, you know, tell them, you know,
2 you're doing your job, Governor Casey is doing his job,
3 the legislature are passing your bills that you want done,
4 you know, how about the Federal government doing something
5 through their diplomatic channels to stop this and not
6 just cozy up to these countries that are permitting this
7 to go on?

8 A. I support what you say, sir.

9 Q. My second question, yesterday we had a
10 suggestion from people on the Crime Commission that we
11 establish elements by which we can measure our success,
12 that we can measure success of the legislation which we
13 might pass, and while nobody can do it off the top of
14 their head, one of the suggestions was, do people feel
15 safer in their neighborhoods? You know, a few years from
16 now, after we enact this legislation and hopefully build
17 some prisons, and so on. Could your office come up with,
18 and do you have any ideas now or come up with in the
19 future, perhaps a set of guidelines or measurements by
20 which we can determine how we're doing in this war, which
21 I agree is yet to be declared and hopefully we're going to
22 declare it sometime within this year? Are there any
23 guidelines or measurements which you might suggest?

24 A. Well, you know I appreciate the Crime
25 Commission's suggestion, however, I am not sure we can

1 come up with the kinds of measurements, and they haven't
2 proposed any specific ones and, you know, I sit here
3 before you saying, well, how are you going to measure
4 that? I mean, if you count them--

5 REPRESENTATIVE JOSEPHS: That's the
6 question.

7 ATTY. GEN. PREATE: How do you count it? Do
8 you count in terms of numbers of arrests? They've doubled
9 the numbers of arrests here in Philadelphia in the last
10 year or two. Doubled it. But you know what? There's
11 still more that has to be done. And what -- if you count,
12 for example, when you convict Nicky Scarfo and Phil
13 Leonetti and some of the other people in the Scarfo
14 organization, do you count them as one arrest or do you
15 count them as a kingpin that destroys a whole
16 organization? That's part of the problem. That
17 prosecutors federally and the prosecutors in the State,
18 including the district attorney's office, have taken apart
19 the Scarfo organization, you know, that's maybe 30 people.
20 But do you count those as 30 arrests, or the quality,
21 however, the quality of arrests is enormous. And the
22 problem is, however, that by breaking up the Scarfo mob
23 you create a vacuum into which you put the 15 other
24 organizations that are now fighting for a piece of the
25 playground and street corners that are for sale. That's

1 as a result of the disintegration of the LCN in
2 Philadelphia.

3 Q. Thank you, Mr. Attorney General.

4 A. Thank you.

5 Q. And again, I congratulate your efforts.

6 A. Thank you, Mr. Blaum.

7 CHAIRMAN CALTAGIRONE: Representative
8 McHale.

9 REPRESENTATIVE McHALE: Thank you, Mr.
10 Chairman.

11 BY REPRESENTATIVE McHALE: (Of Atty. Gen. Preate)

12 Q. Attorney General, like Representative Blaum,
13 I commend you for the bipartisan effort that you and the
14 Governor have shown in this area.

15 On page 10 of your testimony you touch on an
16 issue that is of great concern to me, and that is prison
17 overcrowding.

18 A. Yes, sir.

19 Q. You indicate on page 10 that we must also
20 confront the fact that drug users who are arrested are now
21 virtually immune from punishment because of prison
22 overcrowding. Judges simply will not send users to jail.

23 A. Yes, sir.

24 Q. And I agree with your definition of the
25 problem. I guess what I'd like to do at this point is

1 move on to the definition of the solution. I think it's
2 inadequate to place the responsibility of failure to
3 incarcerate solely upon the judiciary, or to do so
4 impliedly. The main responsibility and frankly the main--

5 A. And that's not meant to be the suggestion,
6 Representative, clearly.

7 Q. I'm glad to hear that, because I think that
8 we in the legislative and executive branches of government
9 have done very little to assist those judges in finding
10 adequate prison space for the essential incarceration. We
11 need more prisons. I think the issue is that simple with
12 regard to that aspect of the problem. So my question to
13 you is twofold: How do we provide adequate prison space
14 so that we give alternatives to those judges as they look
15 at the possibility of incarceration; and secondly, and
16 perhaps most importantly, how do we pay for it?

17 A. Well, I'm glad that you mentioned the
18 subject of prison overcrowding and dealing with it. In my
19 testimony I touched upon it.

20 There are several things that we have to do.
21 First of all, let me just say this, that there's no
22 implication in here that the judges are at fault. I'm not
23 criticizing the judges here. I'm just stating a fact that
24 users don't go to jail, and in many cases they don't need
25 to go to jail, they need to get treatment. Our system is

1 falling apart, our criminal justice system is falling
2 apart. We don't have jails to put people in. They're all
3 overcrowded. We don't have enough prosecutors. We're not
4 paying them enough money to keep them. We don't have
5 enough public defenders. We don't have enough courtroom
6 space to put them. We don't have enough judges. It's a
7 problem throughout the whole system. That's why I say
8 this has to be done in a comprehensive way. If you just
9 pass a couple of drug bills mandating prison terms or
10 making it easier for police to go after drug kingpins,
11 that's not going to be enough. I suggest to you, and
12 that's why I say I'll work with you very much on this,
13 you've got to look at this thing across the board in an
14 entire comprehensive way, because when you start arresting
15 more people, then you're going to need more people to
16 prosecute them and you're going to need more prisons to
17 put them in.

18 So what we're going to have to do is look at
19 the Pennsylvania Commission on Crime and Delinquency's
20 task force study of a couple of years ago. I think,
21 Representative Blaum, you might have been a part of that,
22 but we studied this problem. And there were 10 different
23 solutions that we came up with to the prison overcrowding
24 problem in Pennsylvania. One, of course, is to build more
25 prisons. And we have here members of this committee, and

1 I saw Representative John Fox just a minute ago. There he
2 is.

3 REPRESENTATIVE REBER: He's working as my
4 staff today.

5 ATTY. GEN. PREATE: Oh, he's your staff.
6 John Fox, who has proposed, for example, a unique bonding
7 issue, a \$250 million bond issue which I support for
8 prison construction in Pennsylvania. And, you know, we
9 may have built a few prisons backs in the middle '80's,
10 but we have none that are coming on line right now. If
11 you compare Pennsylvania to California, California, in the
12 last decade and in the '90's, is spending \$3.2 billion to
13 build new prisons. That's where California is.
14 Pennsylvania isn't even in the hundred million category.

15 So, I mean, that's the divergence you get in
16 our system. So we have to be committed to building more
17 prisons, number one.

18 Number two, we've got to look at
19 alternatives to incarceration. All right? And those
20 alternatives are part of this package, too, and that's the
21 earned time concept that I have proposed. And I know
22 Representative Jerry Kosinski has proposed what I term
23 rather as a "good time" concept, which I'm not too in
24 favor of, but it's in the same direction.

25 Now, the Governor has got some proposals

1 also that he wants to see a compromise developed, and I
2 think that this is an area we're just going to have to
3 begin to look at, and I say this to you as a prosecutor,
4 and I know there are prosecutors in the audience, they've
5 been reluctant to deal with the concept of earned time
6 before, but we're just going to have to deal with it
7 because our prisons, as Commissioner Owens has said, are
8 ready to explode.

9 And so that is the second solution, is try
10 and relieve some of that immediate pressure, and there's
11 other things we have to talk about and discuss.

12 And carefully now I've been saying these are
13 concepts. You have to look at the utilization of some of
14 the facilities that are presently not being used by the
15 State. For example, we're in the process of closing down
16 Byberry here, Philadelphia State Hospital, as a welfare
17 institution. Well, there's 900 beds there. And it has
18 wonderful grounds. We could put up, if you can't
19 rehabilitate the building, and I don't think that that's
20 impossible to make it a treatment facility, make it a
21 minimum security facility very quickly. Within a year you
22 could turn that into a mini-prison for nonviolent
23 first-time offenders, low level people who are not drug
24 dealers or violent criminals. The nonviolent types could
25 go in there with appropriate safeguards, of course, for

1 the neighborhoods.

2 We've got people -- we've got Farview up in
3 Waymart that's got 1,000 beds that are sitting empty.
4 Sitting empty. I mean, they're there, the buildings are
5 there, the beds are there, it's in a wonderful area. We
6 could put the people that need to be treated in those
7 facilities and eliminate the recidivism that's so strong
8 in the drug field. For example, the recidivism rate for
9 Crack is 80 percent. That means that the Crack person is
10 out there committing one crime after another and we're not
11 treating him.

12 So those are just several of the things that
13 I think this committee has got to study, and as I said,
14 I'll work with you to develop a comprehensive plan to deal
15 with prison overcrowding in this State.

16 BY REPRESENTATIVE McHALE: (Of Atty. Gen. Preate)

17 Q. General, I commend you on that.
18 Specifically in getting to the details in response to my
19 question, I think we've made some real progress. All too
20 often it is easy for those of us in the legislative and
21 executive branch of the government to be critical of the
22 judges who, on a daily basis, must find adequate prison
23 space for the criminals who are convicted in the
24 courtrooms. We are much easier with the rhetoric than we
25 are in helping to provide the solutions, and I think that

1 your comments in response to my question are very fine and
2 very detailed by comparison to what is perhaps the
3 overused rhetoric found in your original testimony, and I
4 say that without being critical of you.

5 A. I understand that.

6 Q. We in the legislature are just as bad on the
7 subject. We tell the judges what they're supposed to do,
8 then we fail to provide the resources necessary to do it.

9 What I would ask of you is, and I appreciate
10 your offer to do this, if you and your office could put
11 together a comprehensive list of institutions which are
12 now non-penal in nature but which, in the opinion of your
13 office, could be converted to penal uses, I think that
14 would be very helpful because in my view, we've got to
15 begin addressing the specifics of where we find the space
16 and how we pay for it and go beyond the critical rhetoric
17 that we're all guilty of when we say to a judge in the
18 Court of Common Pleas, that fellow ought to be behind bars
19 follow following his conviction, but we will fail to
20 provide adequate resources to give the judge a choice. I
21 think if we provide adequate resources to the judges, they
22 will do their job, provided we initially do ours.

23 A. I agree with you. There's no criticism here
24 intended or implied in any of the testimony, and in my
25 original proposal I talked about prison overcrowding, and

1 in my campaign I talked about it, and I just think that
2 we've got to approach this prison overcrowding issue
3 quickly, in a comprehensive way because Commissioner
4 Owens, I think, is right. We're now in a crisis stage in
5 our prisons, and unless we begin to deal with this, we are
6 -- we may very well have the explosion that he talks
7 about. Right now you can't be 40 percent over capacity,
8 you know, and we're in Federal court right now, my office
9 is in Federal court defending the State correctional
10 system before Judge Cohill, who has already got Allegheny
11 County under court order.

12 Q. That's not an easy task, and all I'm
13 suggesting, in closing, is that we move beyond the--

14 A. The rhetoric.

15 Q. --the consensus position, which is we're all
16 against overcrowding, and on to the specifics of where we
17 find the space and how we pay for it. That, I think, is
18 what most of us would prefer to avoid, and that's the
19 difficult aspect of it. You know, we talk about a bonding
20 issue, we talk about the possibility of a tax increase to
21 pay for these kinds of penal institutions. We can't
22 simply talk about overcrowding without addressing the much
23 tougher issues of where we find the space and how in fact
24 we pay for it.

25 A. I agree with you, and I would be happy to

1 work with you and provide you that list. And I'll tell
2 you right away, Farview is one.

3 Q. I would welcome, and the other committee
4 members would welcome, a comprehensive report on this
5 issue listing specific institutions, capacity for those
6 institutions, and how they might be converted to penal
7 institutions.

8 A. I would be happy to do that, and you would
9 be surprised at how little money it is in the overall
10 budget of the State. It will not cost that much money.

11 Q. That's encouraging. Thank you.

12 REPRESENTATIVE MCHALE: Thank you, Mr.
13 Chairman.

14 ATTY. GEN. PREATE: Thank you.

15 CHAIRMAN CALTAGIRONE: Representative
16 Ritter.

17 BY REPRESENTATIVE RITTER: (Of Atty. Gen. Preate)

18 Q. First of all, I want to tell you that I am
19 preparing an amendment to Representative Kosinski's bill
20 that will make it, in fact, an earned time bill and not a
21 good time bill.

22 A. Good.

23 Q. I hope that you will support me in that.

24 A. I look forward to that.

25 Q. Back to the point that Representative Blaum

1 was making in terms of effectiveness measures. Some
2 suggestions yesterday, District Attorney Yatron from Berks
3 County was here on behalf of the Pennsylvania District
4 Attorneys Association, some of the suggestions that he had
5 as ways to measure the effectiveness of our programs was,
6 for instance, a reduction in the number of drug overdose
7 deaths, reduction in the number of children born as
8 addicts because their mothers were addicts. Other
9 measures like that whereas I think that it's important to
10 continue to do the crackdown on Scarfo and the others, I
11 don't know that those arrests do anything in terms of
12 making the public feel safer in their own neighborhoods,
13 and I think that the measure of our effectiveness should
14 be rather than, you know, a tally of the number of
15 convictions being the only measure, how do those
16 convictions impact on public safety or perceptions of
17 safety in the neighborhoods? Does it reduce the supply of
18 drugs? Does it reduce some of the other problems that are
19 associated? Does it reduce the crime related to drugs?
20 And I think that was the point I think that the Crime
21 Commission was making in that maybe we need to develop
22 some of those types of measures, and that's where I think
23 if you could give us your suggestions on those sort of
24 concrete things that we can look at beyond a conviction
25 rate; concrete measures of public safety and things that

1 really you can't measure, you can't measure feelings, but
2 can we take those feelings and convert it into something
3 that we can measure--

4 A. I think we can.

5 Q. --that would be effective?

6 A. I can come up with a laundry list of
7 measurement tools for you, but I caution you and I caution
8 the members of the committee that don't expect too much
9 too soon. This is a problem that's been building for two
10 decades and, you know, the way things go, you and I
11 studied the bell-shaped curve and you know we're getting
12 to a point now of peaking, and we're seeing some light at
13 the end of the tunnel, for example the latest statistics
14 are showing kids that are graduating from high school that
15 are now less and less using drugs. So we're starting to
16 see a little bit of a downturn.

17 Q. That's through education.

18 A. We've got to accelerate that. So that's one
19 measure right there. The other measure might be the
20 infant mortality rate, which I've cited in my testimony as
21 indicative of the drug problem, and if we start to see
22 that drop, we will know. You can measure it through the
23 number of kids who are born into the world of addicted or
24 non-addicted parents. But I just caution you. We can
25 come up with a list of a lot of these, Representative

1 Ritter, and I would be happy to do that, working with your
2 committee to do it, but I just caution you, this is a
3 long-term problem and we'll begin to see some results,
4 but, you know, it's going to take a while because we've
5 lost a generation. We have lost a generation already.

6 Q. Thank you.

7 REPRESENTATIVE RITTER: Thank you, Mr.
8 Chairman.

9 CHAIRMAN CALTAGIRONE: Representative
10 Josephs.

11 REPRESENTATIVE JOSEPHS: Thank you, Mr.
12 Chairman.

13 BY REPRESENTATIVE JOSEPHS: (Of Atty. Gen. Preate)

14 Q. I'm very encouraged by this discussion, Mr.
15 Preate, about different ways of measuring whether we're
16 being effective, and I think that you've mentioned a whole
17 number of them, and I'm very sensible of your caution that
18 we're talking in the long-range, and I'm glad that you
19 brought that up. I was interested in your remarks in this
20 context about the Criminal History Records Information Act
21 and your desire that we allow law enforcement agencies to
22 computerize investigative and treatment information and
23 your assertion that New Jersey and 47 other States do
24 this, or at least they have more -- they are allowed,
25 their law enforcement people are allowed to do more

1 computerization of various criminal or criminal-related
2 activities than law enforcement people are allowed to do
3 in Pennsylvania, and I do not really expect an answer now,
4 but I'm wondering if you would, in light of our discussion
5 of measures, show us that New Jersey and 47 of those other
6 States are experiencing more success in combating this
7 drug problem than we are based on the fact that they are
8 allowed to use their computers in that fashion? And if,
9 along with other stuff that you're submitting to us, if
10 you would submit if there has been a study or some kind of
11 thing like that for the chairman, I would appreciate
12 having it.

13 I am extremely worried about computerizing
14 treatment information. I see that as a disincentive to
15 people getting treatment, and if it's not going to be
16 effective, I certainly don't want to vote for a bill
17 that's going to do it.

18 A. That's the Governor's proposal now. You
19 understand that. He's proposing in 1427 that the
20 computerization cover treatment.

21 Q. Yes.

22 A. Our proposal did not. Our proposal did not,
23 so it's more in keeping with your philosophy,
24 Representative. So you can find solace at least in our
25 office's proposal.

1 MAGLALLEN, which is this 11-State, all the law enforcement
2 from 11 States in the northeastern United States belong to
3 it. We, in Pennsylvania, used to house it. It was here
4 in this State. You know where it is now? In New Jersey,
5 because what they're doing in New Jersey they can't do in
6 Pennsylvania lawfully. So right away it's a dramatic
7 thing. Yesterday the meeting was in Cherry Hill. Now, we
8 can't talk in Pennsylvania about what needs to be
9 discussed. Our computers can't talk.

10 Q. Well, if that has a dramatic difference in
11 the drug--

12 A. It already is dramatic.

13 Q. --in the drug problem in New Jersey and
14 recently in Pennsylvania, I'm impressed.

15 A. That's just one indication of it.

16 Q. The bridge I'm not really too concerned.

17 I was trying to make a bargain with you. I
18 promise I will make my questions as to the point as
19 possible if you'll reciprocate. I think we're very
20 guilty, both of us, of too much talk here.

21 I'm interested in also, you said yourself in
22 your testimony that one can be addicted to Crack after the
23 first use, and you mentioned orally that the recidivism
24 rate for Crack is 80 percent.

25 A. 80 percent.

1 Q. Do you really think that suspending
2 somebody's license is going to be a deterrent? Do you
3 really think the death penalty is going to be really a
4 deterrent to people who are using this substance?

5 A. Well, you know, I think that some people it
6 may deter. How you measure deterrence is very difficult
7 to quantify. And yes, some people may be deterred. You
8 start arresting people who are yuppies and taking their
9 cars and putting their names in the paper, like the
10 district attorney in Montgomery did yesterday, you know,
11 you may start to have some deterrent. You may never know,
12 but it might be a deterrent. The person that doesn't have
13 a car or doesn't fear getting caught stealing a car,
14 doesn't even have a license, you're not going to deter him
15 with that, but you may deter others. So each piece may
16 play a role in deterrence. Treatment, of course, is
17 important in all of this, and education is important in
18 all of this in deterring. It's demand reduction through
19 education and prevention, and I support those programs
20 just as much as I support law enforcement programs, and I
21 proposed bills to do that.

22 Q. I'm aware of that, and I just want to finish
23 to say I'm aware of your support for a whole range of
24 initiatives that don't always include just plain, strict
25 law enforcement. What I'm going to commit myself to

1 create is raising your level of commitment. I'm going to
2 make sure somebody in your office knows every time
3 Commissioner Owens comes to speak to legislators on earned
4 time. I'd like to see you there, too.

5 A. My people have already been there every time
6 he's spoken.

7 Q. Yourself personally.

8 A. Well, I'd love to be there all the time
9 before every commission and any time a member of the
10 committee meets.

11 Q. Well, I would like to have you there, too,
12 because you are an impressive person, you are an important
13 elected official. I think we need to hear from you
14 personally, we need to have you reinforcing personally
15 people like Deb Beck, who I know that you have responded
16 to my requests that you work with her, and I appreciate
17 that. We are going to hear later from a whole range of
18 neighborhood people who are here with Father Joseph
19 Kakalec. I would very much like to see you lobbying
20 personally on some of his issues, and I thank you for your
21 efforts so far, and I will stop talking.

22 A. Thank you.

23 Incidentally, I wanted the committee to be
24 aware that we are sponsoring -- talk about our involvement
25 with community groups, we give out grants from our office

1 to community groups, Kids Helping Kids get grants from our
2 office, for example. This weekend in Penn State there
3 will be 500 high school students together for the first
4 time at Penn State, they are the leaders of the various
5 high schools from over 50 counties in the State, including
6 Philadelphia, and it's called -- it's put together by an
7 organization called Pennsylvanians Aware. It's an
8 umbrella group of community groups who are involved in the
9 drug fight, and that is funded by my office. I am proud
10 to fund that kind of effort on behalf of community groups.

11 Q. That's great.

12 CHAIRMAN CALTAGIRONE: Thank you.

13 Representative Reber.

14 REPRESENTATIVE REBER: Thank you, Mr.

15 Chairman.

16 BY REPRESENTATIVE REBER: (Of Atty. Gen. Preate)

17 Q. Mr. Attorney General, I'm really impressed
18 with the "love fest" that seems to be going on between the
19 General Assembly, the Governor, the Attorney General, the
20 bipartisan effort, et cetera, et cetera, on this drug
21 situation.

22 A. I'm glad to hear that.

23 Q. And I wholeheartedly endorse it, but I
24 wanted to move beyond the procedure and get to the
25 substance.

1 I am very happy, because unfortunately
2 yesterday we had testimony from Mr. Feldman and Mr. Lewis
3 of the Governor's Office and the General Counsel's Office
4 concerning House Bill 1274 and everything that's captured
5 therein that's going to be good for this issue.
6 Unfortunately, I didn't hear them delineate, as you did in
7 your testimony, House Bill 310. Representative Roebuck
8 established that bill, sponsored with the chairman and
9 myself, during the course of committee deliberations and
10 on the floor. I amended it with some concepts that are
11 embodied in my House Bill 957. That bill is now in the
12 Senate. I said to the Governor's people yesterday, and
13 grasping out and taking your suggestion from the second
14 paragraph on page 12 of your testimony that you have our
15 deepest admiration and we can call upon you for any help
16 on this issue, I would only ask that you and/or your
17 staff, and I know that Fran knows the way to the Senate,
18 to get in touch with the Senate--

19 A. This is Senator Madigan's daughter, by the
20 way, so we know the way to the Senate, too.

21 Q. Fine. We're really getting out today. That
22 bill is in the Senate, it could be on the Governor's desk
23 for signing before Memorial Day. It enhances the
24 drug-free zone concept.

25 A. I understand it. I support it.

1 Q. Okay. I would like your assistance as well
2 as I championed yesterday to these other individuals
3 because if in fact we are, as Representative McHale, and I
4 agree with him, said moving beyond the rhetoric, we can
5 have that particular piece in place before the hot summer
6 develops, before the trafficking of sales to minors as
7 well as other adults within the confines of playgrounds
8 and community centers.

9 So I think in my nine years in Harrisburg
10 I've seen things move fast when they want to move fast,
11 and let me tell you that this is our number one priority.
12 There's no reason why HB 310, as well as many of the
13 issues that you have spoken about today, can in fact move
14 into that. I would ask for your assistance for this kind
15 of litmus test to see if in fact we are moving beyond the
16 rhetoric.

17 A. I think that that's fair. I'll do it. I'll
18 go to the legislature, I'll talk with the leadership of
19 the Senate, I'll talk with the Governor about it. I have
20 no problem with that.

21 Q. Fine.

22 A. I want you to know, I communicate with them
23 on a regular basis.

24 Q. I understand that.

25 A. Okay.

1 Q. One other thing, and I'm talking quick
2 because I know the time is rapidly growing late. The war
3 on drugs as we know it in Pennsylvania reminds me of
4 another war that we fought a number of years ago, and that
5 was the Vietnam War. And I know Mr. Hurst sitting there
6 and Ron Castille out here might empathize to some extent
7 with the concerns that I have of a similarity between that
8 debacle and possibly the way the situation in this war has
9 been handled to date, and that is the fact that we're not
10 getting the ammunition and the money and the funds and the
11 manpower into the battles on the streets the way that it
12 has to be done. My constituents in Pottstown, not
13 necessarily the inner city, if you will, of Philadelphia,
14 but in the microcosm of this Commonwealth it is on a pro
15 rata scale identical, and there they are desirous - the
16 chief in that county is desirous, the police in that
17 county is desirous - of having additional manpower.

18 Yesterday, again I asked the Governor's
19 people, within the so-called \$80 million that is in this
20 budget for drug-related issues, how much of that is going
21 to find its way back to the local municipal forces, and is
22 that in fact a viable place to be accentuating
23 appropriations for purposes of combating the war on drugs?
24 Because anyone that knows how things were done in Vietnam,
25 it wasn't done the way it should have been because we

1 didn't give those guys the opportunity to have the
2 manpower, to have the necessary wherewithal to fight that
3 battle. And I see us going down the same road, the same
4 trail, if you will, in this if we don't accentuate that
5 problem. I would like your 30-second-and-no-more comment
6 on that.

7 A. First of all, I'm a Vietnam veteran and was
8 in the same unit that Ron was in when he was wounded, and
9 I was there for 13 months as an infantryman, and I know
10 what the lack of commitment means. That's why I say here
11 our biggest problem is a lack of commitment. We haven't
12 been fighting the war properly.

13 I propose that we do get more money and
14 manpower down to the municipal level. These municipal
15 task forces are critically important. They use local
16 police departments and local prosecutors. They are funded
17 in large measure by the Office of Attorney General. I'm
18 asking this committee and this legislature to give me more
19 money to funnel that down to those people. My proposal is
20 to triple the amount of money--

21 Q. Is that enough? Will that be enough?

22 A. No, it's not going to be enough.

23 Q. Okay. Say that it's not enough then,
24 because we have to take that word back to our
25 Appropriations leaders and get the money. If it means

1 some form of funding, some form of special taxation, if
2 you will, we're going to have to look to those areas. I
3 want that emphasized because I don't want these guys
4 messing around with M-16s when we ought to have nuclear
5 weapons on the streets to fight the battle. And I'm not
6 being critical of you and raising my voice at you. It's
7 obvious the frustration that we nickle-dime all the time
8 and we expect a Rolls Royce result. It just can't happen.

9 A. I understand that. The problem that I
10 caution you is that it takes time to bring them up. The
11 tripling of the money that I have asked for for this
12 coming year would be what I could spend this year, but
13 then I'll be back here next year because we have to build
14 resources. We're 50 men short. The State Police are 50
15 men short. We've got to train people.

16 So everything's got to be phased-in. You
17 can't just throw money out. You know, if I can only use
18 \$3 million to do this for municipal task forces this year,
19 that's all I can use. But next year, having built a base
20 and the manpower's there and the logistics are there, I
21 can go and build on top of that another \$3 million.

22 Q. I guess what my concern is, and I've done a
23 lot of work on the legal side of the municipalities over
24 the years, and there appears to be a plethora of talent
25 available out there on availability, civil service list to

1 bring on board, maybe not selectively trained, if you
2 will, in the narcotics fighting, but they could then
3 supplant people that do have that training that aren't
4 devoting 100 percent of that time. I think we have to
5 have a concerted effort from all the people that have the
6 professional expertise to advocate this necessity, and I'm
7 glad to hear today -- and I see Bob Hurst shaking his
8 head, for the record, in support of the statements that
9 I'm making--

10 A. I support you, too.

11 A. --that, in fact, we need this. And I think
12 if we are going to move forward and use the words "war on
13 drugs," we have to appropriate the necessary funds to
14 effectuate that.

15 A. I have a proposal before the Black Caucus
16 and before the Governor right now that would move people
17 into Philadelphia within 30 days. You give me the green
18 light, you give me the money, I'll be here in 30 days.

19 Q. Thank you.

20 REPRESENTATIVE REBER: Thank you, Mr.
21 Chairman.

22 Thank you, Mr. Attorney General.

23 CHAIRMAN CALTAGIRONE: Representative
24 Hagarty.

25 REPRESENTATIVE HAGARTY: Just one brief

1 comment because of the time.

2 I can't help but comment on your, I guess,
3 opening remarks with regard to the city of Philadelphia.
4 As an immediate neighbor of the city, and certainly I
5 agree that the level of drug use and crime in the city of
6 Philadelphia as well as throughout the Commonwealth is
7 unacceptable, I do want to point out though that I was
8 pleased to see in a recent Philadelphia Inquirer article
9 of April 24th that Philadelphia did not rank in the top 10
10 cities in crime in the United States.

11 And so while I in no way indicate that the
12 drug use is acceptable in the city and that we -- and that
13 there is a great deal to be done, I don't want to leave
14 the impression for this audience or for our other members
15 of the panel who are from other sections of the State that
16 somehow Philadelphia is particularly unsafe. I think that
17 we at least can feel that by the efforts of the fine law
18 enforcement and district attorney in this city that
19 Philadelphia has done better than the major cities, and I
20 just wanted to comment on that.

21 ATTY. GEN. PREATE: That's my position, too,
22 and I thought I made that clear that this is not to be
23 singled out. It's just that this is our largest city and
24 it does have its problems, like every major city, but it's
25 clearly not the worst in the United States. But it does

1 have a problem. We have to recognize that.

2 REPRESENTATIVE HAGARTY: We all agree with
3 that.

4 ATTY. GEN. PREATE: And it's not
5 necessarily, you know, one particular individual's fault.
6 I just wanted that to be made clear. You can't have a
7 fight against crime in the city and reduce the police
8 department down from 7,200 to 5,800 in the space of a
9 couple years. You just can't do that.

10 CHAIRMAN CALTAGIRONE: Representative
11 Wright.

12 BY REPRESENTATIVE WRIGHT: (Of Atty. Gen. Preate)

13 Q. Mr. Attorney General, I'll try to be brief.

14 A major part of my legislative district is
15 the city of Chester, and I'm certain that your office must
16 be familiar with the drug problems that we have there.
17 Mr. Reilly, from the Crime Commission, had indicated in
18 testimony to the joint committee that what he saw in
19 Chester was so much different than what he sees in
20 Philadelphia, and it was a little hard to explain.

21 A. What did he say?

22 Q. He said it was different the way drugs were
23 -- to use his words, it was like a drug bazaar down there.
24 In other words, people, the drug dealers in Chester, don't
25 fight against each other over turf or whatever. He said

1 you can just go down to one of the housing projects, the
2 William Penn projects he was primarily speaking about, and
3 he said you can get whatever you want. They work
4 together. They don't fight over anything, unless a deal
5 goes bad between a buyer and a seller. I wanted to know,
6 is there anything that your office has in mind indeed
7 toward what can be done in the city of Chester? I know
8 you mentioned Philadelphia, but was there anything you
9 have in mind for the city of Chester?

10 A. Well, let me just say, first of all, we're
11 going to set up a regional strike force in Philadelphia,
12 and that will be beginning -- it's going to be housed in
13 District Attorney Castille's office, and that will consist
14 of State Police and BNI agents, and it will begin to work
15 with the Philadelphia Police Department in developing
16 programs and investigative efforts.

17 Now, the reason I mention Philadelphia is
18 because most of the cocaine and Crack that's going into
19 Chester is coming from Philadelphia. That's the line.
20 And so Chester city I'm talking about, and even Chester
21 County. You continue it on out. So, yes, we are going to
22 begin to attack the Chester city problem by going to the
23 source in Philadelphia, one.

24 Number two, we've had meetings with the
25 district attorney in Delaware, Delaware County District

1 Attorney, and we're developing joint task forces to work
2 on this problem. If they request it, and I emphasize it,
3 if the mayor of Chester city and the district attorney and
4 Delaware County request the assistance of my office, money
5 and manpower wise, we will be happy to work with them.
6 That's all I can tell you. But, if you remember, I can
7 only go where I'm asked, under the Commonwealth Attorney's
8 Act, and so I can assure you, however, that I will do our
9 part, and the district attorney of Philadelphia has asked
10 and we're going to help him, and the police commissioner
11 of Philadelphia has asked and we're going to help him.

12 Q. I read into what you're saying that you
13 haven't received a request?

14 A. Well, we're negotiating. Apparently, it
15 hasn't been perfectly clear to us whether we're going to
16 be asked to go in or not. I understand that there's
17 some--

18 MR. HURST: There's some very serious
19 dialogue going on right now actively, and we're very
20 serious about moving in there with the task force, but the
21 negotiations have to be set up on liability and payment.
22 But we are serious in negotiating right now on the city of
23 Chester.

24 ATTY. GEN. PREATE: You see, that's why this
25 whole thing gets back to are you going to be held liable

1 if somebody makes a mistake?

2 BY REPRESENTATIVE WRIGHT: (Of Atty. Gen. Preate)

3 Q. Well, I thought I heard you indicate that
4 you have a proposal here to shift liability to the State.

5 A. Yes, precisely. Precisely. You would hold
6 the local municipality harmless as long as they are
7 working in connection and supervised by State Police
8 and/or State BNI agents under Bob Hurst.

9 Q. One other quick question. When we're
10 talking about what we can do to deter the increase in drug
11 use and what we're doing to various people, do you see a
12 need, as I think I do, to treat, quote, unquote, "role
13 models" who are involved in drug trafficking differently?
14 And to be more specific, I'm talking about if we were
15 referring to educators or teachers or if we are referring
16 to police officers. I know from talking to people who
17 have been involved in drugs and been convicted that I've
18 heard comments, you would be surprised at the people who
19 are involved. Some teachers, they don't give names, I
20 don't ask names, or some officers, and it seems to me that
21 our youth today, in addition to telling them that the
22 drugs are bad, we may need to be setting some examples
23 when we run across people who are to be our role models
24 who are in some way involved in it.

25 A. Well, parents are role models, teachers are

1 role models, sports figures are role models, and you can
2 find people in all those categories that are not doing a
3 good job of being role models. There's education involved
4 there, there's incentives for treatment that are involved
5 there. Again, saying you've got to look at this in a
6 comprehensive way. We may not have been doing enough to
7 make the role models better role models.

8 Q. My question to you is, do you think it would
9 be advantageous to treat them, penalty wise, different
10 than others?

11 A. Well, I think we're a little bit too lenient
12 on some of the role models, particularly in the sports
13 area. The wrong message is being sent out.

14 Q. Thank you, sir.

15 REPRESENTATIVE WRIGHT: Thank you, Mr.
16 Chairman.

17 CHAIRMAN CALTAGIRONE: Attorney General
18 Preate, thank you very much.

19 ATTY. GEN. PREATE: Thank you, sir. Thank
20 you.

21 CHAIRMAN CALTAGIRONE: Philadelphia District
22 Attorney, Ron Castille.

23 MR. CASTILLE: Good morning, Mr. Chairman.

24 CHAIRMAN CALTAGIRONE: Good morning,
25 district attorney. If you would, for the record, if you

1 would mention the staff people with you.

2 MR. CASTILLE: Yes. To my right is Deputy
3 District Attorney Charles Gallagher for Policy and
4 Planning in the Philadelphia DA's office, and this is
5 Chief of Legislation in my office, Gary Tennis, Assistant
6 DA. And I am, of course, the District Attorney of
7 Philadelphia, but I am the Chairman of the Legislative
8 Committee of the Pennsylvania DAs Association, and I have
9 a further role that's not quite connected with State
10 legislation, and I am the National Chairman of the
11 Legislative Committee of the National DAs Association, and
12 also Vice President of the National DAs Association.

13 And I'm going to just briefly discuss just
14 several areas that we wish to see this committee go in the
15 coming legislative year on behalf of myself as the DA of
16 the largest county of Pennsylvania and on behalf of my
17 fellow DAs from the 67 counties of Pennsylvania who are
18 members of the Pennsylvania DAs Association. But first,
19 I'd like to just offer some introductory remarks before I
20 get down to the specifics.

21 The city of Philadelphia, like all major
22 cities in the United States, is experiencing an escalating
23 drug epidemic. The number of drug violations dispositions
24 handled by my office alone has increased 149 percent from
25 1985. In 1985, we tried 4,877 drug cases, that's pushers

1 and possessors, and in 1988 we tried over 12,150 drug
2 cases. Despite this tremendous increase, my staff has
3 improved the conviction rate in this county for felony
4 drug offenders from 82 percent in 1985 to 90 percent in
5 1988. In this county, we try about 56,000 cases, and
6 fully 21.7 percent of those cases involve drug possession
7 or drug distribution in 1988 alone, and then of course
8 there is the drug-fueled crime that we see about and hear
9 about that fully does affect 70 percent of the total cases
10 that we try or that we handle in this city.

11 The city of Pittsburgh is experiencing a
12 sharp increase in drug violations and therefore drug
13 prosecutions, but the two largest centers of population in
14 this State are not alone in facing this epidemic. This
15 committee has received a report from the Pennsylvania
16 Crime Commission informing the committee that, quote,
17 "Drugs have infiltrated virtually every corner of this
18 State, from the urban centers of Philadelphia and
19 Pittsburgh to rural Lancaster County." And you heard some
20 of the places today where you would not expect there to be
21 drug problems, such as the Crips and Bloods in York
22 County. In your very own neighborhood of Harrisburg, I-81
23 is a major link to the drug trafficking to New York. Drug
24 dealers are attempting to evade the New Jersey Turnpike,
25 where they have active interdiction efforts, and are going

1 through Harrisburg. I think they stopped a semi-tractor
2 trailer there about a month ago with almost a ton of
3 heroin in it. And Lackawanna County itself was the site
4 of one of the major importation rings in the United
5 States, where I'm not sure how many airplanes were
6 confiscated by the Federal people in the Attorney
7 General's Office, but they confiscated \$80 million in cash
8 that the ring leader had buried in his back yard.

9 Philadelphia, at one time, used to be known
10 as the meth capital of the United States. We no longer
11 bear that appellation. It is now actually in Texas,
12 however we still have a tremendous problem of meth labs in
13 the Pocono mountains. Philadelphia itself borders with
14 New Jersey, which is also experiencing a tremendous drug
15 and cocaine problem, and that's evidenced by a report
16 issued in March by the New Jersey Commission on
17 Investigation, which we will refer it to the committee so
18 that you can see our joint problem in the Delaware Valley.
19 This item here by the State of New Jersey Commission on
20 Investigation is strictly on cocaine, and it tells you
21 about the distribution transportation network of the
22 Delaware Valley.

23 Philadelphia is, unfortunately, a hub for
24 much of the drug trafficking and the flow to other
25 communities. That is why I went to the White House four

1 weeks ago and spoke with the national drug czar, his
2 actual title is Secretary William Bennett, to seek special
3 funding for Philadelphia and essentially the surrounding
4 community under one aspect of the Anti-Drug Abuse Act of
5 1988 that calls for increased funding and specialized
6 funding for what are known as high-intensity drug
7 trafficking areas. We are seeking to have the southeast
8 region of Pennsylvania declared that so that we can get
9 this additional Federal support.

10 But that shouldn't distract us from
11 continuing to combat this epidemic by strengthening our
12 State laws with innovative legislation.

13 Therefore, I support, and the PDAA supports,
14 to the major extents the proposals of Attorney General
15 Ernie Preate that he has submitted to this committee this
16 morning. It is my belief that the Attorney General's
17 proposals will enhance the accomplishments that my office
18 and the PDAA have achieved with this committee last year.
19 Last year, we were able to enact in Pennsylvania law two
20 pieces of legislation that will be the cornerstone of the
21 law enforcement attack on drugs in this city and in this
22 State for the next decade, or however long it takes us to
23 eliminate drugs from our society. One of them is the
24 mandatory jail time for drug dealers in Pennsylvania, a
25 direct attack on the supply side, a message to those

1 people that if you are convicted after January 1 of 1988,
2 no ifs, ands, or buts, you are going to go to jail.

3 The second prong of that legislation that
4 was enacted into law is the enhanced forfeiture
5 provisions. We can now go after these drug dealers in a
6 more effective manner. We can strip them of their assets,
7 their houses, cars, boats. You name it, we can take it
8 and seize their bank accounts. And in Philadelphia
9 County, within the last fiscal year we confiscated over a
10 million dollars from these drug dealers and we put it back
11 into the fight against drug dealing and the fight against
12 drugs in our city. In my office alone we have 20
13 individuals who are funded to the major extent by money
14 that we have confiscated from drug dealers, and they are
15 directly involved in the narcotics prosecution and the
16 forfeiture.

17 Two of the special provisions which are
18 written into that law by my office and passed by this
19 committee in the legislature were the drug-free school
20 zones, and that came directly from the law that was
21 enacted last year, and the second part of that is the
22 impact or the efforts to go after the drug buyer, the
23 user, the demand side. We have, unfortunately, seen
24 problems in the city of Philadelphia with individuals
25 driving in from as far away as Allentown, West Chester,

1 the State of Delaware, New Jersey, the State of Maryland,
2 they come into our city, into the central core, to buy
3 drugs, get their drugs and go back to their safe
4 communities and leave us with some significant problems on
5 the streets of Philadelphia.

6 Well, one of the aspects of the new law
7 allows us to confiscate vehicles that are used to
8 transport any amount of drugs, and in this city now, also
9 funded by the drug dealer's money, is an operation that we
10 have with the police department called Operation Fish Net,
11 where we go in with the police and we actually video tape
12 a drug supermarket in action and as the buyers leave the
13 area, we have police cars and detectives waiting for them
14 and we confiscate and arrest those individuals. They are,
15 of course, charged with drug possession, and most likely
16 they are going to get probation or some kind of treatment,
17 but the impact comes in a financial area when we
18 confiscate their vehicles. I don't know if you saw,
19 what's the name of that TV show -- Evening Magazine just
20 the other night, they did a story, which now has
21 nationwide publicity, on Operation Fish Net. The message
22 is, if you're going to buy cocaine, don't come in here and
23 buy it in this city.

24 We have one car that we confiscated from an
25 individual, it was a Honda Acura Accord Legend that cost

1 them about \$30,000 that had 100 miles on it, that he got
2 caught up in Fish Net trying to buy \$20 worth of cocaine,
3 and that car is now going to be used in the battle against
4 drug dealers in the city of Philadelphia.

5 We have confiscated over 200 vehicles so far
6 from Fish Net, including two Inquirer-Daily News delivery
7 trucks, a beer delivery truck with 300 cases of beer on
8 it, and we are sending a message to users that you're
9 going to get punished, you're not immune anymore, you can
10 pay and you can pay significantly, and that is a direct
11 result of that legislation that was passed by this
12 committee.

13 The mandatory sentences are going to have a
14 tremendous impact, and we'll discuss a little bit of that.
15 The mandatory sentences, so far in the Philadelphia court
16 system, mandatories are coming in at the rate of about 400
17 mandatories per month. We haven't started the disposition
18 of them because of the lag time, but we will be seeing a
19 significant number of individuals who are facing the
20 mandatories, and I can tell you when we started looking at
21 these mandatories as part of the DAs Association, the
22 sentiment was such that we could have made every one of
23 them a 50-year mandatory, but the scheme that was set up
24 is reasonable, it gives minor dealers a smaller amount of
25 time but puts them in jail and let's them know that

1 they're going to go back there for an even longer time.

2 In short, when we passed the mandatories,
3 there was a little problem in the enactment of it because
4 of the hectic nature of legislation sometimes, so we are
5 submitting, and I have submitted to this committee through
6 a letter of April 17, 1989 to Chairman Caltagirone, it's
7 really clean-up legislation for the mandatories. It
8 redescibes what is a subsequent offense; it provides a
9 separate table for Crack possession and Crack sales,
10 because of the tremendously addictive nature of Crack, and
11 it's going to be a tougher penalty for that; it redefines
12 a second and subsequent offense; and it once again
13 supports and redefines the drug trafficking area within a
14 thousand feet of a school. Right now, it has to be a
15 sales to a minor, and the legislation that was discussed
16 earlier, which we support, makes all drug trafficking
17 within a thousand feet of a school a mandatory.

18 We are also backing an increased minimum
19 mandatory sentence for sales to juveniles or using
20 juveniles in the drug trade from the 3-year one that it is
21 at present to a 10-year mandatory minimum, and that is
22 going to be the toughest law in Pennsylvania, toughest
23 statute in Pennsylvania outside of the death penalty with
24 its life or death provision in it.

25 So we have previously supported those and we

1 will continue to support those and in your efforts to pass
2 those into law.

3 We are submitting to you legislation which
4 will eliminate a loophole in the mandatories, a loophole
5 that is used significantly here in the city of
6 Philadelphia by judges who are trying to avoid the
7 mandatory minimum sentence. It is called Section 17 and
8 Section 18 of the Drug Act, and I described it to you,
9 Chairman Caltagirone, in a letter of March 23, 1989, where
10 it would amend the Drug Act to give the district attorney
11 the power to block judges from putting individuals into
12 those two programs. It is being abused tremendously in
13 this city, and in my letter to you of March 23, 1989, we
14 said that approximately 15 percent of the drug cases were
15 being put into Section 17 and Section 18, but the actual
16 numbers are 34 percent. So fully one-third of the cases
17 in our county are being diverted to these programs, and
18 many times improperly, and we have described them for you
19 and I have included the legislation in question for you so
20 that we can get rid of these obviously inappropriate
21 dispositions.

22 In the appropriate case, we, as the DAs, can
23 agree. We have programs to divert people from the
24 mainstream of criminal justice such as ARD, consent
25 decrees on the juvenile side. In those two areas we have,

1 in essence, veto power over who gets in those, but in our
2 county alone we approve of about 8,000 first-time
3 offenders, minor offenders, into these diversion programs,
4 and we want them to be true diversion programs and not
5 ones being used by drug dealers or judges to not give
6 these people what they deserve.

7 One of these most significant things that
8 will happen in the State of Pennsylvania, not just
9 strictly the city of Philadelphia, will be the impact of
10 the mandatory sentences on prison overcrowding. We have
11 supported in the past various efforts to increase the
12 capacity of the prisons and the prison system both in the
13 State level and in the county level here in Philadelphia.
14 As has previously been described, we are under a Federal
15 court prison consent decree that is limiting the number of
16 individuals that we can place into our State criminal --
17 our State jails. The State -- I'm sorry, the county
18 jails. The State prisons are about 135 percent over their
19 existing capacity, and when we were having these
20 discussions about mandatory sentences we said, yes, it
21 will increase the number of individuals who will be placed
22 in penitentiaries, but it is a move that we felt we had to
23 take to send a strong message, and we agreed as district
24 attorneys that, yes, there must be more prison space
25 allotted in this State and in our counties to house these

1 individuals. Some of the members of the Pennsylvania DAs
2 Association do not support the earned time bill. However,
3 me, as the DA of this county, I support it to the tune of
4 about four days a month, and we have previously submitted
5 legislation that puts some teeth into it and makes it a
6 more effective earned time bill which will eliminate some
7 prison overcrowding but not really that much.

8 In short, we're going to have to take some
9 action to increase the prison spaces in the Commonwealth.
10 And I'd like to describe what has happened in other States
11 that have undertaken some actions.

12 In California, the citizens of California
13 approved an \$817 million prison construction bond issue, a
14 portion of which would be allotted to the county prison
15 construction system, and that was passed and that was the
16 new Prison Construction Bond Act of 1988.

17 The State of Oklahoma, as many of the other
18 States in the United States, are -- they have a tremendous
19 prison overcrowding situation and they took the innovative
20 step of approving a one-half cent additional sales tax,
21 and all of the money acquired there would be designated
22 for prison fund construction. The law says in the State
23 of Oklahoma that when the prison capacity demand is fully
24 met, then that sales tax will cease. And the citizens
25 were asked to vote that in, and they voted it in 80 to 20

1 percent.

2 So I would propose that Pennsylvania take a
3 similar approach and allow the electorate to show how they
4 feel and offer a referendum for a temporary 1 percent
5 additional sales tax for prison construction and see what
6 they say about that and see how that compares to the
7 recently defeated so-called tax reform act. And I predict
8 that that will pass resoundingly, and it should be for
9 prisons, State prison construction, and 50 percent match
10 for local communities so that they can construct those
11 prisons.

12 Obviously, this is going to take -- there
13 will be some more discussion about this and the pros and
14 cons, the economics of it, will people be buying in other
15 States and not in this State? But we desperately need the
16 space for those prisoners to send them the message. We
17 have this mandatory sentence and there's no place for
18 them, and it is a message that they laugh at.

19 And there are also bond issues that we have
20 supported in the past as the DAs Association and as
21 myself, as Representative Fox, that one was described
22 earlier, the bond issue of \$250 million would create 6,000
23 new spaces in the State prison system and add more
24 probation officers, and we fully support that.

25 The one aspect of the legislation that has

1 been most important to us as law enforcement, other than
2 the mandatories, is the forfeiture sections of the law.
3 It has provided for us desperately needed funds for local
4 law enforcement efforts to go after these people. We, in
5 Philadelphia, have taken about \$1 million in the last year
6 and we split that up 60 percent for the police department,
7 30 percent for our office, and 10 percent for the efforts
8 it takes us to go through the long, drawn-out process in
9 court of confiscating the money, and that is fully used
10 and utilized in this city. And I also fund some community
11 efforts, as long as they are battling the drug problem and
12 they are consistent with the Drug Act, which says that
13 they have to be -- that all funds expended have to be over
14 and above existing allocations and they have to be used to
15 enforce the provisions of the Controlled Substance, Drug,
16 Device and Cosmetic Act.

17 Now, I have been out in the community in all
18 sections of the city of Philadelphia and I have met with
19 community representatives who are trying to take back the
20 streets themselves, assisting us in law enforcement, out
21 there doing marches, out there standing in front of Crack
22 houses, out there picketing places that sell drug
23 paraphernalia, and these individuals are doing a great
24 job, as far as I am concerned, for the city of
25 Philadelphia, because they are changing the attitudes of

1 some of the youngsters in the city of Philadelphia. And I
2 think it is important that a youngster sees a role model -
3 these community leaders marching down the street and
4 trying to take back their streets as opposed to the other
5 person they see, the kid with a lot of money standing on
6 the street corner.

7 We hope to show kids, who are most suspect
8 to the temptations of easy money in the drug trade, the
9 dark side of the drug situation here in Philadelphia. We
10 have had a 13- and a 15-year-old executed by an 18-, 19-,
11 and a 21-year-old who they couldn't come up with the right
12 money when they were selling these drugs. So we try and
13 show the dark side of that, and I fully support the
14 efforts of the community groups to help take back the
15 streets and change their attitudes.

16 Therefore, we are proposing that the budget
17 for the Department of Community Affairs be amended so that
18 a total of \$12 million will be appropriated for
19 distribution through the district attorney's offices of
20 the various counties of this State for funding of
21 nonprofit community-based organizations that are actively
22 confronting the drug problem in their communities. And it
23 would be set up so that cities of the first class would
24 receive \$2 million, cities of the second class \$1.5
25 million, the remaining counties would divide up

1 \$8,725,000, and that would depend upon their population in
2 the 1980 census, and there would be cap on administrative
3 expenditures of 10 percent. And that way we can take some
4 of the surplus funds in Harrisburg and some of the
5 so-called rainy day funds and treat what is a rainy day in
6 Philadelphia, and that is the drug epidemic. And we
7 submit that to you for your proposal, and we back that
8 fully.

9 We will continue our work as part of the DAs
10 Association and the law enforcement effort, and we will
11 continue my work as the chairman of the Legislation
12 Committee of the DAs Association to provide you with
13 expert advice and input from professional law enforcement
14 officials. It is unfortunate that Philadelphia's homicide
15 rate has risen. It is unfortunate that crime has risen to
16 a certain extent, but that is it could have been even
17 worse were it not for the efforts of a dedicated
18 Philadelphia Police Department which has been decimated
19 and has been reduced to dangerously low levels of 5,700,
20 or perhaps lower.

21 And it is a tough fight for us in law
22 enforcement in this county when we get these drug dealers
23 and we get them good and then they go to that prison and
24 some Federal judge releases them, and I will show you --
25 I'll give you the most horrible example of all, and it

1 concerned a couple of the headlines that the Attorney
2 General took the liberty to show you as an exhibit.

3 An individual by the name of Anthony Reed,
4 he was involved in this shoot-out over here on the
5 southwest corner of city hall, and he was drug warring
6 with some other individuals who were rival members, but he
7 has a sorry history that we can blame on the prison
8 overcrowding and upon the cap of 3,750. Mr. Reed, last
9 August, was locked up for murder, for killing another
10 individual who didn't come up with the right amount of
11 money for the drug deal that they made. The individual
12 had used the drugs, it seemed like. So Mr. Reed killed
13 him, and he was charged with murder and he was placed in
14 prison, given \$50,000 bail. And he made the bail because
15 of the amount of money that is in the drug sales area out
16 there, and he was released. And then two months later, we
17 caught him with a high-powered handgun on the streets of
18 Philadelphia, and he was taken back, put in the prison
19 system, and he was released under the prison overcrowding,
20 as it's called the Harris v. Parnsley decree, and then he
21 was caught again over here in the shoot-out, which should
22 have never happened. But in the meantime, through the
23 investigations we found that he had committed two other
24 murders during that period of time. And here's an
25 individual who was charged with homicide, caught with a

1 gun, and should have never been out on the street but was
2 because of the lack of the prison space and because of the
3 prison situation that we have here in this particular
4 county.

5 Our county, the 3,750-bed limit of our
6 county prisons, is an artificially low one. The prisons
7 hold, in this county, double cell not triple cell, double
8 cell in the spaces that can be double cell, single cell in
9 those that cannot, and with dormitory spaces that are
10 fully repaired and in use and the roof is repaired, it is
11 my contention that the true capacity of our prisons here
12 is 5,400. To settle out of court at 3,750 is dangerous,
13 as exhibited by the actions here of Mr. Reed. We have
14 fought that cap all the way to the Supreme Court of the
15 United States. We are still fighting it in my office this
16 very day in Federal court to try and bring some sanity to
17 the situation.

18 Because of the drug epidemic, we have had to
19 have increased space because if these people get probation
20 or they don't have to put up a cent and they are drug
21 dealers, it means nothing to them. They are back on the
22 street selling drugs, and I can guarantee you that that is
23 happening in this county.

24 So we support your efforts. We commend you
25 and your new chairmanship. We support the members of the

1 committee who were with us last year when we were pushing
2 this legislation and who helped us in this tough fight to
3 get enacted the new mandatory sentences and the forfeiture
4 laws here in the State of Pennsylvania. And as I say,
5 those two laws will be the cornerstone of law
6 enforcement's attack in the next decade on drugs in our
7 city and in our State.

8 And I would be willing to answer any
9 questions that the committee may have.

10 CHAIRMAN CALTAGIRONE: Representative
11 Ritter.

12 REPRESENTATIVE RITTER: Thank you, Mr.
13 Chairman.

14 BY REPRESENTATIVE RITTER: (Of Mr. Castille)

15 Q. I have a question, Mr. Castille, on the \$12
16 million appropriation for the community groups. District
17 Attorney Yatron was here yesterday speaking, I imagine,
18 for the State of Pennsylvania District Attorneys
19 Association, and he said, in speaking about forfeiture,
20 said, generally speaking, county or city government should
21 grant and monitor funds to neighborhood groups. District
22 attorneys are simply not in that business. They are
23 interested in prosecution and their resources should not
24 be diverted for that purpose.

25 So what I'm wondering is, your proposal for

1 this amendment would have distribution to district
2 attorneys to distribute to these neighborhood groups.
3 Wouldn't it make more sense to distribute it to either the
4 county government or the municipal government, especially
5 coming from DCA?

6 A. Depends on which county you're living in. I
7 won't say any more about that, but it's not locked in
8 stone that it should be the district attorneys who do it.
9 The present forfeiture act puts the DA as the custodian of
10 those funds so you can have a countywide strategy rather
11 than dividing it up to various groups.

12 Q. Yeah, I can understand countywide.

13 A. So that proposal is to put it in the DAs
14 office, but it has an administrative cap on it which would
15 allow persons to be hired by the various DAs office who
16 could then administer it who would be not really law
17 enforcement types or assistant DAs but more administrative
18 types and accountants who would account for it also. So
19 that's not locked in stone.

20 Q. Thank you.

21 CHAIRMAN CALTAGIRONE: Representative Blaum.

22 BY REPRESENTATIVE BLAUM: (Of Mr. Castille)

23 Q. Mr. District Attorney, I'm the Chairman of
24 the Subcommittee of the Judiciary Committee on Crime and
25 Corrections, and we've wrestled with the earned time

1 proposal for a couple of years now. I have not been in
2 favor of good time legislation, and not entirely thrilled
3 with some of your DAs with earned time legislation, but I
4 think you present a bold idea here that demonstrates the
5 kind of leadership I think that we need in dealing with
6 issues like this.

7 The bond proposal which was talked about for
8 building new prisons is fine, I think, but again does not
9 provide the money to pay off the bond that I know of.

10 The half percent sales tax, half of 1
11 percent sales tax, put to the voters of Pennsylvania to
12 build the prisons necessary in order that the kind of
13 criminals that you cite will not be released some time
14 soon by a Federal judge I think may make a lot of sense to
15 the people of Pennsylvania, and I think it's something
16 that I would like our subcommittee, with the approval of
17 the chairman, to look into. I think that's a good idea,
18 as long as we're designating it for a specific purpose
19 that we put it before the voters of Pennsylvania. I think
20 it might be worth a try, even in light of the recent
21 referendum.

22 As President of the National District
23 Attorneys Association -- you may have heard my question to
24 Attorney General Preate, and I would only amend one thing
25 he said in answer to a question by Representative Wright,

1 that a lot of the cocaine in Chester comes from the city
2 of Philadelphia. I venture to say that 100 percent of
3 cocaine in Chester comes from South America. And I would
4 just ask, you know, in your meetings and future meetings
5 with Secretary Bennett, and as President of the National
6 District Attorneys Association, that I think it's groups
7 like these that have to put pressure on our Federal
8 government to in turn put pressure on the drug producing
9 nations of the world, that they have to do something, or
10 perhaps we can help them do it, in order to solve this
11 problem before it gets on the planes and the boats, which
12 are impossible to stop, even with the AWACS planes that we
13 have.

14 Would you be interested in that? Is that
15 something that the National District Attorneys Association
16 can communicate to Secretary Bennett and President Bush?

17 A. We, in the National DAs Association -- I'm
18 the Vice President. You promoted me. But actually, the
19 President was just promoted to Mayor of Chicago, Richard
20 Daley is the President. I'm the Vice President.

21 We supported the Omnibus Anti-Drug Abuse Act
22 of 1988 as part of the National DAs Association, and we
23 actively lobbied for that to be passed in Washington, and
24 it was passed in the last-minute frenzy of the
25 Presidential election, and it has gone into law. We are

1 looking to that particular piece of legislation, by the
2 way, to assist us on the local level, but it does also
3 provide for interdiction efforts as part of the law, that
4 interdiction efforts would be undertaken by the United
5 States government.

6 The funding stream on that is what we are
7 looking for for help in the local areas. The first year
8 it's supposed to be \$2.8 billion. Fiscal year 1989. This
9 is the Federal fiscal year which starts in October. For
10 this next fiscal year, 1990, it is supposed to be \$6
11 billion, and that will be an across-the-board allocation
12 that will go for treatment, it will go for education and
13 prevention, it will go for local law enforcement, and it
14 will provide funds for interdiction efforts in foreign
15 countries and in the various lanes, sea lanes and air
16 lanes, that come in to where the drug is imported into the
17 United States.

18 By the way, that law completely turns around
19 the previous equation in which under the old laws, 60
20 percent of the money went to local law enforcement, 40
21 percent went to the social type things. It is now turned
22 around where 40 percent goes to local law enforcement and
23 60 percent goes for the efforts to prevent and treat and
24 educate and deter people from using it. But it does set
25 up interdiction forces and it could provide funding for

1 those forces. They have a Jamaican force, they have a
2 Dominican Republican force, Columbia force, and it
3 provides funding for those.

4 Now, in the first funding stream of \$2.8
5 billion they saw fit only to put up \$600 million. As a
6 result, when the money finally came to the State of
7 Pennsylvania, we got \$1.8 million, which is, you know, not
8 even a drop in the bucket. It doesn't even qualify as
9 that.

10 So we will be urging, as part of the
11 National DAs Association, Congress to fully fund that
12 thing to \$6 billion so that we can have a war on drugs,
13 and we think that Pennsylvania can get a significant part
14 of that.

15 But I agree that we have to go into those
16 countries that are growing drugs and sending them up here.
17 But I'll tell you what, those people, in some instances,
18 are in a pretty tough situation. The country of Columbia,
19 their government is trying to go after these cocaine
20 dealers in the mountains up there, but those people are
21 almost better armed than the armies of the country. The
22 entire Supreme Court of Columbia got killed by the drug
23 dealers. The Attorney General of the country got killed
24 because of their drug efforts, and to some extent they are
25 in a pretty tight spot.

1 But when we talk about that, when we try to
2 put pressure on them, you know what they say to us? The
3 United States? They say, if your people weren't using the
4 stuff, then we wouldn't have a problem here in this
5 country. You have to start going after that demand side
6 yourself in your own country, because it's not just us.
7 What we are doing in this country, we are not only killing
8 generations of kids, poisoning people, ruining peoples'
9 lives, but we're destroying other countries because our
10 use of drugs is causing those kinds of problems in those
11 foreign countries. So we cannot expect those countries to
12 solve our problem alone. We're going to have to be part
13 of that solution.

14 Q. I agree, and I don't mean to suggest that,
15 you know, those other areas aren't part of solving this
16 problem. I think it's all-encompassing. It takes
17 treatment, it takes education. All of this is going on.
18 It just seems to me that in the quiet rooms where
19 diplomacy takes place, that that is the one piece that's
20 missing. We can spend a lot of money on interdiction and
21 planes and use the Armed Forces at our borders, and I
22 think anything we do is good, it just seems that one thing
23 that is missing is efforts to put pressure on these
24 countries to stop it. It is, you know, it's a poisonous
25 gas which is just leaking into the United States, and if

1 it's that addicting, if it's as addicting as we hear, you
2 know, a lot of the people who use it, you know, may want
3 to get off it and they're hooked on it and their choice is
4 just totally eliminated from them. I would just like to
5 see the District Attorneys Association offer that up to
6 the Federal government to ask them to do more.

7 A. We have done that, and one of our
8 resolutions last year was to actually mobilize the entire
9 Army, Air Force, Navy, and Marines to stop that stuff from
10 coming in. That was an act of desperation on the part of
11 the District Attorneys Association throughout the United
12 States, not just in the big cities but even in the littler
13 counties. So we have gone on record and we are pushing
14 those efforts in Washington.

15 Q. Thank you.

16 A. You're welcome.

17 CHAIRMAN CALTAGIRONE: Representative
18 McHale.

19 BY REPRESENTATIVE McHALE: (Of Mr. Castille)

20 Q. Mr. Castille, I think you were present when
21 I posed some questions to the Attorney General regarding
22 prison overcrowding, and I didn't know at the time that I
23 presented those questions that a major portion of your
24 testimony would focus on that subject. I commend you for
25 the detail of your testimony. It includes exactly the

1 kind of specifics that I think we have to get into in
2 moving beyond the rhetoric of overcrowding to a real
3 definition of a solution, and I give you my sincere
4 congratulations on that. I think you've taken a major
5 step forward.

6 In that context, let me ask you a couple of
7 specific questions that perhaps are more difficult. Are
8 you calling for a 1-percent sales tax, or are you simply
9 calling for a referendum in which the people would
10 authorize such a 1-percent sales tax for the construction
11 of additional prison space?

12 A. I would leave the strategy of that up to the
13 legislators. Financing is not really our long suit.

14 Q. Well, what is the position of your office on
15 that? Let me tell you, I'm not trying to throw you a
16 difficult question. I would vote for it without a
17 referendum. I'm prepared to say that I support a tax
18 increase, if necessary, to provide for adequate prison
19 construction. I'm asking you that same question, are you
20 willing to call for it or are you simply passing the buck
21 to the electorate so that they might authorize it? I
22 support it with or without a referendum.

23 A. I would call for it myself and enact that
24 tax, strictly limiting it to prison construction and
25 nothing else. It would not go for any other thing, and I

1 think that you could get a lot of support for that either
2 through a referendum of the citizens or through the other
3 referendum - you, as the Representatives of the citizens,
4 and the Senate, as the representatives of the citizens.
5 But I would go on record as the 1-percent sales tax,
6 however we can get it, either through legislative action
7 or referendum or what.

8 Q. I commend you for that. I think it's
9 important for us to define not only what we're willing to
10 allow the people to authorize but what we personally are
11 willing to risk in order to solve this problem, and I
12 think you have just given me a very straightforward
13 answer.

14 Now, the concern that I have with that is,
15 why a sales tax rather than an income-based tax?

16 A. Speaking with the district attorney of
17 Oklahoma City, Bob Macy, who was leading the charge in his
18 State for that allegation, he said that it is a little
19 more equitably shared across the board in that everybody
20 has to pay a little in that you don't get it out of your
21 income tax, so your rent payments aren't part of it, your
22 mortgage payments aren't part of it, car payments, things
23 like that, it is only what you buy from the stores. And
24 depending on how much you buy or how little you buy, then
25 that will be the contributions. And then that would be

1 across the board.

2 Q. I would express, briefly, some concern with
3 that not only in terms of the equity of such payments but
4 also the adverse impact on commerce. But I think your
5 basic willingness to support a tax increase of whatever
6 form, if necessary, to pay for the needed construction is
7 commendable, and I applaud you for taking such a specific
8 standpoint. I would be inclined to support an
9 income-based tax rather than a sales tax, but it's time
10 for those of us who are in the legislature and the
11 executive branch of government to stop kicking the judges
12 who are desperately looking for adequate prison space and
13 provide, with a little bit of courage, the resources they
14 need to find the cells that are necessary and to pay for
15 the construction of those cells. And I think the
16 specifics of your proposal, while I might disagree with
17 some of the details, at least show a serious effort to
18 answer the question of where and how much. How we're
19 going to pay for it.

20 The final question that I have is with
21 regard to the \$12.2 million funding proposal for nonprofit
22 community-based organizations, and there may be a good
23 reason for this, so I ask the question without prejudice.
24 Why is it that one formula is created in that proposal
25 which would apply to virtually all of the Commonwealth,

1 but a separate formula created with regard to the
2 application to Pittsburgh and Philadelphia? It's \$1 per
3 inhabitant for the rest of the State, but it's a specific
4 amount for Pittsburgh and Philadelphia. Why do you draw
5 that distinction?

6 A. Just because these two areas are the areas
7 which are most significantly impacted in the drug trade
8 just because of the kind of crime that you see here and in
9 Pittsburgh. And this is where the people are really
10 leading the charge in the non-law enforcement areas. It
11 is because essentially we've got to make it a dollar per
12 person population throughout the State, but it is most
13 desperately needed in Philadelphia and Pittsburgh, so that
14 is why there's just a little more for those two cities.

15 Q. Well, recognizing the severe problem that
16 you do have in Pittsburgh and Philadelphia, the other
17 urban areas of the State face an almost equally difficult
18 problem. I come from an urban area with a population of
19 500,000, and I know Bill Platt is very concerned about the
20 difficulties we have in Lehigh County. I would be
21 concerned about any formula that disproportionately
22 allocated funding around the State. If it were \$1 per
23 inhabitant consistently throughout the State, I think you
24 might get a better response among legislators in
25 Harrisburg.

1 REPRESENTATIVE McHALE: Thank you, Mr.
2 Chairman.

3 CHAIRMAN CALTAGIRONE: Thank you.
4 Representative Josephs.

5 REPRESENTATIVE JOSEPHS: Just for the
6 record, could we have the names and positions of the
7 people who are with you, Mr. Castille? And then I have
8 one comment.

9 CHAIRMAN CALTAGIRONE: He introduced them.

10 REPRESENTATIVE JOSEPHS: Did he? I'm sorry.
11 I must have missed that. I apologize.

12 MR. CASTILLE: Well, this is Gary Tennis.
13 He's the Chief of Legislation. And this is Charlie
14 Gallagher, Deputy for Policy.

15 REPRESENTATIVE JOSEPHS: Sorry.

16 You were talking about Mr. Fox's bond
17 legislation, which would bring us 6,000 new spaces if
18 turned into cells. I did a little bit of mathematics
19 here. Based on your 400 mandatories a month in
20 Philadelphia, it appears to me that if we only sentenced
21 people to those 6,000 spaces who were sentenced in
22 Philadelphia, we would fill that in 15 months. So for
23 those of us who are talking about new construction as a
24 solution to these problems, I hope we remember that little
25 mathematical equation.

1 Thank you, Mr. Chairman.

2 CHAIRMAN CALTAGIRONE: Representative
3 Hagarty.

4 REPRESENTATIVE HAGARTY: Just one comment.

5 I just wanted to commend the district
6 attorney, and in particular Gary Tennis, his legislative
7 chief. I think it is through the fine work of your office
8 primarily that we have enacted the criminal laws that we
9 have with regard to changing some of law enforcement's
10 ability to deal in drug enforcement, and I just want to
11 publicly state that because of really the very hard work
12 and almost everyday responsibilities that your office has
13 taken on in moving legislation through the General
14 Assembly with regard to important law enforcement
15 initiatives.

16 CHAIRMAN CALTAGIRONE: I'd like to add to
17 that that we have a very fine working relationship with
18 your office, Gary, and I'm sure it will continue, and I
19 think we've got a progressive agenda. We will be
20 addressing a lot of this legislation.

21 MR. CASTILLE: I would just like to commend
22 this staff for the two counsels that they have working for
23 them who have been working with Gary who seem to get all
24 the work.

25 REPRESENTATIVE JOSEPHS: It's more "love

1 fest."

2 REPRESENTATIVE RITTER: It's another "love
3 fest."

4 CHAIRMAN CALTAGIRONE: Thank you. Thank you
5 for your comments.

6 For the record, I'd like to enter this
7 letter from Representative John Fox, for the benefit of
8 the committee, and I will hand this to the court reporter.

9 (See index for exhibits of Representative
10 Fox.)

11 CHAIRMAN CALTAGIRONE: John Reusing, who is
12 the Executive Director of the Saint Joseph's Neumann
13 Center in Reading, didn't have an opportunity to testify
14 yesterday. He has some remarks that he would like to
15 share with the committee, and Father, if you would just
16 bear with us, he has a meeting with the Chancery people I
17 think down the street shortly after his testimony, and I'd
18 like to put John on next, if it's all right with you.

19 MR. REUSING: Thank you, I will be brief.

20 FR. KAKALEC: Mr. Chairman, I understand and
21 I hope that we will continue the hearing. We have people
22 from all over this region, and we have at least two or
23 three people who must get back to work, so I would
24 appreciate your consideration.

25 CHAIRMAN CALTAGIRONE: All right, thank you,

1 Father.

2 MR. REUSING: Father, I assure you I will be
3 very short, Father. I went to Jesuit school, so I've
4 learned to follow directions.

5 I am an addiction counselor and have been an
6 advocate of treatment in jails and prisons for the last
7 two years in Pennsylvania. I have previously been a
8 consultant of both the legislatures in Texas and Maryland
9 on this issue, and Father and the people behind me are
10 really the hope of what we are all about here today.

11 I think what's happened here is the
12 assumption that rehabilitation is a waste of time. In
13 other words, these hearings have demonstrated something
14 very interesting, and that is the State's Attorney General
15 sat here and said he would provide for the committee a
16 list of resources in this State which could be made
17 amenable to alternative ways of treating people who are
18 now in jail, that is people who are there as a result of
19 addiction. I found it interesting that it wasn't the
20 State Health Department that suggested this or the
21 Governor's Office, it was in fact a prosecutor. So what
22 I'm suggesting is we're way out of kilter here, and that
23 is, we need time for those of us who spend our lives
24 training in attempting to rehabilitate people to catch up
25 on this issue.

1 What's been demonstrated here is that we
2 have no problem putting people in jail. The jail
3 population has doubled. Unfortunately, this is not the
4 result of a crime epidemic. In other words, we had a
5 doubling from 1963 to 1973 of robbery, murder, rape, et
6 cetera, in this country. That was a crime epidemic. What
7 we have today in the State of Pennsylvania is an epidemic
8 of recidivism. We have an epidemic of people who are on
9 probation and cannot make probation and so they go back to
10 jail. That's the epidemic today. It's not a crime wave.

11 The reason they go back to jail is the last
12 time they were in jail, nothing was done to treat the
13 reason they were there originally, which is addiction.
14 The prosecutors admit that 70 percent of the people there
15 are there driven by addiction. 70 percent of the crime,
16 60 percent of the defendants agreed that they are addicts,
17 and yet Secretary Owens will admit only 1 percent of the
18 population now in State prison, 1 percent, is receiving
19 treatment for addiction, which everybody agrees is the
20 reason they are there to start with.

21 In county jails, it's even less.
22 Unfortunately, the State, for example, is not involved in
23 a Federal program, which the chairman had a hearing on it
24 last week. A half a million dollars is available to
25 States to do -- not ask the Attorney General to go out and

1 get a list of these places but in fact to do comprehensive
2 planning both of alternative sentencing and models of how
3 to treat these people in jails and prisons. The addiction
4 treatment in this country is the one part of medicine that
5 is a growth business. 1973, there were 500 or 600
6 treatment centers in this country for addictive disease.
7 Today, there are 7,000. It's a billion dollar industry.

8 However, those people have not applied the
9 up-to-date technology of how to change behavior in jail
10 and prison settings, obviously since only 1 percent of the
11 addicts in jails and prisons are getting treatment.
12 They're not Blue Cross/Blue Shield covered. I mean,
13 there's an enormous amount of money being made here, but
14 there's no cross-authorization. People in DOC, people in
15 the Health Department, there is not the expertise to
16 transfer the state of knowledge, of treatment, in the
17 jails and prisons. There's the expertise to arrest
18 people. There's no problem with that. There's the
19 expertise to convict them. There's no problem with that.
20 There's even the expertise to build new jails. There's no
21 problem with that. However, there is a truism here, and
22 that is, today's inmate is tomorrow's neighbor, so that if
23 you haven't done anything to treat the problem, you will
24 find it here tomorrow.

25 So what I would like to leave with the

1 committee is hope; that there is enormous data which says
2 that rehabilitation works, but we haven't -- somehow we
3 have not yet, in criminology we have not yet bounced back
4 from the 1970s where the assumption is nothing works, so
5 why bother? Let's just warehouse them.

6 Interestingly enough, the fellow named
7 Martsen who did that seminal study jumped out of his
8 Manhattan apartment in about 1982 and committed suicide,
9 but right before he left, interestingly enough, he wrote
10 another paper which says he may have made a mistake, that
11 we do know now enough about changing human behavior to
12 transfer that into a correctional institutional setting.

13 So what I'm asking for is the opportunity to
14 do two things. One is attempt to transfer the knowledge
15 that's on the outside in the addiction industry and apply
16 it in some real modeling way in both prisons and jails;
17 and two, the people behind me need the resources in
18 outpatient counseling in those neighborhoods and
19 communities to continue the work that's done. Treatment
20 can begin in jail for people who do not have insurance.
21 You can do the same thing in jail that you do in Chit Chat
22 or Living Free or anywhere else. The next thing is to
23 give those people behind me the opportunity to continue
24 that work. Then you begin the movement. The journey of a
25 thousand miles begins with a step. You begin the movement

1 in those communities much like Alcoholics Anonymous or
2 other self-help groups make the beginning in those
3 communities.

4 Now, I'm saying to you that I've treated
5 both in jail and I've treated in private treatment centers
6 people who have been in jail, and they act just like the
7 people with insurance. There's no difference. The common
8 thread is not criminality; the common thread is addiction.
9 If it were criminality, we would be in bad shape.

10 But unfortunately, the other thing I would
11 suggest is the hyperbole surrounding Crack is a bit much.
12 Actually, nicotine is every bit addictive as Crack is; in
13 fact, much more addictive. That the rates that were
14 stated here by the prosecutors of 80 percent relapse rates
15 are very unclear. And the other thing is, relapse is a
16 common condition of chronic diseases, diabetes as well as
17 addiction, so a relapse does not necessarily mean you turn
18 to addiction. That's why the people behind me need the
19 resources to continue the work in neighborhood settings.

20 So what I'm suggesting is there is hope,
21 that rehabilitation does work, but we're never going to
22 know that if we're only trying it on 1 percent of the
23 population right now.

24 Thank you.

25 CHAIRMAN CALTAGIRONE: Thank you.

1 Questions?

2 Paul.

3 BY REPRESENTATIVE McHALE: (Of Mr. Reusing)

4 Q. Sir, I was very encouraged by your comments
5 regarding the effectiveness of rehabilitation, and at
6 least from what I have read, your statements are entirely
7 accurate in the non-prison setting. And I am one who is
8 very hopeful that the very same techniques would work
9 within a penal institution. Has there been any empirical
10 data compiled that would support that very hope?

11 A. Yes.

12 Q. Could you tell us just a little bit about
13 that? Are there prisons anywhere in our country, or
14 indeed around the world, which have adopted rehabilitation
15 programs proven to be effective?

16 A. Well, as a matter of fact, there's one in
17 Bucks County. It's been there for a while started by a
18 guy named Jack Case while he was warden in Bucks County.
19 It's been around for about 14 -- more than that now, just
20 as a local example.

21 Yes, there are enormous studies that show
22 that recidivism rates are decreased by doing a number of
23 things. GED classes will reduce recidivism rates.

24 Now, the problem is, if you're looking for a
25 recidivism rate reduction of 90 percent, you're not going

1 to get it. But if you know that recidivism rates are 93
2 percent and by applying this you're going to get a
3 recidivism rate of 50 percent, you've reduced the
4 recidivism rate by 40 percent. That is substantial.

5 Now, you can zero-in -- the glass is either
6 half full or half empty -- you can zero-in on the fact
7 that it failed in 50 percent of the cases if you choose
8 to, you know, but what I'm suggesting is that Canada, for
9 example, is the prime place to look for rehabilitation
10 programs in jails and prisons that have worked. But what
11 I'm suggesting here in Pennsylvania is we have not even
12 begun to apply. When I went to DOC last year and they
13 looked at me and their eyes glazed over. I mean, they
14 haven't even begun to apply because they don't have
15 anybody to make the connection to the expertise that's on
16 the outside.

17 The other thing is there's a lot of
18 institutional -- nobody wants to change. But, for
19 example, Maryland is building a treatment specific jail,
20 just this last session of the legislature they are
21 building. Massachusetts has had, for three years now, a
22 regional jail for certain kinds of offenders, first-time
23 drug users, DUI, child abuse cases where alcoholism was
24 diagnosed, and the recidivism rates of those people have
25 dropped dramatically. That's in Massachusetts.

1 Q. That's exactly the kind of information I was
2 looking for. If you could prepare, or simply provide to
3 us a synopsis, a report, of what's being done in other
4 States to bring about effective rehabilitation within
5 penal settings, I would find that to be very, very
6 helpful.

7 A. I would make one other suggestion. The
8 chairman had a meeting last week in which he urged DOC to
9 make the application to the Feds for a half a million
10 dollars to do what you're saying, not only create the
11 outlines of a plan, but to in fact go into a jail and a
12 prison and model some of this, right? And they were kind
13 of hesitant to even start doing it. So, I mean, I think
14 the legislature needs to get the executive on the ball
15 here. Basically, DOC and the Department of Health, the
16 Office the Drug and Alcohol Program, those two need to be
17 pushed to lead here and get some of this work done so
18 you're not asking the State's Attorney General, who
19 basically accepted this, but the State Health Department,
20 to have them do it.

21 Q. Also, not to focus on one particular phrase,
22 but it may well be picked up by the news media and it is
23 something that I think is significant, your statement that
24 nicotine is more addictive than Crack.

25 A. Yes.

1 Q. And I don't think there's any benefit of
2 getting into a prolonged discussion on that point today.
3 Let me just tell you that about two years ago, I served on
4 a special investigating committee, before which appeared a
5 witness who was a dismissed State Trooper who testified
6 before our committee that because of his dependence on
7 Crack, he would in fact serve as a State Trooper during
8 the day and commit armed robberies at night.

9 A. Yes.

10 Q. About two weeks ago, I listened to the
11 annual report of the Pennsylvania Crime Commission in
12 which they stressed the addictive nature, the almost
13 immediately addictive nature of Crack, and we heard that
14 echoed today by some of our law enforcement officials. If
15 you have information on that point, because we're hearing
16 such dramatically entrancing stories, I would like to see
17 some data on that specific point, because as we say with
18 some of our witnesses, particularly the young people of
19 Pennsylvania, Crack is terrible, it is immediately
20 addictive, it will destroy your life. I find it to be
21 disturbing to hear a statement that Crack is no more
22 addictive than nicotine.

23 A. Well, nicotine is very addictive. I didn't
24 mean to say it in that regard. If you're talking about
25 young people, all drugs are more addictive. Alcohol is

1 more addictive to a 13-year-old.

2 Q. I understand, but I don't think that State
3 Trooper two years ago would have said to our committee, "I
4 committed armed robberies because I was trying to stop
5 smoking."

6 A. He may have said it to mitigate the
7 situation.

8 Q. I think there clearly is a difference in
9 judgment, if not in data, with regard to the addiction
10 capability of Crack, and again, I don't mean to get into a
11 long discussion on that today.

12 A. The only reason I said that, it diminishes
13 hope. That hyperbole diminishes the hope that in fact
14 effective treatment will work. That's all I'm saying.
15 Effective treatment will work with Crack, just as it does
16 with alcoholism.

17 Q. Based on the statements that we've heard
18 today, clearly there was hyperbole on at least one side of
19 the issue, and I, as one individual, would like to be able
20 to determine who is being hyperbolic.

21 A. All right.

22 REPRESENTATIVE McHALE: Thank you, Mr.
23 Chairman.

24 CHAIRMAN CALTAGIRONE: No other questions?

25 (No response.)

1 CHAIRMAN CALTAGIRONE: Thank you, John.

2 Father, if you look like to come up and if
3 you have some of the community leaders that would like to
4 sit up here at the table, or how do you want to handle it,
5 Father?

6 FR. KAKALEC: If you prefer that, that's
7 fine. Otherwise, what I could do is call them up one by
8 one. What we would like to do is give our testimony, and
9 then if there are any questions, we'll have them at that
10 time.

11 CHAIRMAN CALTAGIRONE: Okay.

12 FR. KAKALEC: All right, thank you.

13 My name is Father Joseph Kakalec, and I am
14 the director of the Regional Council of Neighborhood
15 Organizations, which is located at Saint Joe's University,
16 5600 City Avenue.

17 Mr. Chairman and members of the committee,
18 over the past year or two it's become clear to those of us
19 who live in the neighborhoods that the so-called war on
20 drugs is not being won by law enforcement officials
21 fighting this war alone. And I think in testimony that
22 you've heard, this statement has been repeated by almost
23 every person that's come up here.

24 In the New York Times, and this is what
25 really concerns us, for example, several days ago they

1 were talking about a raid in Washington, D.C. which can be
2 repeated here in Philadelphia. It says that, "Despite A
3 Big Drug Raid In The Capital, Drugs Were As Plentiful As
4 Ever."

5 What scares us even more, Mr. Chairman and
6 members of the committee, is in the Daily News for
7 Wednesday, April 19, it says that dealers buy and rent
8 drug corners. Corners in Philadelphia are being sold, do
9 you believe that? Public property is being sold by drug
10 dealers for \$30,000 a corner. They are rented for a
11 thousand or \$500 day. You're talking about a great deal
12 of money.

13 What concerns us is that in this war on
14 drugs, the conclusion we reach is that no amount of law
15 enforcement officials or any battalions of police are
16 going to stop this problem, and no increase in the number
17 of jails is really going to help us because if this type
18 of thing continues, we're faced with the same problem.
19 That's not the issue. That's not the solution, much of
20 it. And the guns, the more guns and police you put in
21 there, the more you turn it into a fortress, and that's
22 terribly frightening to people in the neighborhoods.

23 What concerns the people in the
24 neighborhoods most of all is in this war and the talk
25 about increasing police and weapons and so on is that the

1 people in the neighborhood, the biggest resource that I
2 think we have, are being ignored or forgotten. And if it
3 needs to be said again, as was said in different ways
4 yesterday, you can't fight a war without troops, and in
5 this case, the neighborhood people. You can't win it.

6 Representative Reber, if I could pick up on
7 your analogy to Vietnam, I'd like to add something else.
8 It was clear to the Americans that in Vietnam, one of the
9 things besides the weapons was the lack of support on the
10 part of the people not only in this country, not
11 everybody, but a great segment, and certainly the lack of
12 support by the Vietnamese people in South Vietnam, except
13 some of the leaders. So that what you had was a terrible
14 insecurity amongst American troops. They had no idea if
15 they went into a neighborhood or into a village who were
16 friends and who weren't. I would like to take that
17 analogy and bring it over to the neighborhoods in the
18 United States, in Philadelphia, in every town in the State
19 of Pennsylvania. I think we have to create insecurity in
20 our neighborhoods where the drug dealers are working so
21 that they don't know who is a friend or who is an enemy.
22 This is crucial.

23 And so, you know, the drug use, if it
24 continues, if the supplies continue, they arrest the
25 pushers, they are back on the street, who's winning? You

1 know, where's the impact? And it gets worse. To sell a
2 street corner for \$30,000 a year, are we winning? What's
3 going on? For heaven's sake.

4 Secondly, this one dimensional approach to
5 the war I think we have to say is doomed to failure. It's
6 not going to work. And we feel that law enforcement
7 officials, as was pointed out, I think, can focus on the
8 supply, and it touches to your point about the supply
9 coming from South America, when I think it was in Ecuador
10 that drug dealers went up to the Prime Minister and said,
11 we will pay the national debt off in Ecuador if you give
12 us a free hand. That's mind boggling. The drug dealers
13 are going to pay off a national debt? That's what we're
14 dealing with.

15 So they may, they may, and your question
16 addresses that, they may stop the supply, they may hinder
17 the supply. They are never going to stop or hinder the
18 demand, and that's where the community people have to come
19 in. It's crucial that they be recruited. If we have to
20 have military constriction, then we have to recruit the
21 neighborhood people into this war on drugs. It's not
22 going to go anyplace unless we have this. But in order to
23 do this, you know, we need some funding, we need some
24 help. We need drug education programs. We need
25 recreation programs. We need counselors. We need summer

1 work programs for the kids. We need some money to do some
2 basic organizing. The amount of work that it takes to
3 bring a group of people from this region is enormous. The
4 amount of time that it takes to organize a block and go
5 from door to door you can image. And we're doing this for
6 free. And it's a burden.

7 So we're asking you, please, in this
8 amendment which is attached, or at least copies of it you
9 have received, for 70 percent of the forfeited money.

10 Let me point out at this particular time, I
11 was somewhat offended and amazed at the district
12 attorney's recommendation for an amendment. He talks
13 about \$12 million being distributed through the Department
14 of Community Affairs for the entire State. And why so
15 much for Philadelphia? Let me add. In the crime report
16 for 1989, which was put out by the Attorney General
17 Zimmerman, he said that property seized and forfeited from
18 July 1, 1987 through June 30, 1988 totaled \$319,000,872.
19 Now, \$12 million of \$319 million comes to 4 percent. I
20 find that offensive. And somehow or other this is being
21 presented to us as help for the community. No. \$319
22 million is a lot of money. And if they're willing to give
23 us 4 percent, I think we're dealing with a serious
24 problem. I think we need 70 percent.

25 It's hard to be sympathetic, therefore, to

1 people who come in here, such as the Attorney General's
2 Office, and I think what they're doing is absolutely
3 fantastic, don't misunderstand me. But it's hard to be
4 sympathetic to them when they say that they're
5 underfunded. Let me tell you about underfunding. Let me
6 tell you about need. We're not on a line item of
7 anybody's budget. We give our time free, we search for a
8 home or a church where we can have a community meeting,
9 not always successfully, especially if we're talking about
10 drugs, because people are afraid. I don't want anybody to
11 know that you're having a meeting in my house.

12 And in Northwood, which is a community here,
13 one woman who was very vocal had her house burned down.
14 And there was a story in the paper about the president of
15 the organization who started receiving threats from drug
16 dealers because he said, "We ain't going to stand for it
17 anymore."

18 We have no staff. We frequently can't
19 afford a telephone. We don't even have a typewriter
20 sometimes. That's underfunding. That's real
21 underfunding. And we're told that this has to be a team
22 effort, and I feel like a disabled member of the team, and
23 I'm not quite sure what I can do if only the generals and
24 the colonels are receiving the funding and not us, the
25 troops in the trenches.

1 We believe that this money belongs to us.
2 It was stolen from us, whether it was used by our people
3 or not. It was stolen from us, and we want that money
4 back, and it's quite a serious thing. We need it. We
5 can't go after the banks, which we're not shy to do, and
6 accuse them of redlining, when the biggest redliners in
7 the entire country are the drug dealers.

8 Nothing is being reinvested in the
9 communities. What's happening is our neighborhoods and
10 our communities and our towns are being crushed to death
11 by these problems, and all of us feel helpless. Now, a
12 lot of people you've heard go on drug marches. We
13 encourage that a great deal, and psychologically it's an
14 excellent thing. It encourages people. And I heard last
15 week up near the football field of Temple they actually --
16 you know, it's like picking up a stone and you see all the
17 slime run away. The march went down the street and the
18 drug dealers just disappeared. That's what we need. And
19 as I said earlier, we have to create that insecurity.

20 We're asking for funds, but in order to ask
21 for funds or 70 percent, we have to know what 70 percent
22 of what are we asking for. And what I'm mentioning is
23 there is no public account or accountability of these
24 funds. Who knows? Who really knows? Do we have a report
25 of what's being brought in or what's being confiscated?

1 We hear that, for example, in this country, this week at
2 Temple there was a conference that the drug industry in
3 the United States is \$150 billion a year. We hear that in
4 Miami, Florida, on weekends people will come for a
5 shopping trip from South America and they spend \$1 million
6 on a shopping trip. I should live so long. We hear that
7 in Philadelphia, cocaine sales amount to \$12.5 million a
8 week, the Inquirer, September 18. We hear that from July
9 1, 1988 to March 31, 1989, and that's attached to this
10 testimony, there's \$1.5 million was split between the
11 police and the district attorney. The Department of Drug
12 Enforcement told us that 80 to 90 percent of the money
13 confiscated by Federal agents is returned to local law
14 enforcement bodies.

15 Now, this massive data and unbelievable
16 dollar amounts and the confusing array of facts or factual
17 information demands, it cries out, for some public
18 accountability. And so you must, in any bill that is
19 passed, have a public audit that is brought out every
20 year. You cannot allow this to continue without some
21 accountability on the officials. Who gets it? What are
22 they doing for it? And if it's spent for overtime, I
23 think that's the least worry that any district attorney or
24 Attorney General or police have to worry about.

25 Talk about overtime, you know, again,

1 without going into it, I can tell you what that means.

2 And any law passed by the legislature must
3 apply to every political subdivision in this State. I
4 don't think we should distinguish between first and second
5 class cities. I think it must go to every borough and
6 township and village and first, second, third, fourth
7 class cities. It has to go to everybody. You cannot make
8 a distinction in the war on drugs. Either we're all the
9 same or we're not. We don't have first class -- maybe we
10 do, I'll take that back -- problems in Philadelphia. Yes,
11 they're first class, but again, I think it has to go to
12 every municipality and subdivision. We need a total
13 effort on the war on drugs, and not just to the people who
14 we heard here at this table. It must include the
15 community people.

16 And so we have to ask, how much money are we
17 talking about? Who deserves it? How is it going to be
18 distributed? And we feel the amendments that we are
19 suggesting which have come from the community are the best
20 hope, I think, and the most thoughtful way to win the war
21 on drugs.

22 Thank you very much.

23 I'd now like to call Shaun Brady, from
24 Kensington Action Now, which is a community organization
25 right here in the city of Philadelphia.

1 going to stick here. I'll be here with you to the very
2 end, believe me. As long as they stay here, the people
3 will.

4 FR. KAKALEC: Well, they have to get back to
5 work as well. We have a real conflict. We were scheduled
6 between 9:30 and 12:00. I think it's only fair.

7 MR. MARINO: I have no problem with that. I
8 can come back, if you would like.

9 CHAIRMAN CALTAGIRONE: All right. If you
10 would make yourself available to come up to Harrisburg,
11 then we'll probably have some additional hearings on some
12 of this over the summer months.

13 REPRESENTATIVE KOSINSKI: Do you have your
14 testimony for the record?

15 MR. MARINO: Yes, right here (pointing to
16 his head).

17 REPRESENTATIVE KOSINSKI: Would you make us
18 a copy?

19 MR. MARINO: I'd be glad to do that. I do
20 not want to interrupt these folks in their presentation.

21 CHAIRMAN CALTAGIRONE: Thank you.

22 Go right ahead.

23 MR. BRADY: Mr. Chairman, and members of the
24 committee, my name is Shaun Brady. I'm co-chairperson for
25 Kensington Action Now. We thank you for allowing

1 testimony here today in Philadelphia.

2 I also am the director for an outpatient
3 drug and alcohol center called Living Free Centers. It is
4 the only center that targets the services to low-income
5 people in the community, the only center which works with
6 the community. I've seen firsthand the horrible effects
7 that drug use has in my community.

8 Kensington Action Now is a coalition of
9 groups, block groups, neighborhood groups, and business
10 associations, and we work together to empower community
11 members and advocate for a change. Our service area
12 includes a section of Kensington which is a neighborhood
13 in eastern north Philadelphia that was formerly known as
14 the industrial heart of Philadelphia and the workplace of
15 the world. It is a strong residential area with a high
16 rate of ownership of homes. It once flourished in
17 manufacturing jobs - in textile, chemical and steel.

18 Our neighborhood began long and sharp
19 decline starting with the 1960's. These plants closed
20 down and relocated, and thousands of good paying jobs just
21 vanished. Twenty-five percent of our population had to
22 move elsewhere in search of a livelihood. This capital
23 flight brought on severe urban blight accompanied by high
24 unemployment, crime rates, and fiscal deterioration in
25 housing stock and infrastructure, along with a sharp

1 reduction in city services.

2 In 1975, Kensington Action Now was formed by
3 a variety of community groups to confront the serious
4 problems of our neighborhood. In 1980, we created a
5 development corporation called Kensington Area
6 Revitalization Project, which works to encourage housing
7 improvements and other economic development projects.

8 Drug abuse is one of the most serious
9 problems confronting our community. It is directly
10 related to some of our other more serious problems, such
11 as crime and joblessness. To date, government programs
12 have failed to solve the drug problem, and we believe that
13 now is the time for the community which lives with the
14 drug problem 24 hours a day to receive the necessary
15 resources so we can win over the hearts and minds of our
16 youth, our neighbors, and community leaders.

17 Our community is plagued by violent gangs
18 whose existence is directly related to drug profiteering
19 and drug abuse. Crack houses are abundant, and vacant
20 houses are used for drug dens. Residents are constantly
21 burglarized and beaten by drug users for money and
22 personal goods which are sold to support their habit.
23 Community people who stand up to drug dealers are harassed
24 and threatened. One of our churches where people gather
25 to discuss and address the drug problem was threatened

1 with fire bombs by the drug addicts if they continue to
2 allow these activities which interfere with the profits or
3 cause some other problems.

4 The Philadelphia district attorney
5 identified the northwestern section of our service area as
6 the most serious drug-infested area in Philadelphia. One
7 of our community leaders who lives in that area remarked,
8 "When you walk outside your house and see 7-year-old
9 children selling drugs from a car, you know the problem
10 serious."

11 Drugs proliferate at our schools. At the
12 Hunter School, located at Mascher and Dauphin, drug
13 dealers openly ply their trade. They laugh at the
14 drug-free school zone signs. Residents keep their
15 children inside after school and they worry about how they
16 will keep them safe in the summertime when the temperature
17 inside their homes is over 100 degrees.

18 Also, the publicity surrounding Operation
19 Fish Net has only served to advertise that drugs are
20 available in our neighborhood and adds to our problem.

21 Our community believes that the drug problem
22 is at a critical and severe stage, and unless we work to
23 address it now, all the other community projects we are
24 working on will have little or no effect on improving the
25 quality of life.

1 We believe that since drug dealers make
2 their money from people within our community, that money
3 confiscated from drug dealers must be put back and
4 controlled by the communities who are suffering the
5 horrible effects of the illegal drug trade.

6 Kensington Action Now has a long background
7 working with groups around drugs and safety issues. Our
8 residents identify and prioritize problem corners for
9 effective police responses. An anonymous calling system
10 was arranged between residents and the captains of the
11 police districts to report drug activities. A year ago,
12 leadership identified drugs as the number one problem
13 confronting our community. Since that time, our leaders
14 have studied and developed strategies to prevent the
15 further spread of drug use within our neighborhoods. They
16 began to implement some programs directed to our youth, as
17 well as parents and concerned neighbors. Our plans have
18 been dealt a setback because city government does not have
19 sufficient resources for all areas of Philadelphia
20 affected by drugs.

21 Recently, over 300 community residents,
22 mostly women and children, marched through our
23 neighborhoods and stood on three corners in which drugs
24 are sold, in the pouring rain. On that Friday night, no
25 drugs were sold on those corners, and drug dealers made no

1 profits. Eleven drug arrests were made by the
2 Philadelphia Police as a result of direct community
3 action, through these action groups delivering the message
4 that people will not accept drug dealing outside our
5 doors.

6 Our community groups would use these
7 resources obtained through forfeiture to effectively
8 implement drug prevention programs which enable our youth
9 to resist the pressures to become involved with drugs,
10 increase alternative activities for youth, and to educate
11 parents about the myriad of problems associated with drug
12 abuse. We would enhance community awareness about how and
13 where they can turn for help when confronted with drug use
14 within their own families. Inadequate addiction treatment
15 services within our community would be able to expand to
16 necessary levels so that those who are seeking help can be
17 cared for.

18 Our efforts to improve housing conditions
19 and economic development plans could be given a stronger
20 emphasis. All these efforts, if given the proper amount
21 of financial support, could make a dramatic and positive
22 change in the quality of life for all people who now live
23 with a serious drug abuse problem outside of the front
24 doors.

25 All of us at Kensington Action Now urge you

1 to support the amendments to House Bill 845 proposed by
2 the Regional Council of Neighborhood Organizations
3 Coalition: That 70 percent of the cash and property
4 proceeds be set aside for nonprofit community-based
5 organizations that are actively fighting drug abuse and
6 provide related education, health care, housing and
7 community development services; that all confiscated
8 houses must be offered to nonprofit organizations before
9 being auctioned on the open market; that all cities,
10 boroughs, townships and villages would benefit from the
11 set-aside funds; that all proceeds would be distributed by
12 the city controller and a citizens review panel; and that
13 there would be a public audit of forfeiture funds and
14 property proceeds on an annual basis.

15 I, on behalf of Kensington Action Now, thank
16 the committee members for their attention to our needs and
17 the opportunity to present testimony here today. Thank
18 you.

19 FR. KAKALEC: Denise Medina, from the
20 Frederick Douglass Elementary School.

21 MS. MEDINA: Thank you, children.

22 Mr. Chairman, members of the Judiciary
23 Committee, and respected citizens, I rise in support of
24 Bill 845, with the following amendments: That 70 percent
25 of the cash and property proceeds will go directly to

1 nonprofit organizations actively fighting drug abuse and
2 related education, health care, housing and community
3 development services; that all confiscated houses must be
4 offered to nonprofit organizations before being auctioned
5 on the open market; that all cities, boroughs, townships
6 and villages will benefit from these set-aside funds; all
7 proceeds will be distributed by the county controller and
8 a citizens review panel; and that there would be an annual
9 audit of forfeiture funds.

10 As a sixth grade teacher in one of the inner
11 city Philadelphia schools, I cannot help but see the
12 devastating effects that the drug culture has had on my
13 students. Last month, Dr. Clayton asked all Philadelphia
14 teachers to pool their knowledge together to deal with
15 this problem in our schools. As a result, several
16 substance abuse prevention and intervention committees
17 were formulated around the city. I am the co-chairperson
18 of such a committee at my school.

19 Our main objectives are to offer our
20 students alternatives to the drug culture, to arm them
21 with constructive skills to refuse drugs offered by their
22 peers, to instill in them a strong sense of community
23 responsibility so that when faced with the temptation, it
24 will be easy to say no. A portion of our goal can be met
25 within the curriculum and during school hours, but this is

1 reach their full potential without funding. As we see it,
2 the money and assets that are taken during these drug
3 busts are taken from the community and belong to the
4 community. Much of this money was stolen from the
5 families of the very children we are trying to work with.
6 It belongs to them. It belongs to those who still have
7 dreams to build a future - our healthy youth.

8 We understand that the law enforcement
9 agencies need help, and that's why we're willing to
10 apportion them a percentage of these funds, but we're also
11 well aware of the fact that both the police and the
12 community feel frustrated and helpless when the work is
13 done, the busts are made, and within hours the drug
14 dealers are back on the streets pedaling their poisons
15 again. More arrests are not the only answer. Putting
16 time, energy, and money into those who have not yet been
17 sucked into this scourge is just as important, if not more
18 important, than apprehending those who have already been
19 involved. You must consider tapping the energies of the
20 community in dealing with this problem.

21 Please, help us make this amendment a
22 reality and offer a reality of a healthy and productive
23 future for our children, the future of Pennsylvania.

24 Thank you.

25 FR. KAKALEC: Reverend Harold Dwyer.

1 REV. DWYER: Good morning, Mr. Chairman,
2 ladies and gentlemen of the committee. My name is Harold
3 Dwyer. I'm Director of the Episcopal Church of the
4 Trinity in Coatesville, Chester County, and I also serve
5 as Chaplain at Bowling Green Institute of Brandywine, a
6 drug and alcohol treatment facility in southwestern
7 Chester County.

8 I'm here this afternoon to seek your support
9 for the legislation that would enable equitable
10 distribution of cash and the funds that result from the
11 sale of other items seized under the forfeiture law.
12 Specifically, I'm here to seek your support for those
13 amendments to House Bill 845 proposed by the Regional
14 Council of Neighborhood Organizations.

15 In addition to my work as pastor of a church
16 and chaplain at a treatment facility, I have the privilege
17 of serving as the President of the Greater Coatesville
18 Clergy Association. This ministers' organization, working
19 in alliance with the Ministers Association of Coatesville
20 and Vicinity, is currently planning a parade and rally to
21 walk down Main Street in Coatesville on Sunday, the 28th
22 of this month to proclaim that we, the churches, refuse to
23 surrender our streets to the drug dealers which pollute
24 our community. Coatesville is a small city in this
25 Commonwealth, and yet the problems that we face from the

1 open drug trade on the streets of our community are every
2 bit as real as they are in every other municipality in
3 this Commonwealth.

4 To show that the problems are the same from
5 municipality to municipality, two of our speakers at our
6 rally come from Bristol, Bucks County. Nick Barbetta, who
7 works at the Bucks County prison system working to help
8 treat drug offenders who are incarcerated, and Father
9 Buchnadors, from the New Kensington section of
10 Philadelphia, who is one of the leaders of the recent
11 rally in his neighborhood to reclaim his streets. These
12 speakers, together with the speakers from our own
13 community, will show that we of the Coatesville
14 neighborhoods are intending to play a strong, visible role
15 in the fight against drugs.

16 I also serve as a member of the Coatesville
17 Drug Task Force, its Education Committee, and I work on
18 the board of CCCOAD, the Chester County Council On
19 Addictive Diseases. These two agencies, as nonprofit
20 educational agencies, stand to benefit from an equitable
21 distribution of forfeiture funds, and I have been
22 authorized by the members of both of these agencies to
23 represent them here to you this afternoon and to say that
24 these nonprofit groups are involved in the struggle
25 against the plague of drugs in our society involved by

1 trying to teach our children, educate our parents, and to
2 provide through a program called Treatment Alternatives to
3 street crime an early intervention system whereby
4 first-time offenders and minor offenders who are alcohol
5 and drug involved can be pulled out of a judiciary system
6 and receive the treatment that they deserve.

7 I'm also a member of the Addictions and
8 Recovery Committee of the Episcopal Diocese of
9 Pennsylvania. We represent Episcopal clergy and laity in
10 the five-county southeastern Pennsylvania area, and many
11 of us are involved in the treatment and education field.
12 We understand that many groups deserve a share of the
13 financial support that is possible through the
14 distribution of forfeiture moneys.

15 Finally, I carry a letter of support from
16 Mr. Ted Reed, City Manager of Coatesville, a part of which
17 I will share with you.

18 "Dear Father Dwyer.

19 "Although the concept of distribution to
20 first class cities is admirable, I feel that the proposed
21 change does not go far enough. After discussing with
22 Chief of Police Dennis Alexander, we strongly feel that
23 all municipalities have the right to share in the
24 forfeiture for use in drug enforcement activities.
25 Anything that you can do to convey this to our legislators

1 would be greatly appreciated."

2 A feeling of all of the individuals and
3 groups with whom I work is that justice demands that the
4 profits of the drug trade, which steal the very souls from
5 the people of our community, be used to further the effort
6 to stem the tide of drug traffic in those communities, be
7 used to educate our young people about the great dangers
8 of drugs, and to provide treatment for those afflicted by
9 the disease of addiction. Further, we feel that the
10 moneys that are confiscated from the drug dealers and drug
11 purchasers should be used to address the fact that drugs
12 in our society is a symptom and not the disease itself - a
13 symptom of poverty, of inadequate housing, of insufficient
14 opportunities in employment, and of criminal lack of
15 appropriate health care.

16 Simplistic enforcement solutions are
17 inadequate. They have been inadequate and they will
18 continue to be inadequate unless we, the people of this
19 Commonwealth and the communities organizations that
20 represent the people of this Commonwealth, are properly
21 enabled, through the financial resources that are
22 available in this State, to do the work that we have been
23 called to do. The battle will be lost.

24 We have the strong support in our community
25 from the police department and the city administration,

1 and we seek the support of our legislators to enable us,
2 the community groups, to do the work.

3 Thank you.

4 FR. KAKALEC: Miss Barbara Viole.

5 MS. VIOLE: Mr. Chairman, members of the
6 House Judiciary Committee, my name is Barbara Viole,
7 President and founder of Kid Pros Workshop, Incorporated.
8 I'm here today because I have a very personal and communal
9 interest in the forfeiture bill in terms of my immediate
10 family and four sons and the organizational goals of Kid
11 Pros. We, as community members, need to establish harmony
12 in our neighborhoods. I hope to make strides in
13 accomplishing this today.

14 I support HB 845 with the following
15 amendments: 70 percent of the cash and property proceeds
16 will go directly to nonprofit organizations actively
17 fighting drug abuse and related education, health care,
18 housing, and community development services; all
19 confiscated houses must be offered to nonprofit
20 organizations before being auctioned in the open market;
21 all cities, boroughs, townships, and villages would
22 benefit from the set-aside funds; all proceeds will be
23 distributed by the county controller and citizens review
24 panel; there will be an annual audit of forfeiture funds.

25 You know, Philadelphia is losing the battle

1 on all fronts. Why is it? When we can make monumental
2 decisions concerning huge development projects, provide
3 zoning variances relating to regulated building height or
4 provide tax forgiveness to assure job openings for the
5 duration of the project, why is it that we gain so little
6 in terms of respect from our young people, our future
7 decisionmakers? If we hope to provide jobs with a future,
8 care for the elderly, poor, and AIDS victims, or even
9 house the homeless and abused children, we've got to
10 clearly establish our goals, plan strategy that will help
11 us win this war. There's an overwhelming lack of pride in
12 the city for our school system, municipal services, our
13 court system, and, yes, even our politicians, and that's
14 why community participation is so crucial.

15 Ironically, we just celebrated 200 years
16 since the signing of the U.S. Constitution, and here we
17 are today in 1989 and we're still crying "We, the people."
18 But unlike then, now we're faced with the devastation of
19 drugs in our neighborhoods. Mothers are abandoning their
20 babies and children without hope, they're turning to
21 prostitution and all manners of criminal activity to
22 maintain their habit. We've got to help them.

23 As fellow citizens, we have a moral
24 obligation to rebuild these families in our communities.
25 The addict, him or herself, must find hope in a system

1 that promises and delivers results. In order for them to
2 be lifted out of their despair, they must believe that
3 there is a way out, not just a deterrent such as
4 incarceration, but a cure. If we learn how to redirect
5 the energy of the entrepreneur drug pusher, we might find
6 that we are creating a society of outstanding business and
7 community leaders.

8 Our hope for the future. It's easy for us
9 to point a finger and say that this is wrong or that's
10 wrong. The hard part is making an effort to right the
11 wrong. Only successful and dedicated people do this.
12 What kind of people are we?

13 MR. HARRIS: Good morning, Mr. Chairman and
14 members of the committee. My name is Jack Harris, a
15 member of Kid Pros.

16 As a youth, I, too, support House Bill 845
17 with the aforementioned amendments, and I want to add now
18 that I am dedicated to fight the existence of drugs in my
19 community because of the devastating things I see
20 happening to my friends. These drugs are all around us.
21 I watch how it is causing the break-up of families,
22 destroying the lives of young children, and some are
23 placed in foster homes because their mothers and fathers
24 are on dope and there is no one home. Others get tired of
25 looking for jobs paying no money so they start dealing

1 themselves, and then there are those who threw away their
2 education completely, making the street their home. Day
3 in and day out they are busy trying to make their beat
4 because of other social or emotional problems.

5 I care about my friends who are doing this
6 because I know they weren't always like this. But the
7 problem and the solution is bigger than I am. It took
8 time for the situation of drugs to grow to this magnitude.
9 Now it's going to take time as well and lots of money to
10 correct this problem.

11 Kid Pros will use the forfeiture funds to
12 broaden our base of operation. We must make extensive
13 renovations in order to efficiently serve people within
14 our community who are affected by drug use. Such
15 renovations are costly to provide the things so that we
16 become more visible in the community as a structure base
17 for implementing more routine social programs. This
18 forfeiture money, which comes out of our communities,
19 could serve our needs in a more positive way by helping to
20 rebuild family units which have been touched by drug use.
21 Through daycare and after school programs, family support
22 groups, peer counseling, skills training, staff and
23 service training, and referral services, we can accomplish
24 this goal. At the same time, it will help to renew our
25 faith in our government and elected officials in this

1 great nation of people.

2 Thank you.

3 MR. JOHNSON: Mr. Chairman, members of the
4 committee, I'm Thomas Johnson.

5 As a follow-up, I, too, support House Bill
6 845 with the previous amendment. I would like to say that
7 there is no other organization in our area like Kid Pros.
8 It truly lives up to the principle that kids, when given
9 the opportunity, can become successful professionals.

10 I am honored to be here today and
11 participate in this hearing. It will serve as an
12 educational experience. This opportunity allows me to
13 learn firsthand how the legislative process works. I
14 realize now the significance of exercising our voting
15 rights to make a difference. We've presented our concerns
16 to you, testifying of the need to rebuild the family
17 structure, homes, and social programs in our communities
18 with the money which was set aside in the forfeiture
19 funds.

20 In the aftermath of this drug war and
21 violence, our streets have become riddled with colored
22 capsules - the bodies of dead warriors in our back alleys
23 and parking lots; children maimed by stray bullets are
24 falling on door steps; babies crying in the night for a
25 mother that lives only for her habit; fathers making a

1 quick buck dealing to provide for their families; Yuppies
2 giving up in the American dream because they have lost
3 faith; civil servants dealing in city offices; and, yes,
4 politicians guilty of wrongdoing.

5 Where does the nightmare end? I'll tell you
6 a good place to start. We can start cleaning up by
7 allocating the moneys obtained in the forfeiture fund to
8 nonprofit organizations actively fighting drug abuse,
9 housing, and community development services. It's going
10 to take a tremendous effort on all our parts to bring
11 about an effective change. The stability of this economy
12 depends upon it, and there's a saying, "The buck stops
13 here," and so it should.

14 So let's take a positive look at this issue
15 and decide to take care of our community.

16 Thank you.

17 MR. HERTZOG: Mr. Chairman, members of the
18 committee, my name is Dimietri Hertzog, member of Kid
19 Pros.

20 I, too, support House Bill 845 with the
21 previous amendments. I would like to see resources coming
22 into our neighborhood to help our housing problem, youth
23 services, and a program for aging. Young people need
24 directions, and most times it takes money to persuade or
25 encourage people to give of their time. We need good

1 social and recreation programs. We need a place where we
2 can go in our community to carry out these programs. We
3 need the forfeiture funds to make this happen.

4 Thank you.

5 CHAIRMAN CALTAGIRONE: How old are they?

6 MR. HARRIS: 15.

7 MR. JOHNSON: 16.

8 MR. HERTZOG: 13.

9 MR. FRANZ: Mr. Chairman, and Honorable
10 legislators, it is a pleasure and a privilege to be before
11 this honorable body as a representative of Ivy Hill Upsal
12 Neighbors, that's IHUN, a community group serving the
13 needs and interests of East Mt. Airy, a neighborhood of
14 northwest Philadelphia that's next to Chestnut Hill.

15 It goes without saying that I wouldn't be
16 before you this morning if my community didn't have urgent
17 problems facing it. Anyone who has an eye or an ear for
18 the news is certainly aware that our neighborhood is
19 besieged by drugs. This problem has touched virtually
20 each and every household in a square mile or so which is
21 comprised of Ivy Hill Upsal Neighbors. Recreational drug
22 users of the '60s and '70s have turned our neighborhood
23 into a gold mine for drug entrepreneurs. Many young
24 people and adults are now hooked on cocaine, Crack, and
25 marijuana laced with these and other street drugs. There

1 are those who have decided to set up shop in our schools
2 and our playgrounds, when any corner where there's a
3 telephone booth or dime store or deli, when any corner
4 they can claim their own or buy. They're packing
5 concealed weapons and using them on their competition.

6 Our community is being raped of its most
7 valuable resource - its young people. They're stealing
8 from their mothers and fathers, their friends and their
9 neighbors; they're murdering one another on the streets,
10 and in my neighborhood, yes, my neighborhood, they're
11 stuffing the bodies that are victims in abandoned cars in
12 trash bags in the garages of homes. It's no wonder that
13 the people in my neighborhood are scared.

14 Ivy Hill Upsal Neighbors was formed as a
15 response to this chaos. We are here to organize a
16 population which exceeds that of the bordering towns of
17 Montgomery County. City services alone cannot solve our
18 problems. Organizing a solid square mile of residential
19 Philadelphia is a formidable task. We are bringing
20 together those elements of the community which have the
21 desire and the talent to forge a strong resistance to the
22 negative forces in our midst. We need money to do this
23 effectively. We need a staff that can be available to
24 respond to the needs of the community.

25 The authorities are netting a windfall of

1 seizures from the drug busts taking place with ever
2 greater regularity. It's as though the government is
3 levying a sort of tax against the dealers, allowing the
4 dealers to just go on. It's nothing to the dealers, they
5 make so much money. This money is coming from our
6 community and virtually none of it is coming back. I've
7 only heard about something like \$5,000 coming back to our
8 community.

9 I'm here to ask you to return a portion of
10 seizures to the community from which it was taken, to all
11 communities from which it was taken. Quite briefly, I'm
12 going to go over the amendments to the forfeiture law: 70
13 percent of cash and property proceeds to go back to
14 nonprofit organizations in the community fighting the drug
15 abuse; that all confiscated houses and buildings be
16 offered to the nonprofit organizations first; that all the
17 towns, villages, boroughs, et cetera, be eligible for the
18 this benefit from the set-aside fund, as opposed to just
19 the first-class cities; and that the proceeds will be
20 distributed by the county comptroller and a citizens
21 review panel; and that there would be an annual audit of
22 the forfeiture funds and public disclosure of the audit so
23 that we really know what we have there, because it's a
24 very poorly run system of the government collecting moneys
25 and not really accounting for it. That's what it's all

1 about, accountability.

2 Community organizations like ours are the
3 keystones of the solution of the drug menace. We are on
4 the front lines. We have everything to lose and
5 everything to gain. Without our eyes and ears, the police
6 will never be able to solve the problem. Right now, Ivy
7 Hill Upsal Neighbors is working hand in hand with the
8 authorities to solve the drug problem. We are marching on
9 drug houses and drug hangouts on a weekly basis. We are
10 rallying in our neighborhoods to get out and do something
11 right now. We are conducting a low-profile town watch
12 program using anonymous tip sheets called Hot Spots Cards
13 to alert the police to stash houses, smoke houses, places
14 where dealing is done and all pertinent data relating to
15 illegal activities. It's really working, but it requires
16 a constant effort and a constant will not just for the
17 near term but for the long term.

18 We're standing up to the drug dealers and
19 risking near certain retaliation. We deserve a portion of
20 the funds. We could use it to establish an office with
21 staff and equipment to organize with. We would sponsor
22 anti-drug activities of all sorts, from remedial to
23 educational, to an outright resistance force manned by
24 members of the community. We would reach ought to the
25 many people in the community who are waiting for us to

1 respond to their needs.

2 Thank you.

3 MR. GLASER: I'm Gary Glaser. I work with
4 the Southwest Germantown Block Group.

5 Until just a few minutes ago, you seemed to
6 be addressing more of the symptoms than the problems
7 that are so overwhelming to us. I'd like to turn our
8 attention to the problem and first recognize it. It's not
9 drugs, it's not crime, it's not pain, abuse, or even
10 death. The problem is people. It will not change the
11 flow of the drugs or crime or pain or death unless we
12 recognize these are all symptoms of a greater and more
13 essential problem - the problem being ignorance and
14 people, and the solution being understanding and people.
15 Education, alternatives, and experience are tools that we
16 have to have. It's ignorance that allows these drugs to
17 be abused, crime to run rampant, and destruction and death
18 to the very nucleus of our culture and its greatest
19 resource - people. Communities need the access to
20 alternatives. More laws, more jails allows for more
21 criminals and more bureaucracy. We can see the means to
22 support this inappropriate approach is discouraging and
23 consuming to our society.

24 The key is to create a constructive and
25 productive program to deal with the problems not just the

1 symptoms. What we need are education and alternatives on
2 a community level. With these tools, we'll be capable of
3 making the most out of our resources. It is our right and
4 our responsibility as people, as a community, as part of
5 our world, to encourage productivity and allow the chance
6 to be the best we can be. This is not an option at this
7 point, it's a necessity if we, as a culture, are going to
8 survive. Survival is what we're here to address.

9 We must tackle and solve these problems at
10 its roots, and the roots are not in South America or the
11 capital or city hall. It's right next to us. We are part
12 of it and it's part of us. It's our community.

13 Within the last decade, resources that
14 helped build and encourage community development have
15 dried up, cutbacks in funding from housing, health, and
16 human resources have been hurt where healing is most
17 important. Cross cultural programs, after school and
18 recreational activities have been lost. Areas in my
19 community that have been a focal point of rebuilding have
20 been left unresolved. Street dealers, Crack houses, and
21 related crimes are moving in and expanding. If it hasn't
22 reached you and it isn't been dealt with on a community
23 level, it eventually will hurt you. We need
24 community-based education and alternatives.

25 Supporting House Bill 845, the forfeiture

1 coalition's following suggested amendments will allow us
2 use of the tools we need, putting back the resources that
3 are being taken from our communities. The proceeds from
4 drug arrests are divided by district attorneys among
5 themselves and law enforcement officials. The changes
6 sought by the forfeiture coalition would amend the law so
7 that 70 percent of the cash and property proceeds go
8 directly to nonprofit organizations actively fighting drug
9 abuse and related education, health care, housing and
10 community development services. Community organizations
11 need to secure a fair share of forfeiture funds in order
12 to win back the communities with front line involvement
13 offering alternatives to eliminate the constant growing
14 needs for drugs.

15 All confiscated houses must be offered to
16 nonprofit organizations before auctioned in the open
17 market. In the communities where those properties exist
18 are the places that are hurt the most. People in these
19 areas must be given back the power and incentive to make
20 the most out of their community.

21 All cities, boroughs, townships and villages
22 would benefit from the set-aside funds. Reciprocities
23 must fit the crime.

24 All proceeds would be distributed by the
25 county controller and a citizen review panel. It is

1 essential that there be a partnership in recognizing the
2 needs and sharing of the responsibilities of the
3 community.

4 There must be a public audit of forfeiture
5 funds. Presently, each county conducts an audit of its
6 forfeiture funds and submits reports to the Attorney
7 General. These audits aren't public information. The
8 public has a right to know how much money is being taken
9 out of their communities by the drug trade and how much of
10 that money is being used. Because forfeited moneys come
11 from the neighborhoods, we believe that these funds should
12 be reinvested in our neighborhoods in the most effective
13 and efficient way possible.

14 There are no easy solutions, but there are
15 obvious ones. Let's take the opportunity to concentrate
16 on preventative measures of the problem rather than just
17 feeding, creating more space, caretakers for these
18 parasites of our society. For me, it's more important
19 than fighting against drugs is the fight for understanding
20 and the peoples' responsibility and right to be encouraged
21 and productive. That's why I'm here. I don't think being
22 tough on drugs is the answer. I think it's being smart
23 with people. We're people working to take back our
24 streets. We're not here because we're being paid to, as
25 most of the people who testified before us were. It's

1 because our lives are in question, not our means of
2 living.

3 Please support the forfeiture coalition's
4 amendments, the citizens' rights and responsibilities, and
5 help us gain the tools necessary for fighting for life
6 itself.

7 Thank you.

8 MS. MONTROSS: Good afternoon, Mr. Chairman
9 and members of the committee. My name is Virginia
10 Montross, and I'm from PO Box 178, Bensalem, Bucks County,
11 and I am President of the Bucks County Tenants
12 Association.

13 The Tenants Association is a countywide
14 organization in Bucks County that works with low- to
15 moderate-income tenants on a variety of housing issues.
16 And we organize tenants on rent affordability issues and
17 to maintain decent and safe housing. And there really is
18 more to what we do than simply to guarantee tenants have a
19 roof over their heads. We also care deeply about the
20 quality of life in low- and moderate-income tenant
21 families.

22 Quality of life means opportunity to break
23 the bonds of poverty and enjoy the riches of life. It
24 also means the freedom from fear. The opposition that is
25 facing our tenant community and Bucks County now also

1 includes the destruction brought on by the addictive drugs
2 of speed and Crack. Let there be no doubt in this room
3 that drugs and all the terrible problems they bring have
4 come to Bucks County.

5 Let me quote from a recent Inquirer article
6 of April 25th. The Bristol Township police chief says,
7 "Crack sales are so heavy on the corners of Colonial and
8 Lloyd Avenue that it resembles Eighth and Butler Streets,"
9 a well-known drug trafficking intersection here in
10 Philadelphia.

11 How do we develop solutions and where do the
12 answers lie? We all agree that we need adequate
13 enforcement, but enforcement alone is not the total
14 answer. When the TV lights go out after the Bucks County
15 District Attorney's press conference on the latest drug
16 busts, the nightmares of drugs and death still remain. We
17 don't have the luxury to go to our nicely trimmed lawns or
18 our colonial homes. Our tenant families must return to
19 their apartments in complexes where drugs are not a press
20 conference but a 24-hour-a day, 7 day-a-week matter of
21 life and death.

22 We need community grassroot-based programs,
23 and, most importantly, the financial commitment to make
24 them succeed. For that reason, we are strongly endorsing
25 and asking for your support for the following RCNO forfeit

1 amendments: That 70 percent of all forfeiture proceeds
2 will go towards nonprofit organizations actively involved
3 in fighting drug abuse and related education, health care
4 housing and community development services; all
5 confiscated houses must be offered to nonprofit
6 organizations before being auctioned through the open
7 market; all cities, boroughs, townships and villages would
8 benefit from the set-aside funds; all proceeds would be
9 distributed by the county controller, and a citizen review
10 panel; and there would be an annual audit of forfeit
11 funds.

12 The Bucks County Tenants Association firmly
13 believes that passage of these amendments are crucial to
14 an effective and comprehensive war on drugs. What I hope
15 to leave with you today is the idea of an opportunity lost
16 and found. So far what has been forgotten in the solution
17 has been us, the grassroots people and organizations. We
18 have been lost in the picture and we demand to be found.
19 Will the doors of opportunity remain closed for our
20 children or open for total community involvement, and
21 opened in the sense that the grassroots community groups
22 become full partners in the war on drugs through the RCNO
23 forfeit amendment?

24 Thank you for your consideration on my
25 comments.

1 REVEREND ORLOVE: Mr. Chairman and
2 committee, good afternoon. My name is Reverend Orlove,
3 and I'm Director of Christians United Against Addictions,
4 and my committee and organization support House Bill No.
5 845.

6 We believe that 70 percent of the cash and
7 property proceeds should be set aside for nonprofit
8 community-based drug treatment and prevention and
9 education programs. We believe that all confiscated
10 houses must be offered to community-based organizations
11 before being auctioned on the open market. The amendment
12 would apply to every political subdivision in the State,
13 such as all cities, all boroughs, and all townships. We
14 feel that all cash and property proceeds would be
15 distributed by the county controller and a citizens review
16 panel, and that an annual audit of the forfeiture funds
17 would be required.

18 The church is normally, in the past, has
19 been the center of refuge in the community. As it was
20 years ago, the church has lost some of the vision that it
21 had, but we believe that the responsibility of the church
22 reaches out into the community, and the Bible tells us
23 that we are our brother's keeper, in believing that we
24 have a responsibility, that is the church and community
25 organizations, to -- that is community-based

1 organizations, which Christians United Against Addictions
2 is. It is a nonprofit organization, and we reach out to
3 the community to administer to those needs of the people
4 who have been addicted, and our real concern is the women
5 who have children and who have a desire to be recovered.
6 In wanting to recover, these women are having a hard time
7 because they want to be with their children and they don't
8 trust anyone to keep their children. They don't have
9 housing, they don't have proper opportunity for treatment.

10 We believe that with these forfeiture funds
11 rather we would use our funds to give proper housing,
12 medical care, and we would be able to encourage those
13 people who have a desire to recover with the moneys that
14 we need.

15 We believe that the cash and property
16 confiscated from drug arrests should be channeled back
17 into the community so that the community based
18 organizations would be able to address the drug issues in
19 our individual neighborhoods. And to properly meet these
20 needs, the community-based organizations need housing,
21 food, clothing, and medical care. And we would use the
22 moneys that are received from this forfeiture fund to
23 address those individual issues in our community.

24 Thank you.

25 MR. GIONI: Chairman Caltagirone, members of

1 the committee, if I may introduce myself, my name is Evo
2 Gioni. I'm with the DuVal Improvement Association in
3 Germantown.

4 I would like to point out to you where one
5 area of need can be met with funds returning to the
6 community within my own general community.

7 On April 1, our community brought in the
8 Guardian Angels. Now, this was the first positive image
9 that our children could see in our neighborhoods in a
10 long, long time. We have to put out, as a community,
11 \$10,000 the first year, and it will be about \$6,000 every
12 year thereafter. It's a very difficult thing to get the
13 business and the private community to put out that kind of
14 money.

15 We do not know whether they'll be able to
16 clear as much area of drugs next year as they did this
17 year. In a little over one month they have cleared eight
18 square blocks, a very highly infested eight square blocks
19 of drug dealing and pushed it a quarter of a mile to the
20 east. Unfortunately, it landed to the east, but
21 fortunately it's no longer in the streets where it can be
22 seen by our children, and it's now being dealt with mostly
23 in the houses. It's not a big step, but it is a step, and
24 it is a good step, I think.

25 This situation is multiplied many, many

1 times by the many members who are here from different
2 communities. They need resources to do their jobs well.
3 We need resources such as equipment to duplicate the
4 messages we want to send to the members of our community
5 so that everybody knows what's going on, so that the
6 leaders truly represent all the members of that community,
7 instead of the few who might meet at a meeting once a
8 month. We need many forms of help, but that help can only
9 come about if there are funds which are audited regularly.

10 I thank you for all the time you have spent
11 listening to us, and I hope our words have made some
12 impact on behalf of your group as well as our community.

13 Thank you.

14 MR. HILL: Good afternoon, Mr. Chairman,
15 members of the House Judiciary Committee. I'm Elda Hill
16 of the Heaven's Gates Church of Jesus Christ, and I'm here
17 in support of the amendment to House Bill 845.

18 And I just recently got involved in this
19 movement, and the reasons why I got involved, in my
20 community, as a minister and a father, I was coming home
21 from work one day, coming down my street, there were drug
22 dealers in the street shooting at one another. And just
23 on this week I was standing at my front door with my
24 handicapped son in his wheelchair, waiting for his lift
25 bus, and there were drug dealers, they pulled up in a

1 truck, two doors from my house, I'm out on the step with
2 my son, they were banging on the door asking for a fella
3 to come out because they wanted the rest of their money.
4 They wouldn't open the door. The guy went back to the
5 van, pulled out a pistol, and they proceeded to knock the
6 door down. I'm out on the street with my son. Now, I
7 don't know what could have happened, but immediately we
8 went back in the house.

9 So I was not involved with this whole thing
10 when it all started, but I am serious about this whole
11 matter of getting this bill amended so that the
12 communities of this State can have some way of fighting
13 the war on drugs. Yes, we agree that the law enforcement
14 agencies are doing something. They're doing what they are
15 able to do, but we need some help out there in the
16 trenches. I was a part of the Armed Forces and I saw how
17 things were done -- when the Armed Forces have what they
18 need, they can do a job, but when they don't have what
19 they need, the job won't get done.

20 So what we're saying is support the
21 amendment to this House Bill. It states that 70 percent
22 of all houses confiscated must be offered to nonprofit
23 organizations, community groups before being offered on
24 the open market; all cities, boroughs, townships,
25 villages, and other governmental subdivisions of the

1 Commonwealth of Pennsylvania should be able to benefit
2 from the set-aside funds; 70 percent of the cash and
3 property proceeds should be set aside for nonprofit
4 community-based organizations.

5 First, funds should be given to those
6 community-based organizations that are actively
7 confronting the drug problem. Subsequent consideration
8 will be given to community-based organizations that are
9 providing educational, health care, housing, and community
10 development organizations.

11 And it says all cash and property seized in
12 each county shall be given to the specific county
13 controller. The controller will meet with all interested
14 nonprofits and develop a method of disbursement of funds
15 in each county. A citizens review panel should be formed
16 to approve and oversee the disbursement of the set-aside
17 funds. Community representatives shall make up the
18 majority of the review panel.

19 And last one, it says public audit of the
20 forfeiture funds and property seized on an annual basis.

21 I appreciate it if you ladies and gentlemen
22 would support the amendment to this House Bill.

23 Thank you.

24 MS. GARDNER: Good afternoon, Chairman, and
25 members of the committee. I'm Gloria Gardner from

1 Norristown, Norristown Grassroots Network, which is a
2 member of the Regional Council of Neighborhood
3 Organizations.

4 I'm in support of Bill 845 that all houses
5 must be offered to nonprofit and community-based
6 organizations.

7 Number two, all cities, boroughs, townships,
8 and villages and all governmental subdivisions and
9 municipalities in Pennsylvania should be able to benefit
10 from the net funds.

11 Three, 70 percent of the cash and property
12 should be given back to the community, the nonprofit
13 community-based organizations.

14 Four, all cash and properties, proceeds
15 seized in each county should be given to a specific county
16 controller.

17 Five, public audit of all forfeiture funds.

18 I'm here to tell you, last year I had a
19 program called Earn and Learn. In Norristown, I organize
20 neighborhood blocks that become aware of what's going on
21 in their neighborhood, and in that last year we organized
22 a lot of neighborhood blocks, and out of that came a
23 program called Learn and Earn. And out of this program, I
24 got a firsthand education of what Crack was, what drugs
25 was, and that there's a generation of drug addicts in the

1 community, these are kids from 8 to 12. Some of the kids,
2 they know the terms of the drugs, they had to explain them
3 to me, which I didn't know, you know, the nicknames for
4 them. They could explain it better than I did. Some of
5 the kids 10 and 8 years old are wearing those gold rings
6 that you put three fingers in, it's all one piece, wherein
7 they're supplying, delivering drugs for their parents.

8 I feel that the missing key is the
9 community, and that the community-based organizations have
10 firsthand knowledge to what's going on in their community.
11 And I feel the only way that we can get the firsthand
12 knowledge is to be in the community visible, and this is
13 where the 70 percent of the money going back into the
14 community would be a worthwhile commitment to my
15 organization, because we only have a shoestring budget.

16 And as you know, organizers have to be very,
17 very dedicated to work in the community. But working with
18 the children we find that there's a dedication. Children
19 want to see a change, but there's no direction. When you
20 see drugs every day, day in and day out, it becomes a
21 place, it becomes common, just like cereal. You get up
22 and eat it every morning. It's common to them. When you
23 see it every day, like some of them say, what difference
24 does it make? Nobody cares. Nobody comes down in our
25 neighborhood.

1 I feel that it's very important that we send
2 the children at an early age a clear message to have a
3 vision that there is something better out of life than
4 drugs and drug addiction. I know that the police and
5 other organizations are doing a tremendous job, but I
6 still feel that the missing key is the community
7 organization involved in it on a one-to-one basis with the
8 kids.

9 I feel, you know, when I first went into the
10 neighborhood it was very sad that children had to deal
11 with this on an everyday basis. I find that kids that
12 have to deal with this on an everyday basis don't take an
13 interest in school, they don't take an interest in what's
14 going on in their neighborhood because they have to come
15 back to the same old humdrum. And when you have to come
16 back to the same old humdrum, there's no vision of what to
17 do, where to go, or how to go. Who's going to listen to
18 us?

19 I know I'm only reiterating what some of the
20 others said, but I feel that it's very important that this
21 committee get a message that the missing key is the
22 community-based organizations, and that we need funding to
23 help combat the drug war in the communities.

24 Thank you.

25 MR. WILLIAMS: Good afternoon, Mr. Chairman,

1 ladies and gentlemen of the Judiciary Committee. My name
2 is Tyrone Williams, and I'm the President and Executive
3 Director of the Committee for Bettering Our Philadelphia.

4 I'm here today in support of the suggested
5 amendment of the Regional Council of Neighborhood
6 Organizations in the form of Bill 845. I will not be
7 redundant in reporting the statistics as it relates to the
8 drug trade in our city, State and nation. I would like,
9 rather, to focus my time on the inability of government to
10 sufficiently address the problems of our community.

11 Government is constantly asking for more
12 taxes, more tax dollars on one hand, and aggressively
13 cutting service on the other. Government continues to
14 turn a deaf ear to the cries of the people, especially
15 people in poor communities.

16 In certain areas of north Philadelphia, the
17 drug epidemic is so overwhelming that the people are
18 nothing more than walking dead. In our center, we share
19 space with One Day At A Time, which is a drug and alcohol
20 abuse program. And the phone never stops ringing. People
21 are calling constantly asking for help. And this program
22 is a volunteer effort, with many of the members, if not
23 all of the members, being recovering addicts. The group
24 had tried on several occasions to get funding, but all
25 they get is, "There is not enough funds to go around to

1 support all the positive efforts." Their program is the
2 most successful program that I know of dealing with drug
3 problems in this city. And north Philadelphia is one of
4 the most drug-infested areas in this state, and ODAAT,
5 which is One Day At A Time, continues to get a cold
6 shoulder from our city and State funding sources. This is
7 ludicrous, but it is a very real indication of the failure
8 of government to know what works or don't work in our
9 community.

10 In closing, I'm going to reiterate that
11 government has failed to represent the people. Government
12 has become nothing more than a political ploy, and people
13 are dying in the street, and government is the culprit.
14 You have done everything but pull the trigger.

15 Ladies and gentlemen, let us have some
16 say-so about what's going to happen in our community.
17 Stop using the system to rob us blind. If you're not
18 going to be our Representatives, then put some funds aside
19 so we can represent and govern ourselves.

20 I seen a program on Issues and Answers where
21 the Attorney General, Mr. Preate, and the State drug czar
22 Mr. Forrest when they was talking about how to deal with
23 the drug problem in our community, and both said that it
24 is a law enforcement problem. The drug problem, yes, is a
25 law enforcement problem, but it is not only a law

1 enforcement problem. Now, if Preate and Forrest are
2 suggesting that they are going to come in our community
3 and shoot and bomb it up again, no, that ain't going to
4 happen.

5 Now, we are asking to let the community
6 organizations have some say-so because we know what works
7 in our community, and what we have to do is present our
8 program to you. If you do not know what program works and
9 what don't work, or if you have political allies and
10 political friends who get the funds and the moneys and run
11 programs that are not doing anything to affect the drug
12 problem in our community, ladies and gentlemen, you're
13 signing the death warrants of a lot of people. So please,
14 support House Bill 845.

15 Thank you.

16 SR. BEY: Good afternoon, Mr. Chairman and
17 members of the Judiciary Committee. My name is Sister
18 Atikah Hasham Bey. I'm President and General Manager of
19 WTEP Radio Station. I am also a member of the Urban
20 Coalition Leadership Committee. I am also affiliated with
21 385 organizations in this city of approximately 500 to
22 1,000 people.

23 I have a prepared speech like everyone else,
24 but being that I'm last, I decided I'll just give it to
25 you straight. I'd like to appeal to your humanitarianism

1 and God's gifted right to man to save ourselves. You know
2 the issues. You've heard them all all day. Before they
3 came in here, you know them. But what we're doing, we're
4 trying to do it like the law says. Do it within the law
5 and you'll support us. You're stating to make the law, we
6 want you to know what we need, not what you want us to
7 have - what we need. We have babies out of our wombs, we
8 are afraid, women, to have babies anymore. It is such a
9 thing as a whole nation becoming extinct at the hands of
10 their own doing.

11 America was a great country at one time.
12 Philadelphia was an outstanding city when I was a child.
13 I was born and raised in Philadelphia and I'm ashamed.
14 I'm appalled at our conduct. I'm a mother of two, a
15 grandmother of six, and a great-grandmother of three.
16 I've seen it come and I've seen it go. There was a time
17 when it was only in certain choice minority sections of
18 our great city that these things happened, but as we sit
19 here today, you know it's in yours, too. The whole thing
20 has gotten out of hand. Certain people are supposed to
21 make decisions for other people. But the one thing we do
22 have is God-given rights, human rights to survive.

23 You say, well, why are we asking for 70
24 percent? That seems to be an awful lot. Before I go on,
25 I would like to state one thing, this documentary,

1 Chicago, Illinois accepted our policy somewhat. They
2 accepted our system. I took long effort when I thought
3 about asking for 70 percent. But this is our home. We
4 could have asked for all of it, but we didn't. We wanted
5 to be reasonable. We figure that 70 percent will be able
6 to start us on our way to try to survive again. We're not
7 even surviving, let alone living. We would need all of it
8 to live. Because as you know sitting there, as we know
9 out here, these people that's here are not the ones that
10 brought the drugs here. We don't manufacture drugs. You
11 can't find me five black men in America that's powerful
12 enough to bring drugs into this country.

13 Mr. Chairman, and members, I say this to
14 you. Understand humanity. It's our duty to uplift fallen
15 humanity, and surely we have fallen; all of us. If it
16 hasn't touched you yet, if you stay here long enough, it
17 will.

18 Not only do we want to have programs, we
19 want to run our programs. Just plain and simple. Why?
20 Because it has already been appointed prior that certain
21 other officials say what program gets this and how we run
22 it. Look at us. It didn't work. It didn't work.
23 There's no way in the world you sitting there can tell me
24 what's going on in my bathroom and in my kitchen. I live
25 in my house, you live in yours.

1 I say give us the opportunity to clean up
2 our own house so that our children can survive and we may
3 survive. We'll talk about living tomorrow.

4 But we need Bill 845. We need it more than
5 just considered. We need it to be recognized and the
6 bottom line of it to get out the truth and the essence.
7 Sure, we know it can be turned down. It can be ignored,
8 like many other things have been ignored. But what are we
9 going to do? We're going to all die. We got drugs
10 killing us; we can't breathe; you got germs killing you;
11 you got AIDS; you got Agent Orange. What more do we want?

12 Well, me, as a mother of civilization, I
13 pass this to you. All females are mothers of
14 civilization. It's time that we start somewhere. The
15 success of this drug war has to start in the community,
16 and you know like I said, I'll reiterate, we didn't bring
17 it there. Oh, yes, we used it, and oh, yes, we dealt it,
18 not to you but to one another in our community, then those
19 that brought it to our community come and say, okay,
20 everything goes. Hey, wait a minute. You're talking
21 about a community. A community brings all nationalities,
22 a community brings all walks of life for people.
23 Everybody in that community don't use drugs. Some of us
24 are good American citizens, as we have been indoctrinated
25 to be. We have a right to live. At least survive.

1 And at the bottom line, may I add just one
2 thing. With Chicago Illinois' accepting this, you know
3 that's a sovereign state. They're talking law now.
4 Generally of the 48 union States, what's law stands to be
5 reasonable to be law all over our great America. So we're
6 not asking for anything that's odd.

7 But we need what has been taken out of our
8 community, the mass majority of it, so that we can
9 survive, so that we may have an opportunity to live, so
10 that we can still vote and elect some of you to sit there
11 and make the decision if we should survive or not.

12 And at this point, I'm going to leave it
13 there. That's where it started at and we bring it back to
14 you. But while you're thinking, remember one thing:
15 Freedom is every man's job. If you place a cat's back
16 against a wall, you're going to get attacked. We don't
17 need our people turning against our leaders, but if you
18 don't support us to help ourselves, you leave the people
19 with no alternative but to survive. A drowning man, would
20 you believe, would think at that moment that a little
21 straw could help him, so he'll do most anything to
22 survive. Remember humanity and try and uplift it.

23 I thank you.

24 MS. MARSHALL: Good afternoon, committee and
25 Mr. Chairman. My name is Marilyn Marshall. I'm on city

1 committee and the State committee of Pennsylvania. Also,
2 I'm President of Concerned Community Members, and I work
3 with different community organizations.

4 Some of the community organizations in the
5 community that deal directly with the drug problems, they
6 need funding. Some people can't pay the rent. They're
7 closing down. Some of them have to go out of business,
8 and like I said, this is the most important issue to the
9 community, okay? You all are legislators in high offices.
10 Like I say, you all look at the other side of the coin and
11 we are at the other side of the coin.

12 House Bill 845 is a forfeiture bill.
13 They're asking for like 70 percent. I believe they should
14 get 90 percent. They're being modest. I believe they
15 should get 90 percent.

16 This gentleman was saying, I don't remember
17 his name, but he was saying that we should attack the
18 problem at the source, which is the supplier. That's the
19 people with the boats and the planes, and like I say, if
20 there is no supply, there could be no demand. And like
21 the Reverend say, there will always be a demand, but we
22 have things when you say like herbal things to help
23 nourish the body, to help nourish their system and they
24 help people stop wanting drugs, they help people stop
25 wanting alcohol, tobacco. Anything that is not natural to

1 the system, your body will not crave anything that is not
2 natural to the system. I have given this to like a lot of
3 people in the community, they have used it, they have been
4 successful of getting off of alcohol and drugs, but a lot
5 of people who really need it, they can't afford it. They
6 can go out and find \$5 to buy Crack or whatever, but they
7 can't find enough money to nourish their body or enough
8 money to make them stay off of these substances. A lot of
9 people in the community, they want to be off of these
10 substances but they can't afford it, they can't afford the
11 things that they need to be off of these substances.

12 We need education. We have places for drug
13 counseling, we have family counseling, and like I said,
14 but we are terribly underfunded. We need funding for all
15 of these organizations, and I agree that you should
16 support House Bill 845 with 90 percent of the proceeds
17 going to community organizations.

18 Thank you.

19 FR. KAKALEC: Mr. Chairman, thank you very
20 much, and members. If you have any questions or comments,
21 I'm sure those of us who remain will be happy to respond.

22 CHAIRMAN CALTAGIRONE: I think you did an
23 excellent job.

24 FR. KAKAELC: I hope we were persuasive.

25 REPRESENTATIVE JOSEPHS: I just had a

1 comment.

2 I'm happy to hear people getting to what I
3 think is the real problem here, which is not drugs. Drugs
4 is the symptoms. The problems are really profound social
5 problems that have exacerbated over the years, and those
6 are the things I'd like to attack.

7 CHAIRMAN CALTAGIRONE: Representative Reber.

8 REPRESENTATIVE REBER: Just one.

9 BY REPRESENTATIVE REBER: (Of Fr. Kakalec)

10 Q. Father, you mentioned early on in your
11 testimony a figure of \$319 million. I think our staff
12 talked to you. Was there some discrepancy there?

13 A. Yes, there is. What I -- what is listed
14 here is actually from the Attorney General's Office, and
15 actually it was only \$319,000, so what I had in mind was
16 talking about Federal drugs and--

17 Q. Okay. And that was my understanding, too,
18 because our figures that were provided to us by staff,
19 during some of the testimony we were discussing, some of
20 us, in Philadelphia last year it was approximately
21 \$901,000 worth of confiscation dollars and/or property
22 that was capitalized to dollars, and using the 40 percent
23 figure in the bill, it would give you \$360,000, or using
24 the 70 percent suggested, that would give you \$630,000.

25 Now, my only thought is, if that's the case,

1 I'd like to give you \$2 million, which is what was in this
2 amendment that Castille was talking about earlier today.
3 I just want you and your people to understand that I'm not
4 so sure that 845, in the form as currently or as proposed
5 in amendment form, would generate the kind of money that
6 you certainly need. And instead of throwing you, as the
7 last speaker said, a straw, I'd prefer to mainline you
8 with some oxygen, and I think we want to make sure that
9 when we do consider this concept that we're considering a
10 concept that's going to get the maximum bang for the buck
11 and the most amount of money to you.

12 A. I think we would take the most we could get
13 back. I think you're right. I think the most important
14 thing is to get that money back into the community.

15 I think the other things, though, that we're
16 talking about is, you see, when you talk about totals,
17 we're really not quite sure what the totals are. That's
18 why we need a statewide audit. I mean, I really don't
19 know. And attached to the testimony that I gave you was
20 something that we received or we looked through
21 unscientifically through the most cases, but even there
22 it's very difficult because sometimes one report overlaps
23 another.

24 The point is, we don't have access to
25 factual, real information which shows you the handicap

1 under which we are laboring, and I think that's what we
2 wanted to get across, and that until we get that, I'm sure
3 you're in that same position, too. How much is really
4 confiscated in the State of Pennsylvania?

5 Q. I understand.

6 I think the other thing that bothers me is
7 from your standpoint, I wouldn't want your groups relying
8 upon a source that one year could be X amount of dollars
9 and the next year could be no dollars.

10 A. Right.

11 Q. I think you would want a much, much more
12 predictable base of funding. And I don't think there's
13 any disagreement with the members of this committee,
14 because as you were speaking I was looking at 845 and it
15 has about 15 or 20 sponsors, I'm happy to say, and I
16 really didn't come to talk about it because I didn't think
17 there was going to be this type of enthusiasm for it, but
18 House Bill 960 is a bill that the Chairman and myself and
19 about 65, 70 members have sponsored which is another
20 funding mechanism which is called the Drug-Free Zone
21 Enforcement Fund, establishing a State fund, establishing
22 surcharges on criminals when they are convicted or enter
23 pleas, and does in fact directly provide these grants back
24 to coordinate efforts in the community and the schools for
25 just what we've been hearing about today.

1 A. Well, in that case, would it be practical
2 for some of us who testified to come up and speak with the
3 committee to work out some of the details?

4 Q. I think you've spoken very well today
5 already, Father, and we will be in a position to look at
6 this issue and all of the various proposals that are on
7 the table. Obviously, the Chairman certainly agrees, and
8 I'm sure everybody agrees.

9 A. 960 applies to the entire State?

10 Q. That's correct. It would be statewide. 845
11 is only the first-class cities, Philadelphia.

12 A. I have a problem with that myself.

13 Q. So do I, since I don't represent many
14 first-class cities.

15 A. I think that's the other crucial thing.

16 Q. I was really concerned, though, about the
17 funding mechanism and the numbers, so we are on the same
18 wave length.

19 A. And I'm not quite sure, you might want to
20 consider this: Would it be better to go through DCA,
21 which tends to be terribly complex and very, very
22 cumbersome and very difficult sometimes to get a proposal
23 through DCA. I almost would rather go back to the
24 district attorney for a proposal because I think -- you
25 know, what I'm saying is we need an easier mechanism.

1 What you're hearing are the cries of the neighborhoods.
2 Don't impose more scriptures or rules, because DCA -- for
3 example, People Helping People. They're not a 501(C)3
4 tax-exempt corporation, but they need the money.

5 Q. I understand. Well, I'm not a big fan of
6 comptrollers either. Your point's well taken.

7 A. Yes. Okay.

8 REPRESENTATIVE REBER: Thank you, Mr.
9 Chairman.

10 CHAIRMAN CALTAGIRONE: Thank you.

11 I want to thank you very much, Father, for
12 the time you spent with us and the good organizing that
13 you did with the people to make their presentations.

14 FR. KAKALEC: Thank you very much.

15 CHAIRMAN CALTAGIRONE: William Babcock, the
16 Executive Director of the Pennsylvania Prison Society.

17 MR. BABCOCK: Thank you, Mr. Chairman.

18 I thank the committee for inviting us to be
19 here today. Thank you for being in Philadelphia. I think
20 you may have a better idea now why the judges in
21 Philadelphia want a new courthouse.

22 The Prison Society is interested in the
23 proposed legislation both because of its potential impact
24 on the conditions of the prisons and jails in Pennsylvania
25 and also because of what we see as a very expensive

1 approach to reducing drug trafficking, in other words, the
2 use of mandatory sentencing, and it has virtually no
3 chance of succeeding.

4 Our first concern, of course, is with the
5 impact the legislation will have on our already
6 overcrowded prisons and jails. Since 1980, the State
7 prison population has grown from 8,240 to over 18,500
8 today. That's an increase of 125 percent in eight years.
9 Amazingly, this occurred at a time when the general
10 population in the Commonwealth grew by less than 1
11 percent. In 1980, the prisons were operating at 97
12 percent of their capacity, and by 1988, despite the fact
13 that they constructed four new prisons in Pennsylvania at
14 a cost of more than \$300 million, the Department of
15 Corrections was operating at 140 percent of its capacity.
16 It was actually losing ground, despite construction. The
17 current rate of growth is about 150 inmates net each
18 month. No further construction planned. The DOC projects
19 in 1994 the institutions will be operating at more than
20 160 percent over capacities.

21 County prisons, of course, have seen a
22 similar pattern of growth. From '78 to 1987, our county
23 inmate population increased by over 105 percent. In at
24 least four counties, Philadelphia, where we are today,
25 Allegheny, Luzerne, and Erie Counties, are already under

1 court orders to reduce the populations, and I understand
2 that there's a lawsuit going on today, right now,
3 involving Western Penitentiary in Pittsburgh.

4 I attended the Pennsylvania Prison Wardens
5 Association conference in Reading last week, and, without
6 exception, what every prison administrator wanted to talk
7 about was overcrowding. We talked about the difficulties
8 of finding sufficient bed space; trying to maintain
9 security when the growth of the inmate population has far
10 exceeded the growth of the security staff; trying to
11 maintain physical plants, some of which were built before
12 the turn of the century and now holding as much as twice
13 the population it was built to house; operating brand new
14 prisons, such as in York and Montgomery Counties, that are
15 already far exceeding their capacities; and struggling to
16 provide basic services, such as food and health care; and
17 the impossibility of providing adequate treatment and
18 training programs, as well as meaningful jobs for the
19 institutions.

20 The wardens wanted to know when the
21 legislature would quit passing mandatory sentencing laws
22 and begin passing meaningful legislation, such as earned
23 time, specifically House Bill 1157, which the Prison
24 Society strongly supports. You know that the situation in
25 prisons has become critical when natural adversaries such

1 as the Prison Society and prison administrators agree on
2 what the problem is and have begun asking for the same
3 remedies.

4 Now, I wouldn't be able to sit here and tell
5 you that mandatory sentencing laws are something that we
6 oppose if in fact I felt that such measures worked and if
7 there was any evidence that they worked, because we
8 recognize, obviously, there is a serious drug problem in
9 Pennsylvania and nationally. We recognize the crime rate
10 in general is unacceptably high. What we are arguing is
11 that mandatory sentencing is just a quick-fix, feel good
12 approach. It doesn't solve the drug problem, and instead
13 it exacerbates the problem of prison overcrowding.

14 To give you an example, a few years ago, the
15 General Assembly attempted to reduce drunk driving in
16 Pennsylvania and passed mandatory sentencing for drunk
17 driving. And the impact in overcrowding in the county
18 prisons and jails has been overwhelming, especially in
19 view of the fact that absolutely no money was appropriated
20 to deal with the increased population. According to a
21 report issued by the Pennsylvania Commission on Crime and
22 Delinquency last fall, the impact on drunk driving has
23 been negligible. There was a decline immediately after
24 the bill was passed, but of course the deterrent effect
25 quickly eroded and the incidence of drunk driving steadily

1 increased back to the level it was at prior to the passage
2 of the legislation.

3 And the use of mandatory sentencing to
4 reduce drug trafficking promises to be even less
5 effective. Such measures will not serve as a deterrent
6 because to most dealers the possibility of imprisonment is
7 obviously a risk worth taking in order to make rather
8 large sums of money, and because for those in the ghettos,
9 there is no other way available to make that kind of money
10 and be able to live our so-called American dream which
11 they see on television. But those that are dealing to
12 support an addiction, just like those alcoholics who
13 continue to drink and drive, deterrence is still
14 meaningless.

15 Nor will the incapacitation of putting
16 dealers in prison reduce the trafficking. Nationally, we
17 incarcerate approximately 1 percent of those people who
18 commit crimes. So even if we would double the
19 incarceration rate, it would have little real impact in
20 the crime rate, and ironically, the fact is we have
21 doubled the incarceration rate in the last decade, and the
22 crime rate in Pennsylvania has actually increased in the
23 last two years.

24 The ineffectiveness of incapacitation in
25 reducing the crime rate is especially true with drug

1 trafficking. For every dealer incarcerated, there are
2 going to be several young men willing to step forward and
3 take that person's place on the street corner, again,
4 because of the amount of money that's available to be
5 made.

6 The fact is that the crime rate and the
7 incarceration rate bear little relationship to each other.

8 If you have any question about the futility of using tough
9 sentencing measures to reduce the use of drugs, I
10 recommend reading a book entitled "The Protectors: Harry
11 J. Anslinger and the Federal Bureau of Narcotics,
12 1930-1962," written by a Penn State Professor, John
13 McWilliams. The book illustrates that we have a history
14 in America of trying to reduce the use of drugs by passing
15 tough criminal justice legislation, and it simply has
16 never worked.

17 So what are the alternatives? First of all,
18 if you are going to pass more mandatory prison sentences,
19 and I understand you will, or are you passing mandatory
20 prison sentences for drugs, if there are going to be more,
21 and I think it's critical that you have an impact
22 statement prepared and that it include both prison
23 population and cost projections. I think that to do
24 otherwise would be irresponsible on your part.

25 Secondly, rather than spending all of our

1 money on incarceration, which is the most expensive form
2 of sanctions available and one of the least effective,
3 let's spend more money on treatment. If you're going to
4 incarcerate unprecedented numbers of offenders, as we
5 already are in Pennsylvania, let's try to address their
6 addiction while they are in prison. I wouldn't advocate
7 that's the best place to be, but if they're there, let's
8 treat them. Approximately 90 percent of the people we
9 send to prison eventually are released. A recent report
10 of the Federal government showed a 63-percent recidivism
11 rate within three years nationally.

12 To break that cycle, it is imperative that
13 we give prisoners the opportunity to receive treatment for
14 their addiction, whether it be alcohol or drugs. I would
15 refer you to "The Report of the governor's
16 Interdepartmental Task Force on Corrections," one of the
17 those reports that is collecting a lot of dust. In 1987,
18 they recommended, quote, "the Department of Corrections
19 should develop comprehensive drug and alcohol treatment
20 programs at every institution," and that "greater emphasis
21 should be placed on drug and alcohol treatment programs
22 during pre-release and parole," closed quote.

23 As follow up, in 1988, the Legislative
24 Budget and Finance Committee audited the Department of
25 Corrections and it found, quote, "While the DOC is

1 operating a variety of programs in this area, program
2 capacities are seriously deficient in relation to current
3 inmate population levels. It is estimated that
4 approximately 9,700, or about 60 percent, of the inmate
5 population require drug and/or alcohol counseling and
6 treatment. In Philadelphia, that figure is closer to 70
7 percent. Aggregate waiting lists for participation in
8 these programs total several thousand inmates."

9 It goes on to say that, "It appears evident
10 that the deficiencies that exist relative to treatment and
11 rehabilitative programming relate directly to conditions
12 of overcrowding and understaffing." The audit went on to
13 recommend, quote, that "the Department of Corrections
14 undertake a systematic effort to upgrade and expand the
15 total rehabilitation which is available to inmates in
16 State correctional facilities," and that "the General
17 Assembly provide funding" -- that "the General Assembly
18 provide funding for implementation of the recommendations
19 made by the Governor's Interdepartmental Task Force on
20 Corrections which relate to rehabilitation/treatment
21 programming.... Priority attention should be given to
22 expanding the provision of intensive drug and alcohol
23 treatment programs throughout the system," closed quote.

24 Finally, and I think most importantly, I
25 think the legislature needs to begin addressing the causes

1 of drug use in our neighborhoods. And I think you
2 probably already heard a good deal of testimony from
3 people just now better qualified than myself, but I think
4 the criminal justice system, which you should be aware,
5 was never really designed to solve deeply rooted societal
6 problems like alcoholism and drug addiction, and rather
7 than being ineffectively reactive to the problem, such as
8 passing mandatory sentencing provisions, we should try to
9 be proactive in taking a more preventative approach. We
10 should try to replace the escapist and financial
11 attractions of drugs by improving the quality of life in
12 our neighborhoods. The gap between the "haves" and the
13 "have nots" is becoming wider. Our young people,
14 especially in the inner cities, need hope. They need
15 better education, they need better homes, and they need
16 job opportunities.

17 More emphasis needs to be placed on
18 educating children about the dangers of drugs rather than
19 simply punishing them after they've gone down the path.
20 More emphasis needs to be placed on treating those people
21 who have become addicted, and I would repeat, there are
22 certainly better facilities suited for treating people
23 than in our prisons. Thus, the Prison Society supports
24 the use of forfeiture funds for community organizations,
25 such as the ones that you've heard from today.

1 There are no simple answers. We cannot
2 simply pass more mandatory drug laws and think that we're
3 going to reduce drug trafficking in Pennsylvania or
4 anywhere else. We already have tough sentencing laws in
5 Pennsylvania. The fact that our prison population has
6 doubled, more than doubled, in just eight years should be
7 evidence of the fact that we've already taken a tough
8 stance. What is needed is more education, better homes
9 and job opportunities. We need to give people a reason
10 not to use drugs. We need to give them choices, and I
11 think that the mean spirited approach of simply more and
12 more punishment has not and will not work.

13 Thank you.

14 CHAIRMAN CALTAGIRONE: Thank you.

15 Any questions?

16 Paul.

17 BY REPRESENTATIVE McHALE: (Of Mr. Babcock)

18 Q. What percentage of the prisoners in our
19 State system are serving mandatory sentences?

20 A. I don't have an answer to that. I know that
21 I can get that for you. I know that it's a substantial
22 number because of the number of laws that you've passed.

23 Q. I think that really is the central premise
24 of your argument, and I think that you ought to know that,
25 because there seems to be, in your testimony, a very clear

1 link between prison overcrowding and mandatory sentences.
2 My guess is, and I'm not a fan of mandatory sentences, but
3 my guess is that that premise is probably not factually
4 accurate, and that is it's probably relatively few
5 prisoners in the State system taken as a percentage of the
6 whole are there as a result of mandatory sentencing.

7 A. First of all, I would disagree with that. I
8 don't have the figure in front of me, but I know that last
9 year when the earned time legislation was introduced it
10 called for people other than those serving mandatory
11 sentences. The projections were done to see how many
12 people it would affect, and there was a substantial number
13 of people who would qualify because of the sentencing.

14 Secondly--

15 Q. I would like to know what that figure is.

16 A. I will find the figure for you.

17 Q. That would be very helpful.

18 A. But beyond that, not just mandatory
19 sentencing but tough sentencing in general. I mean, I've
20 testified before not just this committee and the Senate
21 Judiciary Committee but the Sentencing Guidelines
22 Commission as well. There, again, every year it seems
23 they introduce new sentencing guidelines that call for
24 some tougher sentences. It's not just mandatory
25 sentences, it is the trend in general toward longer

1 sentences for more people, and as a result, people are
2 spending longer periods of time in prison than they have
3 in the past.

4 Q. I served as a member of that commission for
5 three years and that is not what they are doing. I think
6 if you look at many of our counties, there has been a
7 stability over the last few years. In some counties,
8 notably this county, there has been a trend toward tougher
9 sentences to conform to the guidelines, but for the most
10 part, the guidelines conform to what my county has been
11 using for a decade.

12 A. Well, I know that last year the guidelines
13 were increased for drug offenses, and I know that that was
14 done to try to avoid more mandatory sentences, and yet we
15 got more mandatorics anyway. In addition to that, so I
16 guess I would disagree and say you're geared toward
17 tougher sentences, and it may be that in your county it
18 hasn't had a big impact, but I know in other counties that
19 have had this it has.

20 I think it's hard to argue, Representative,
21 when you see the incarceration rate going from 69 to per
22 100,000 people to almost 138 per 100,000 people in the
23 period of less than 10 years.

24 Q. I don't want to prolong this. And I guess I
25 would say in context, I am very sympathetic to your

1 arguments concerning the need for prevention and
2 rehabilitation, and I think we've been woefully inadequate
3 in providing systems to deal with specifically drug
4 rehabilitation. Where I disagree with you is the way we
5 look at these numbers. The fact is, there are bad people
6 in our society, and some of those bad people deserve, not
7 as a matter of retribution but as a matter of justice, to
8 be incarcerated. Once they're incarcerated, we ought to
9 do something to guarantee that recidivism is reduced, and
10 we're not doing that.

11 But I sense in your testimony a general
12 distaste for incarceration, and I wish that I can share
13 that, but I can't, because I believe there are just
14 someone people who deserve to be behind bars. They don't
15 deserve to be crowded 8 and 10 to a cell, and we should
16 provide the resources necessary for humane incarceration,
17 but, regrettably, incarceration is a remedy that sometimes
18 has to be used.

19 A. Well, I would not argue that there are
20 people who belong in prison. I would argue that we are
21 putting people in prison now that don't need to be
22 incarcerated, and I would say to you very strongly that if
23 this is the path that you continue to go on, you do need
24 to be aware of how much it's going to cost - the cost of
25 construction as well as the cost of operation.

1 Q. Absolutely, and that's the hypocrisy.
2 You're absolutely correct.

3 A. And you need to be aware of that.

4 Q. I agree with that completely, and it's
5 hypocritical to say on one hand these individuals should
6 be incarcerated, but we lack the courage to raise the tax
7 dollars necessary to find the resources to accomplish
8 that.

9 One final question, if I may. On page 3,
10 you make reference to drunk driving laws and the mandatory
11 sentences attached to those laws. Which ones are you
12 referring to?

13 A. Well, the ones that call for -- I believe
14 there's a stepped-in provision where the first mandatory
15 is for a weekend or 2 days, then it's 30 days, and it
16 steps up until it reaches--

17 Q. In most of Pennsylvania that I'm aware of,
18 first offense drunk driving is treated as ARD.

19 A. I apologize, it's not the first offense. It
20 is either the second or third, you have to serve a period
21 of time in jail. You start out with a weekend. I know in
22 Philadelphia, all of the weekend sentences are people for
23 drunk driving. The conviction after that results in 30
24 days, and then it escalates after that. And it has a
25 direct impact in the county institutions rather than the

1 State.

2 Q. Do you find that unreasonable, to have
3 incarceration as a punishment when the individual is
4 convicted of multiple drunk driving offenses?

5 A. Well, I think that if all you're going to do
6 is lock the person up--

7 Q. I'm not saying that.

8 A. Is that what you want to do?

9 Q. No, no. What I'm saying is there should be
10 drug and alcohol rehabilitation, but at the initial step,
11 is it wrong to lock somebody up who has been convicted
12 repeatedly for drunk driving?

13 A. I guess I would argue that if you can
14 provide treatment for that person within whatever facility
15 you're going to be placing him or her in, then I would
16 agree with some type of detention. I don't think that the
17 person should be held in a prison or a jail, because I
18 don't see it as a criminal act. I see it as a person with
19 a drinking problem, probably an alcoholic. Why else would
20 he continue to do it repeatedly?

21 Q. Well, in closing, that's our difference of
22 opinion. I do see it as a criminal act. I also see it as
23 a social and individual problem which ought to be treated.
24 You can't lock these people up and throw the key away. If
25 someone is guilty of multiple drunk driving offenses where

1 I have known people who have been killed as a result of
2 those offenses, I see that as a criminal act and not just
3 a problem of drug or alcohol dependency.

4 A. But it's not going to deter that person from
5 doing it again.

6 Q. I think it will deter in some cases. We're
7 not talking about -- well, we could go on and on with
8 this, but I think that there are individuals who are
9 deterred by that kind of sentence in this kind of case.
10 But if they are incarcerated after multiple convictions,
11 then it ought to be clear to us that we've got to do more
12 than lock them up. We've got to provide comprehensive
13 professional treatment. That's my perspective.

14 A. And the counties, and I guess they've
15 already testified, want to know where they are going to
16 get the money to provide the treatment.

17 Q. We have to have the courage to provide the
18 money, and we have not shown that kind of courage.
19 Indeed, we've been very critical.

20 REPRESENTATIVE MCHALE: Thank you, Mr.
21 Chairman.

22 CHAIRMAN CALTAGIRONE: Any other questions?
23 (No response.)

24 CHAIRMAN CALTAGIRONE: Thank you very much
25 for taking the time to testify before us.

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MR. BABCOCK: Thank you, Mr. Chairman

CHAIRMAN CALTAGIRONE: We will adjourn the committee meeting, and I'll see you all in Harrisburg on Monday. Thank you. Have a nice weekend.

(Whereupon, the proceedings were concluded at 2:30 p.m.)

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i hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

Ann-Marie P. Sweeney

ANN-MARIE P. SWEENEY

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