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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: Public Hearing on House Bill 12 and
House Bill 74 - Forfeitures

* * * * *

Stenographic report of hearing held
in Room 418, Minority Caucus Room,
Main Capitol Building, Harrisburg, PA

Monday,
March 25, 1991
1:00 p.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN
Hon. Gerard A. Kosinski, Subcommittee Chairman on
Courts
Hon. Karen A. Ritter, Secretary

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Jerry Birmelin	Hon. David Heckler
Hon. Daniel Clark	Hon. Kenneth Kruszewski
Hon. Frank Dermody	Hon. Christopher McNally
Hon. Gregory C. Fajt	Hon. Dennis M. O'Brien
Hon. James Gerlach	Hon. Robert D. Reber
Hon. Michael Gruitza	Hon. Chris R. Wogan

Also Present:

Hon. Ralph Acosta
Hon. W. Curtis Thomas
David Krantz, Executive Director
Ken Suter, Republican Counsel
Marh Beth Marschik, Republican Research Analyst

Reported by:
Ann-Marie P. Sweeney, Reporter

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1 CHAIRMAN CALTAGIRONE: I'd like to
2 welcome everybody to the public hearing on House Bills
3 12 and 74 dealing with forfeitures, and before we go
4 any further, I'd like for the district attorneys that
5 are present if they would just introduce themselves and
6 the counties that they represent, however you want to
7 start.

8 MR. PETTIT: John Pettit, Washington
9 County. I'm president of the association.

10 MR. MARINO: Michael Marino, Montgomery
11 County.

12 MR. DRISCOLL: I'm John Driscoll, from
13 Westmoreland County.

14 MR. RYAN: Bill Ryan, from Delaware
15 County.

16 MR. BARRASSE: Mike Barrasse, from
17 Lackawanna County.

18 MR. EAKIN: Mike Eakin, Cumberland
19 County.

20 MR. LEWIS: Rich Lewis, Dauphin County.

21 CHAIRMAN CALTAGIRONE: Okay, thank you,
22 gentlemen.

23 If the members who are present, if you
24 care to introduce yourselves for the audience and also
25 the record, and if you would like to start in the rear

1 and move forward.

2 REPRESENTATIVE GERLACH: Jim Gerlach,
3 Chester county.

4 REPRESENTATIVE CLARK: Dan Clark, Juniata
5 County.

6 REPRESENTATIVE HECKLER: Dave Heckler,
7 Bucks County.

8 REPRESENTATIVE REBER: Bob Reber,
9 Montgomery County.

10 REPRESENTATIVE McNALLY: Chris McNally,
11 Allegheny County.

12 REPRESENTATIVE DERMODY: Frank Dermody,
13 Allegheny County.

14 REPRESENTATIVE FAJT: Greg Fajt,
15 Allegheny County.

16 MR. SUTER: Ken Suter, Republican
17 Counsel.

18 CHAIRMAN CALTAGIRONE: Tom Caltagirone,
19 Berks County.

20 MR. KRANTZ: Dave Krantz, Executive
21 Director, House Democratic Judiciary Committee.

22 REPRESENTATIVE KRUSZEWSKI: Ken
23 Kruszewski, Erie County.

24 CHAIRMAN CALTAGIRONE: I'd like to start
25 off with, and I think Jerry Birmelin also has joined

1 us, I'd like to start off with the prime sponsors of
2 the legislation, and if Representative Ralph Acosta
3 would like to make some comments on his bill.

4 REPRESENTATIVE ACOSTA: Thank you, Mr.
5 Chairman.

6 I got to start by saying to the DAs,
7 district attorney persons, people that are here today,
8 that I hope you don't go against this bill as you did
9 last year. I know we got a lot of lobbying and
10 pressures from the DA's office across the State, and I
11 reintroduced the bill right away after we came back in
12 session because this is the only way out, the only way
13 of getting people that are involved in drugs to
14 probably get some treatment and get some
15 rehabilitation. Also, the community organizations are
16 out working and helping our community there.
17 Eventually, we will not have any money or any ways to
18 keep working on preventing drugs in our community.

19 As we all know, Philadelphia is the
20 hottest area of drugs. Most of the drugs from New York
21 and Jersey and other parts of the State and the country
22 are coming into Philadelphia before they get
23 distributed to all their areas. So we hope that this
24 bill will be a vehicle to get some dollars, to get some
25 activity going to educate and to prevent the drug

1 problem that we have in the State of Pennsylvania,
2 including Philadelphia.

3 So my efforts on this bill is to get
4 money, enough money to fight the problem. So
5 therefore, I assume and I will suggest to the DAs
6 across the State instead of working against us work
7 with us.

8 Thank you.

9 CHAIRMAN CALTAGIRONE: Thank you, Ralph.
10 Representative Curtis Thomas.

11 REPRESENTATIVE THOMAS: Good afternoon,
12 Mr. Chairman, members of the committee, and guests here
13 at this hearing. My name is W. Curtis Thomas. I'm
14 State Representative from the 181st Legislative
15 District, which is in Philadelphia County.

16 I come before you this afternoon to urge
17 your strong support for House Bill 74. As
18 Representative Acosta and the committee has made note,
19 House Bill 12 was before this committee during last
20 term. House Bill 12 was rejected, and following its
21 rejection a group of people came together to try to
22 take a look at where we go from here, and the end
23 result was House Bill 74.

24 I would say that there's three basic
25 components to House Bill 74. Number one, it provides

1 my community and your community with an opportunity to
2 participate in a real way in drug prevention, drug
3 education at the community level. I, like people
4 throughout the Commonwealth of Pennsylvania, throughout
5 this country, believe that demand reduction has got to
6 be the key for dealing with this problem, that while
7 the national and State government is dealing with
8 interdiction and intervention, we Representatives of
9 the people throughout the Commonwealth of Pennsylvania
10 have to focus in on demand reduction. And to that end,
11 demand reduction and violence, providing young people,
12 older people, with the will to say no and with the
13 support to stand by, you know, it provides some real
14 meaningful alternatives. It would take 40 percent of
15 current forfeiture assets and use that 40 percent to
16 provide community-based organizations with some real
17 assistance in dealing with this war on drugs.

18 Secondly, the reason that House Bill 74
19 is extremely important is because I don't know whether
20 the district attorneys, the guests, and members of this
21 committee are aware of the fact that come June 30th of
22 1991, PennFree will be a moot issue. There will be no
23 more of a PennFree program. As you know, PennFree was
24 the Governor's comprehensive strategy to dealing with
25 the problem of drugs in a holistic way throughout the

1 Commonwealth of Pennsylvania. During the PennFree
2 cycle, there was over \$87,000 provided to
3 community-based groups, not just in Philadelphia County
4 but in Erie County and counties throughout the
5 Commonwealth of Pennsylvania. It provided communities,
6 it provided town watch groups, it provided groups that
7 were involved in community policing with some real
8 assistance in dealing with the drug problem at the
9 local level. But come June 30th, no more. There will
10 be no PennFree dollars available for community groups.

11 Gentlemen, just this last week I held a
12 public hearing in Philadelphia on the question of
13 PennFree impact if any, where do we go from here? And
14 the testimony that I received was horrifying when we
15 start taking a look at the treatment facilities, the
16 support programs, and the kinds of initiatives that
17 have been out there in the community, what will happen
18 once those initiatives come to an end. I talked with
19 the Philadelphia Police Department, I talked with the
20 district attorney, and although the police department
21 and many district attorneys will, because of their
22 contractual situation, will benefit from PennFree up
23 until 1992, and in some cases '93, but the community
24 groups that have benefited from PennFree will not be
25 able to benefit anymore, and some alternative needs to

1 be available. I say drug forfeiture, 40 percent of
2 forfeiture assets is a good and viable alternative.

3 Lastly, we, all of us in one way or
4 another, have taken a stand on the drug problem. We
5 have said that we have no tolerance for the
6 distribution, sale, use, or casual use of drugs. But
7 ladies and gentlemen, let us be reminded of our own
8 experiences and that experience being it is good to say
9 no, but unless you have some real alternatives, just
10 saying no is not enough. It is not enough. We need to
11 provide some real alternatives. House Bill 74 will be
12 focused that those groups out there that work with
13 their local police district, that have town watch
14 programs but can't get equipment, groups that work with
15 the local police in providing information, in going to
16 the streets and taking a stand against this problem,
17 that really don't have the resources to work with,
18 House Bill 74 would provide community groups with a
19 viable resource.

20 Lastly, in reference to the mechanism,
21 House Bill 74 is not designed to just deal with
22 Philadelphia, but it's designed to help counties all
23 across the Commonwealth of Pennsylvania. It provides
24 for a mechanism where all of the people who are
25 currently involved in dealing with this problem - the

1 courts, the district attorney, county commissioners,
2 city councils, mayors, or commissioners of townships -
3 House Bill 74 provides a mechanism where all of these
4 people will participate in making that decision as to
5 who would be the beneficiaries of these drug forfeiture
6 assets. So we won't have a situation where every
7 community group that has a name will be able to come
8 and say, hey, I want some of that money. No, House
9 Bill 74 is not designed for that purpose. It's
10 designed to provide a real alternative, and it puts in
11 place a mechanism whereby that alternative can be
12 addressed. And in Philadelphia County, a first-class
13 county, there will be an 11-member council, and in
14 other counties, counties would be free, at least those
15 people who are dealing with the problem would be free
16 to set up the kind of council that would best carry out
17 the mandate of House Bill 74 in their particular
18 county.

19 The bill specifically lays out what drug
20 forfeiture assets can be used for. Drug education
21 programs. You know that under PennFree, \$20 million
22 were given to county school districts for drug
23 education. Come July 1, those dollars will no longer
24 be there. In Philadelphia County, Philadelphia County
25 was able to use those dollars for support services for

1 families. I was just looking at a statistic the other
2 day where in one of our counties over 10,000 cases of
3 abuse and neglect was reported just last year. In 80
4 percent of those cases, drugs was at the heart of the
5 problem. And we've got to provide school districts and
6 provide community-based organizations with some help.
7 So House Bill 74 would allow for drug education
8 programs, it would allow for drug abuse prevention
9 programs, it would allow for recreation centers, and
10 that's activities that are coordinated between the
11 local police district and community groups at a
12 particular recreational facility. This is not to
13 provide counties with dollars to maintain recreation
14 centers. It is only for relevant activities located at
15 a recreation center. In counties of the second through
16 eighth, it is possible that these dollars can be used
17 for drug counseling and rehabilitation and can also be
18 used for public education relating to the dangers of
19 drug use.

20 So in response to a lot of the
21 committee's concerns when a hearing was held on House
22 Bill 12 last term, we went to the drawing board and
23 came up with a bill that I am confident that addressed
24 many of the concerns that was raised and give us a real
25 tool for assisting communities throughout the

1 Commonwealth of Pennsylvania.

2 I have with me this morning letters of
3 support from Councilwoman Marian B. Tasco from
4 Philadelphia County. I also have letters from
5 Councilman Angel Ortiz, Councilmember-At-Large,
6 Philadelphia County. I will be forwarding to the
7 committee letters from the law enforcement community.
8 As you know, the district attorney from Philadelphia
9 County is not here this afternoon because we are going
10 through a transition right now where the Board of
11 Judges are in the process of appointing a district
12 attorney since the one of record is now running for
13 public -- for higher office. So those kinds of letters
14 will be forthcoming.

15 And lastly, on this whole question of
16 PennFree and where do we go from here, we met with the
17 Governor some weeks ago and we put drug forfeiture on
18 the table as a viable option to help community groups
19 once PennFree comes to a close, and the Governor
20 indicated that he didn't have any fundamental problems
21 with this as an option, and so I look forward to the
22 Governor supporting this initiative as we go forward,
23 but for right now I ask that each and every one of you
24 take a stand for our children, for our communities, and
25 for the future of Pennsylvania. I urge you to strongly

1 support House Bill 74. Thank you.

2 CHAIRMAN CALTAGIRONE: If I may,
3 Representative Thomas, on the letters, if you could
4 either give those to the court reporter or if you want
5 copies made that you can keep the originals, however
6 you want to work that.

7 REPRESENTATIVE THOMAS: I have copies.

8 CHAIRMAN CALTAGIRONE: Thank you.

9 (See Appendix for copies of the letters
10 submitted.)

11 CHAIRMAN CALTAGIRONE: Representative
12 Acosta.

13 REPRESENTATIVE ACOSTA: Mr. Chairman, I
14 also have letters. Actually, Bill 12 is the same exact
15 copy of Bill 74, with the exception that Bill 12 is the
16 original 845 bill that was introduced two years ago.
17 It's the same exact bill. I guess my colleague,
18 Representative Thomas, just copied over the same thing
19 that was in Bill 845 and is now in Bill 12, but as long
20 as we get some help money wise in terms of doing
21 something about drugs in our community and providing
22 some dollars to establish some programs to educate and
23 to prevent drugs I guess is not a matter of which bill
24 passes as presented here. We just need money to keep
25 fighting drugs in our community.

1 REPRESENTATIVE THOMAS: And, Mr.
2 Chairman, I should point out, Representative Acosta in
3 one sense is correct because as I mentioned, 74 is a
4 result of deliberations which took place when House
5 Bill 845 was rejected. And the difference, the primary
6 differences between House Bill 12 and House Bill 74 is,
7 number one, House Bill 12 was focused in Philadelphia.
8 House Bill 74 would deal with this problem statewide.
9 So it is not limited to Philadelphia. Secondly, House
10 Bill 12 provides no mechanism other than it speaks to
11 within the Governor's jurisdiction should there be a
12 mechanism for distribution of forfeiture assets. House
13 Bill 74 provides a clear mechanism at each county which
14 allows county participation in the formulation of that
15 mechanism for the distribution of drug forfeiture
16 assets. And thirdly, House Bill 12 and House Bill 74
17 both speak to a myriad of activities that should be
18 eligible for funding under the drug -- under this
19 particular proposal.

20 And so, yes, there's no disagreement in
21 concept. The only disagreement or delineation between
22 12 and 74 is who would be the beneficiary? Secondly,
23 how would the distribution of assets occur? In 12 it's
24 Philadelphia and somebody within the Governor's Office
25 would have responsibility for distribution. Within the

1 context of 74 is statewide, and secondly, it provides
2 for county participation in the formulation of these
3 drug forfeiture councils.

4 Thank you.

5 CHAIRMAN CALTAGIRONE: Ralph, if you
6 would like to also pass your letters over to the court
7 reporter.

8 REPRESENTATIVE ACOSTA: Yes.

9 (See Appendix for copies of letters
10 submitted.)

11 CHAIRMAN CALTAGIRONE: We'll open it up
12 now for questions from the committee members.

13 BY REPRESENTATIVE GERLACH: (Of Rep. Thomas)

14 Q. First of all, Representative Thomas, how
15 was the figure of 40 percent/60 percent arrived at in
16 both House Bills 12 and 74?

17 A. Well, both figures, 40 percent was
18 arrived at as a result of the discussions within
19 Philadelphia County, within Harrisburg and through
20 other parts of the State. It was felt that 40 percent
21 was a reasonable amount of the total assets and
22 although I don't have that figure before me, total drug
23 forfeiture assets which are currently being seized.
24 Especially in light of the fact and one of the things
25 that was considered, and that is that when the drug

1 statute was first implemented, it was quite easy then
2 to seize the assets of drug dealers. It's my
3 understanding that the seizure is no longer as easily
4 obtainable as it was in the beginning. The drug
5 dealers have become very sophisticated in being able to
6 hide their assets and all, so that it was felt that
7 unless we requested an amount that would be a
8 reasonable amount to really provide assistance to
9 community groups, then it would be primarily a waste of
10 time.

11 Q. Do you have any facts or figures that
12 would demonstrate if this kind of procedure was in
13 place, for example in Philadelphia County, how much
14 money on a yearly basis that 40-percent figure would
15 actually accrue to the benefit of these particular
16 programs that you have cited here?

17 A. No, I do not have any figures at this
18 moment, but I will be providing the committee with such
19 figures in the very near future.

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

22 REPRESENTATIVE ACOSTA: Mr. Chairman, I
23 could respond to that question.

24 CHAIRMAN CALTAGIRONE: Surely.

25 REPRESENTATIVE ACOSTA: Last year, 1990,

1 almost \$21 million were taken in by police officers and
2 the DEA, Federal enforcement. That was '90. '89, I
3 think we went to about \$18 million.

4 REPRESENTATIVE GERLACH: Philadelphia
5 you're talking about?

6 REPRESENTATIVE ACOSTA: Yes.

7 REPRESENTATIVE GERLACH: Okay. Thank
8 you.

9 REPRESENTATIVE CLARK: I have a few
10 observations and maybe some questions.

11 BY REPRESENTATIVE CLARK: (Of Rep. Thomas)

12 Q. Now, we in the General Assembly and in
13 the general public all knew that this PennFree money
14 was going to stop, that when that was funded that was
15 only a two-year project, is that a fair assessment?

16 A. I think it's fair to say that PennFree in
17 its initial design was a one-shot deal.

18 Q. Okay.

19 A. But I think even within the context of it
20 being a one-shot deal there was no one that thought
21 that in two years we could solve the magnitude of the
22 drug problem in Pennsylvania.

23 Q. Well, I think that's right and when that
24 program was set up we knew we couldn't solve that
25 problem in two years, and my impression was that we

1 were going to take the best of those programs that were
2 developed and have those funded through private
3 corporations, private sector, private communities, et
4 cetera, and that the programs that were supported
5 locally with local money would continue, the ones that
6 weren't supported by the constituency wouldn't be
7 continued, and that's sort of my observation. That may
8 not be anyone else's.

9 Number two, I don't think that this
10 forfeiture money is something that you can count on a
11 set amount from year to year, and therefore, I don't
12 think the community-based programs can set up a budget
13 on reliance of forfeiture money to continue an
14 expansion program, et cetera. That money comes, that
15 money goes, and from year to year you don't know how
16 much that is.

17 And number three, I personally feel that
18 we ought to place the disbursement of this forfeiture
19 money with one person, and that person is the district
20 attorney. Because of the subject of whether there's a
21 lot of money coming in one year, not so much the next,
22 he can prioritize that to set his needs as he foresees
23 them as the chief law enforcement officer in that
24 county. And nothing, to my knowledge, would not allow
25 a community-based group to go to the district attorney

1 and ask for certain sums of money when he does receive
2 a forfeiture. Is that correct?

3 A. Well, I don't know of a single situation
4 in Philadelphia County where a community-based
5 organization that works -- that is working with a local
6 police district is able to request anything from these
7 drug forfeiture assets. And I think that the reason it
8 becomes extremely important that we in the legislature
9 need to act is because this whole issue has been
10 somewhat politicized to the extent that in a county
11 where you have your district attorney is a member of
12 one party and your other members of that county
13 government is members of another party, then you have
14 this back and forth thing on who should get what, and I
15 think we need to take the politics out of it. The
16 problem of drugs facing our children is of such a
17 magnitude that it need not be politicized by anyone.

18 Now, at current in terms of how dollars
19 currently flow, they would continue to flow into the
20 district attorney's office. Only within the context of
21 House Bill 74 the district attorney would be directed
22 to turn over 40 percent of those assets regardless of
23 what the amount is. And the county forfeiture councils
24 would have responsibilities for developing RFPs,
25 receiving proposals, reviewing those proposals, and

1 making funding decisions based on the availability of
2 dollars and based on the need that's in that particular
3 county.

4 Q. And my impression was maybe some years
5 there would be not enough forfeiture money, it would be
6 spread so wide that it would do no one, really, any
7 good. That was one of my concerns.

8 A. Well, that's correct, and I think that
9 the councils would be in a position to address that.

10 And in reference to your other concern
11 about PennFree, I don't know of a private entity that
12 has come on board yet and have said that I'm going to
13 step in and help out where PennFree was there in '89
14 and '90. Now, that's not to say that it don't exist,
15 but at least within my district and within Philadelphia
16 County I don't know of any private entity that has even
17 expressed a willingness to come forward.

18 Q. Well, we haven't gotten to that point
19 yet. I know in my area we had radio awareness type
20 programs, education programs in the school. I don't
21 know what's going to happen if the radio station that
22 put that on the last time would go out into the
23 corporate sector or to the community-based organization
24 sector and say, look, we had a good program last year,
25 here are the results, here's how it was received, we

1 won't be able to do that this coming year without some
2 financial help, and the same with educators may have to
3 go out into the private sector, community-based groups
4 included, and say, we had this program last year, it
5 was well-received, we're not going to be able to do
6 that this year without some of your help to see where
7 it goes from there.

8 A. Okay, thank you.

9 CHAIRMAN CALTAGIRONE: Ralph.

10 REPRESENTATIVE ACOSTA: Yes, I have to
11 -- I should have sat down with my colleague, Curtis and
12 myself, because there was money last year placed in one
13 of the organizations in our community. The problem is
14 that the DA is giving just minimum amounts of dollars,
15 and the problem is that one of the biggest problems
16 that we face in our State and Philadelphia, of course,
17 is the worst problem of all the counties, including
18 Pittsburgh happens to be the next second class city.
19 The DA puts some money out in my community, small
20 amount of money, and our theory is that if we want to
21 create programs that really will get into the heart of
22 the problem and really get into those children that are
23 now able to be saved, we got to get some program in
24 place and we got to get some dollars to begin educating
25 our kids. And we have programs in our community that

1 are now working towards that function except that
2 again, like Thomas mentioned, PennFree is not going to
3 be there available, so we need to get something in
4 place for next year, hopefully before next year.

5 REPRESENTATIVE CLARK: And you're going
6 to have a new district attorney down there also?

7 REPRESENTATIVE ACOSTA: It may not be
8 different--

9 REPRESENTATIVE CLARK: But he may be
10 inclined to put more money into your community-based
11 programs, if that's where the political problems are
12 arising.

13 I have nothing further.

14 CHAIRMAN CALTAGIRONE: Dave.

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

17 I think that I have a couple of
18 questions, but one point ought to be made in reference
19 to Representative Acosta's reference to some statistics
20 in terms of what seizures may have occurred in years
21 past. My understanding, and I'll stand corrected if
22 somebody has different information, is that these bills
23 deal only with the money which comes to the district
24 attorneys and that the district attorneys receive
25 moneys only where the investigation and arrest that

1 gives rise to the forfeiture has been accomplished by
2 the local law enforcement officials, you know, the
3 Philadelphia Police Department in the case of
4 Philadelphia, that if we're talking about the State
5 Police, if we're talking about DEA or any of the
6 Federal agencies, then the forfeiture moneys are going
7 to go either to the State or Federal government and
8 won't fall within the pool that would be affected by
9 this legislation if it were enacted.

10 And that really leads me to the question,
11 the underlying question I have about both of these
12 proposals, and that is whether either of the sponsors
13 have any information which suggests that we're winning
14 the war on drugs and that we can afford to allocate
15 less resources to our police and prosecutorial agencies
16 who are presently charged with the responsibility of
17 enforcing the laws?

18 REPRESENTATIVE ACOSTA: I'd like to
19 respond, sir.

20 I don't think we're winning the war on
21 drugs. If anything, the drugs are getting heavier in
22 our communities, and unfortunately, drugs are spreading
23 throughout our country. In fact, a couple of years ago
24 if you recall an article that came out that Lancaster
25 was one of the places that used to be safe from drugs

1 and in some areas of Lancaster they never felt or
2 believed that drugs would have got to Lancaster, and
3 there was 23, 33, I can't recall the exact number,
4 individuals apprehended in Lancaster County, in fact
5 with helicopters, bringing drugs into Lancaster County.
6 So that tells you that drugs are all over the place,
7 including in the most privately and quiet places in our
8 State. So fighting the war is just getting weaker.
9 The drug problem is getting heavier all the time.

10 I feel what we have to do is to create
11 the programs that are necessary to educate and to
12 prevent and probably get the type of vocational
13 training that we need to throughout our country,
14 specifically in the State of Pennsylvania, and probably
15 could win the war on drugs. As it is now, the war on
16 drugs is lost. I mean, we don't know what to do. The
17 more people we apprehend, the more new dealers that
18 come on board, the more drugs all over the place, the
19 more new kinds of drugs coming into our country, so we
20 are not winning the war on drugs. We have to come up
21 with ideas and come up with projects to fight drugs.

22 REPRESENTATIVE THOMAS: If I can answer a
23 couple parts to your question.

24 Number one, you're absolutely correct,
25 and that's one of the reasons why I didn't give any

1 figures on what was seized in '90 or what has been
2 seized in '91, simply because we're only talking about
3 those forfeiture assets that county district attorneys
4 would have jurisdiction over. We're not talking about
5 all forfeiture assets.

6 Secondly, whether or not we're winning
7 the war on drugs, I am cautiously optimistic. I
8 believe that if we can sustain the holistic approach
9 that we have put in place here in Pennsylvania, then we
10 can turn the corner at some point. Whether we're
11 winning it now, if you go out to the communities
12 throughout Pennsylvania, the perception is no. But I
13 think that that perception can turn around if we can
14 sustain our commitment to deal with this problem
15 through all available resources, and I think that for
16 '91 and beyond the focus has to be demand reduction.
17 We have to take away the appetite from even wanting to
18 deal with drugs.

19 I am reminded of when during my years of
20 coming up there were a whole lot of things going on in
21 my community, but I was raised in such a way and
22 provided with the kinds of support which basically
23 said, regardless of what they're doing, you don't have
24 to do that. You can go to school, you can do better,
25 you can achieve what you want to achieve. There's so

1 many young people out there now today that is torn with
2 feelings of hopelessness and really have nothing to
3 hold on to but their false perceptions of that drug
4 dealer standing on the corner or that drug house down
5 the street from them.

6 So in conclusion, I think we can win the
7 war if we sustain our commitment and if we provide our
8 commitment with the wealth of resources that's
9 available to us.

10 REPRESENTATIVE HECKLER: So it would be
11 fair to say that you're consciously advocating shifting
12 money that's presently going into enforcement away from
13 enforcement towards demand reduction?

14 REPRESENTATIVE THOMAS: No, I'm not going
15 to get caught in that one. I think that there's a
16 balance that can be struck, and I'll use as an example,
17 some of our dollars from '89 through now have been used
18 for law enforcement task forces and to support local
19 police districts. And testimony that I received at
20 this public hearing last Friday clearly indicated that
21 at least in Philadelphia County some of their dollars
22 have been used to secure state-of-the-art equipment so
23 that they can maximize their efforts on surveillance
24 and maximize their efforts on interdiction. Now, they
25 made it very clear that once their contract runs out in

1 '92, that equipment has a lifespan that does not
2 necessarily require that they be refunded again in '93
3 or be refunded in '94 for that same purpose. So I said
4 to you that probably the best thing for us to do is to
5 strike a balance. I don't want to deprive the law
6 enforcement community of the resources that they need,
7 but at the same token I'd like for us to focus more
8 attention on demand reduction rather than supply side.

9 REPRESENTATIVE HECKLER: Well, I mean,
10 I'm not trying to ask any trick questions. What I hear
11 from my local DA and from the DAs across the State is
12 that all of this money is being used very effectively
13 for traditional drug law enforcement in terms of, you
14 know investigation, arrests, prosecution, and that they
15 need all of that money and while nobody argues that we
16 shouldn't, one of our emphasis in terms of this body
17 and what we do in the General Assembly shouldn't be
18 prevention and education, that nobody is telling me
19 that, well, sure, we've got a bunch of money to spare
20 from these forfeited funds and we'd be happy to see it
21 go to other things. So that to the extent that we're
22 talking about a limited, finite source of money, we're
23 making choices, and by this legislation we'd be taking
24 money at least in Bucks County that is presently being
25 used to investigate and make arrests and put drug

1 dealers in jail and channel them into the treatment
2 community with the DA not being happy with that and
3 being deprived of resources that he says he needs.
4 And, you know, to the extent that we're consciously
5 making that choice, that's just everybody's thoughts,
6 but I wanted to get that out and clear.

7 REPRESENTATIVE THOMAS: And let me say, I
8 think that in Pennsylvania the jury is now in. I think
9 that when Pennsylvania consented to PennFree, the
10 PennFree model, which came as a result of the Governor
11 going to every section of the Commonwealth of
12 Pennsylvania and saying to our constituents, where
13 should we go in Pennsylvania in dealing with this
14 problem? And the cries from one end of the State to
15 the other were common cries. Number one, we can't just
16 concentrate on law enforcement without giving some
17 attention to education, without giving some attention
18 to prevention, without giving some attention to
19 developing some long-term solutions to dealing with
20 this problem. So it was the holistic approach, and I
21 think when we look back at that 90 or more million that
22 was spent in PennFree, we will find that because we
23 heard the cries of our constituents, we did well. And
24 so I think that, and I guess that's one of the reasons
25 why House Bill 12 or House Bill 74 is here, because I

1 don't think the district attorneys should have access
2 to 100 percent of those assets when there is a real
3 need out there for community groups to deal with some
4 alternatives to this problem.

5 REPRESENTATIVE ACOSTA: I'd like to
6 respond.

7 If we would have had any good results
8 with all the dollars that the DA's office has taken in
9 over the years, we would not have today the problem of
10 the jails being jammed up in a way that they cannot
11 take any more people in. I am not saying that the DA's
12 office and the police department are not doing the best
13 job there is, but the crime has to be looked into from
14 different ways and different levels. At the community
15 level, who would know better and best than the people
16 that live next to a Crack house or next to a dope
17 pusher or next to a person that comes in day and night
18 to pick up his drugs? The DA would not be aware of it
19 unless community people would make a phone call to tell
20 them, here is drugs, come and get them. And they have
21 to go through a process probably of a month, maybe two,
22 three months before they could make sure that this
23 individual that we are accusing is doing drugs.

24 Community group has immediate access to
25 kids that the parents are involved in drugs, kids that

1 have to get up in the morning by themselves on their
2 own, walk to school sometimes with no breakfast because
3 their parents are overdosed 24 hours a day. So we
4 could do something right then and there at the
5 beginning of the problem. The DA would come in later
6 on to apprehend adults if they could catch them. Most
7 of the time they don't catch them. They always get the
8 corner kid that is selling the drugs, but the guy that
9 supplied the drugs is never visible. So, you know, we,
10 the community groups, have access to all that but we
11 need those dollars to work with. And if the DA keeps
12 all the money, and right here what I see happening is,
13 and we have to get legislation to tell the DA, we want
14 to work with you but we need some dollars to work with
15 you. In the past the DA is saying, let me keep all the
16 money that comes in, we'll determine how to spend it,
17 and we don't see any results.

18 REPRESENTATIVE HECKLER: Well, you know,
19 I think that kind of delineates where we're coming
20 from. If you want to put in, let me just say from my
21 point, if you want to put in a bill that allocates a
22 General Fund appropriation to do the kinds of things
23 you're talking about, and I think the addition in House
24 Bill 74 of the county council and, you know, some of
25 that approach, while it may be an auditing function

1 added is, you know, is a step in the right direction,
2 you've got my vote. In terms of taking it away from a
3 venue in which it's already been demonstrated to be
4 effective, I have problems with that.

5 Thank you.

6 (Whereupon, Representative Birmelin
7 assumed the Chair.)

8 ACTING CHAIRMAN BIRMELIN: Go ahead.

9 REPRESENTATIVE O'BRIEN: Thank you, Mr.
10 Speaker.

11 I apologize for coming in late and I
12 apologize for missing some of what you gentlemen had to
13 say.

14 Representative Acosta, I heard at the end
15 of your remarks that you're concerned about community
16 groups and the information that they can supply to
17 district attorneys for prosecution, and I agree that
18 they are a valuable source of information, but I feel
19 in the city of Philadelphia at this point there's
20 probably more information available on who's selling
21 drugs than there is an ability to prosecute or jail
22 them.

23 I also think that as I stated on the
24 floor when Representative Kosinski offered a similar
25 amendment at the end of last session that it's very

1 important that these moneys stay in the control of the
2 district attorneys for law enforcement purposes, and I
3 agree with the Representative when he said that he
4 would support a General Fund appropriation. I believe
5 that the moneys that were distributed through the
6 PennFree program, maybe we could look to enhancing that
7 appropriation and distributing the moneys in that way.

8 I think that when, Representative Acosta,
9 you talk about information that's important for
10 prosecutions, I think that that information has to be
11 protected in the following way: There are witnesses
12 that come forth from these same community groups.
13 There is also witnesses who are involved in selling
14 drugs. I remember a story in Philadelphia where a
15 16-year-old boy was selling Crack and he was shot by
16 his supplier because after he sold the drugs he didn't
17 have the money to pay for the drugs and he couldn't go
18 home because his mother would have turned her own son
19 over to the same supplier that shot him, so he got into
20 the witness protection program, which is paid out of
21 these very moneys that the district attorney controls,
22 he got his GED, went into the Army, and he's hopefully
23 going to become a productive citizen.

24 There are numerous other stories where
25 the district attorney's office uses these moneys for

1 the same kind or similar--

2 REPRESENTATIVE ACOSTA: Can I ask you a
3 question, if you could just -- do the district attorney
4 have any mechanism to pick up young people off the
5 street, kids off the street and help them in training
6 and give them education and give them vocational
7 training and give them direction? Do they have such
8 programs in place?

9 REPRESENTATIVE O'BRIEN: Well,
10 Representative Acosta, I would say that when you're
11 talking about the education and all that, there are
12 different other areas. PennFree is an area where we
13 can enhance the education process, but there is another
14 very important issue that was existing in the city of
15 Philadelphia where the police commissioner takes the
16 moneys down to DEA and none of those moneys are
17 available to community groups. And if this legislation
18 were to pass, all those moneys would be taken from the
19 police commissioner in the city of Philadelphia right
20 down to DEA. There wouldn't be a dime available for
21 any community groups, and I understand that a lot of
22 the community groups benefit right now from moneys that
23 the district attorneys throughout the Commonwealth
24 control. But I do really believe that you're going to
25 kill the goose that laid the golden egg--

1 REPRESENTATIVE ACOSTA: You did not
2 answer my question.

3 REPRESENTATIVE O'BRIEN: --if you take
4 these moneys and you started disbursing those for
5 education and for other purposes. I think that the
6 fight against drugs is an issue that we have to look at
7 as a legislature, and the education provisions and the
8 other provisions that you're concerned about and we're
9 concerned about should be addressed either in the
10 PennFree program or by an increased appropriation out
11 of the General Fund. I don't agree. I mean, I don't
12 disagree with your approach, I just disagree with the
13 funding source.

14 REPRESENTATIVE ACOSTA: Can I just tell
15 my colleague, and we're friends.

16 REPRESENTATIVE O'BRIEN: Yeah, sure.

17 REPRESENTATIVE ACOSTA: I would like to
18 have you live in my community. I will keep you in my
19 house a week or two and you'll see for yourself and
20 then you'll make a complete U-turn to agree with us.

21 REPRESENTATIVE O'BRIEN: Ralph, let me
22 tell you one thing. I think we can agree 100 percent
23 that there is a major drug problem in the city of
24 Philadelphia, and I can get into a myriad of reasons
25 why that problem has become more difficult to deal

1 with, and I think the biggest reason that we have an
2 increase in drug crime and car thefts and everything
3 else is because our jails are closed, and I don't know
4 that this is the forum to get into that, but when
5 Wilson Goode and company and the City Solicitor's
6 Office closed the jails in the city of Philadelphia by
7 establishing an artificial prison cap, that sent a word
8 out that everybody on the east coast should deal drugs
9 in Philadelphia because there's no pretrial detention.
10 Now, if you really want to address that problem, then
11 we've got to do something about that. We've got to
12 open the jails. Somebody's got to explain why they
13 arrived at a 3,600 prison cap.

14 REPRESENTATIVE ACOSTA: The jails, you
15 can't fit any more people in the jails.

16 REPRESENTATIVE O'BRIEN: But we can get
17 into a whole -- you know, we can open this up and go
18 down the road for a long way, but if we just keep it to
19 the issue at hand, I can tell you that I support moneys
20 for education, but we have a difference in philosophy
21 on where those moneys should come from.

22 REPRESENTATIVE THOMAS: Two things.
23 Number one, PennFree is over come June 30th, so that
24 \$20 million that the school district and schools in our
25 legislative district have been receiving for drug

1 education and family support programs will no longer be
2 there. So we have to find an option to that.

3 Secondly, House Bill 74 at least does not
4 take the district attorney out of the decisionmaking
5 process. All it does is just say that with this drug
6 forfeiture council, the district attorney will have an
7 opportunity to appoint three people, the mayor will
8 appoint three people, council will appoint three
9 people, and the President Judge of the Court of Common
10 Pleas will appoint two people. These are all the
11 people that are dealing with that problem on a
12 day-to-day basis. So within the context of 74, the
13 district attorney will not be out of having an
14 opportunity to have input on how these dollars are
15 distributed.

16 I think the bottom line concern is that,
17 and you know very well with community groups in your
18 district that work with local police, we have reached a
19 point where community groups are basically saying, stop
20 using me. You want me to provide you with information,
21 you want me to walk with you, you want me to support
22 you, but we need to give these kids real, meaningful
23 alternatives. We need to go beyond just saying no. We
24 need to provide them with some meaningful options. And
25 so what it comes down to, community groups are saying

1 to local police districts, you want me to work with
2 you, I want to work with you, but I need help. And all
3 we want you to do is to share and when there are
4 limited resources available, we have to go with where
5 we have some access. And with PennFree coming to an
6 end, drug forfeiture I think is a reasonable way of
7 community groups, district attorneys, local police,
8 continuing their partnership in dealing with the war on
9 drugs.

10 REPRESENTATIVE O'BRIEN: Representative
11 Thomas, I think that everybody in the legislature
12 understands that we're the ones that make the
13 decisions, in large part, on where the moneys are
14 appropriated in the upcoming budget session, so I think
15 if PennFree is no longer the vehicle, we could find a
16 suitable vehicle to provide those moneys, because I
17 think there is a general consensus that we feel those
18 moneys are needed. However, I think we also know how
19 important motivation is, and if you're going to strip
20 the incentive for the district attorneys and the law
21 enforcement officers to create this pool of money, then
22 I think we're killing the goose that lays the golden
23 egg.

24 And again, I would just like to reiterate
25 that there are other things in the Philadelphia area

1 that would really aid. I know, I've met with community
2 groups inside my district and outside my district and I
3 know that they feel victimized, that they feel that
4 when they turn over information they want immediate
5 results, they want these drug dealers removed from
6 their community, and then after they turn over the
7 information within three hours that guy is right back
8 on the same corner dealing drugs but he's more arrogant
9 now and he's more dangerous to the police officers who
10 are out there with the responsibility of arresting him,
11 he's more dangerous and intimidating to those same
12 community groups that are trying to help law
13 enforcement in the prosecution and the arrest of these
14 felons. But that's a problem that has to be addressed
15 by pretrial detention. If you're really going to do
16 something about this problem in Philadelphia, you have
17 to have pretrial detention, and we don't have that.

18 REPRESENTATIVE THOMAS: Well, I think
19 that that's probably good on the law enforcement side,
20 but I guess what I'm advocating this morning is demand
21 reduction. I guess what I'm saying is that that
22 support program that's in George Washington High
23 School, that support program that's in William Penn
24 High School, that mechanism available for -- before you
25 came in I mentioned last year we had over 10,000 cases

1 of neglect and abuse just in Philadelphia County, of
2 which 80 percent was drug-related. And I think that
3 the hour is here for us to provide community groups, I
4 think that we have to stop saying to people, we want
5 you to keep on working but you don't need any
6 resources. I think we've got to provide community
7 groups with an opportunity to become real partners in
8 dealing with this problem. And all House Bill 74 would
9 do is just bring everybody to the table and say
10 collectively, let's deal with the kinds of things that
11 work and those things that don't work and have
12 available resources to do that.

13 REPRESENTATIVE O'BRIEN: Thank you. I
14 would just like to just read a list of things, I don't
15 know if this has been done, and again, I apologize to
16 the members of the committee, of the items that the
17 drug forfeiture moneys are used for: Salaries for
18 forfeiture detectives and assistant DAs, overtime for
19 narcotics undercover enforcement, computers,
20 surveillance equipment, buy money, informant payments,
21 witness protection expenses, a very important tool in
22 the fight against drugs for in the city of
23 Pennsylvania, for relocation, for room and board for
24 protection detectives, overtime salaries for police in
25 high drug areas, computer equipment for enforcement,

1 drug labs, guns and ammunition, support and maintenance
2 of forfeited undercover vehicles, cameras,
3 surveillance, drug testing kits.

4 And again, I'm not going to take up any
5 more time. I would just like to say, I agree with your
6 purpose but I also firmly believe that we should not
7 touch the drug forfeiture moneys. I don't think
8 there's as big a pool as everybody out there in
9 Pennsylvania thinks there is. I think these moneys are
10 being utilized very efficiently, effectively at this
11 point, and if we want to find moneys, then it's our job
12 as legislators to support a general appropriation.

13 REPRESENTATIVE ACOSTA: I would like to
14 say to you, even if we take the overtime dollars away
15 from being paid, overtime alone, that would be more
16 than 40 percent of the money that is taken in on
17 forfeiture dollars. With 40 percent, we could do much
18 more in our communities throughout the city than you
19 can do with overtime out there.

20 (Whereupon, Chairman Caltagirone resumed
21 the Chair.)

22 CHAIRMAN CALTAGIRONE: Jerry Kosinski.

23 REPRESENTATIVE KOSINSKI: Just a comment
24 to Representative O'Brien. Nothing that you mentioned
25 would be changed by this bill. We could still have

1 both.

2 And second, along with Representative
3 O'Brien and Representative Heckler, if you're going to
4 support a General Fund appropriation for the PennFree
5 appropriation, we'll be waiting for your tax votes in
6 June.

7 REPRESENTATIVE O'BRIEN: You can wait.

8 CHAIRMAN CALTAGIRONE: Ken.

9 REPRESENTATIVE KRUSZEWSKI: For both
10 Representatives Acosta and Thomas, I want to reiterate
11 a point some of the colleagues made, other than Jerry
12 right now.

13 I spent 19 years in law enforcement and I
14 retired to take this job in December, 9 years was in
15 the drug field, so, you know, I don't want to argue
16 with you two gentlemen in regard to drugs, or anybody
17 in this room, because I was there. Since I've been
18 gone, three policemen have been shot because the drugs
19 is so bad in little Erie, in the third largest city.
20 And one was fatally wounded, the others got shot in the
21 chest, for a guy who's been arrested three times. He's
22 still out there. I don't believe there's enough money
23 now being seized to support all the money we need for
24 law enforcement. So I just wanted to make that point
25 so that you guys feel at ease when you see me in the

1 hall that I'm not the bad guy, that I can understand
2 your point. The interdiction program is great and
3 you've got to start in third grade at least today, and
4 you know the funds just aren't there, the dwindling
5 funds. We're losing this war. We have been. You
6 know, you're looking at a \$50 billion industry alone in
7 the coke business. So, you know, there's so much
8 wealth out there that we have to take their money away.
9 How it's disbursed right now with law enforcement, I
10 agree to that now because I don't see anything better.

11 REPRESENTATIVE THOMAS: I think if I can
12 just share a couple things. Number one, law
13 enforcement, the law enforcement community has not been
14 shortchanged at the national, the State, or local level
15 with respect to dollars and resources. They might not
16 have been able to get all that they wanted, but they
17 have not had to take the same cuts that health and
18 human services are having to take. You know, right now
19 we're wrestling with a proposed budget cut of \$731
20 million, of which 43 percent is health and human
21 services. There are no cuts in there for law
22 enforcement. I think the law enforcement is getting
23 its fair share and will continue to get its fair share.

24 I think that what we have to do at this
25 point is give more attention to demand reduction.

1 Demand reduction and providing community groups with
2 real support to deal with that problem out there are
3 because they're the ones that are on the front line.
4 The schools are on the front line. And so I don't
5 think that we would be hurting the law enforcement
6 community and I think that it would be wrong for us to
7 say that the law enforcement community is going to get
8 shortchanged or is going to be denied in some way or
9 another under the aegis of House Bill 12 or House Bill
10 74. All we're saying, at least all that I'm saying,
11 and that is that it is time for us to give real meaning
12 to partnership. If there is a partnership between the
13 law enforcement community and communities, that
14 communities need help like we provide law enforcement
15 communities with help. And I don't think that we can
16 do it through a general appropriation. To date, we
17 have not been able to do it. I mean, do you realize
18 that but for the tax proposal failing there would not
19 have been a PennFree?

20 So we have not, you know, had the same
21 kinds of willingness to provide community-based groups
22 with the kind of support that they need that we have
23 provided the law enforcement community with, and I
24 think we need both. I think if nothing else, we can
25 all agree that a holistic approach is necessary, that

1 you can't just talk about lock 'em up, throw the key
2 away, without also talking about educating your child
3 and my child to not only saying no to drugs but also
4 providing them with meaningful alternatives to
5 withstand all of that pressure that's out there.

6 REPRESENTATIVE ACOSTA: Mr. Chairman,
7 all of us, and we read it through the papers, we listen
8 to television, all of us throughout this country, we
9 all talk about helping our children, doing something
10 for the children, educating the children, and here I
11 hear you guys telling me that you cannot afford 40
12 percent of money that is out there in the street, that
13 is not money that comes from government, that is not
14 money that comes from any other place except for buys,
15 drugs, that are killing our children, you're telling me
16 that you cannot afford to put a program together with
17 communities to save our children? I think we are
18 contradicting ourselves when we say that.

19 REPRESENTATIVE O'BRIEN: Representative
20 Thomas, I would just like to again just make one
21 additional comment. Something that concerns me greatly
22 in the city of Philadelphia, and when you say that law
23 enforcement is getting all the dollars that they need,
24 I don't think that's obvious at all in the city of
25 Philadelphia. I think all you have to do is look at

1 the last couple of graduating classes of Philadelphia
2 police officers. They can't even buy them uniforms,
3 they can't buy them weapons. Any time that the city
4 gets into a fiscal crunch, the two areas that they hit
5 are the district attorney's office to lay off
6 prosecutors and the police department to lay off cops.

7 So if you're really serious about doing
8 something, I don't see that in the city of
9 Philadelphia. I see there being one big political game
10 being played down there, and I agree that the community
11 groups are being victimized. They are being told to go
12 out and fight a war against drugs, but the same elected
13 officials, the same administration that's talking about
14 this and sending those communities groups to the front
15 lines is not committing the dollars for the law
16 enforcement community to do anything about it in any
17 way, shape, or form. So I don't think that law
18 enforcement is getting the kind of support that they
19 need. And I'm concerned more as a Philadelphian than I
20 would be about anybody else in the State. I just know
21 what's happening in my county. And I know that these
22 dollars are probably the only lifeline to successful
23 law enforcement prosecution and arrest in the city of
24 Philadelphia right now. And right now the
25 administration, the police commissioner, is taking

1 those dollars, whatever way they can, they're running
2 down to DEA. Those moneys, sure, they come back into
3 the police department, but then they back it out of the
4 bottom of the budget and throw it into their General
5 Fund.

6 So I think that the issue here is that
7 these moneys are being used effectively. I don't think
8 there's anybody that can question the effectiveness of
9 these dollars. They are being used very efficiently,
10 and if somebody could say that these dollars are being
11 wasted, then I could say -- or that if somebody could
12 demonstrate to me that there were sufficient dollars
13 out there for law enforcement, then maybe I'd change my
14 mind. I'm not saying that the dollars that you're
15 looking for aren't important, but I'm telling you right
16 now that these dollars are the only lifeline for law
17 enforcement in the city of Philadelphia.

18 REPRESENTATIVE THOMAS: Let me say that,
19 and I'll just use one statistic. Now, right now the
20 district attorney has total access to--

21 REPRESENTATIVE O'BRIEN: He doesn't have
22 total, Curtis.

23 REPRESENTATIVE THOMAS: Well--

24 REPRESENTATIVE O'BRIEN: Because like I
25 said, right now the police commissioner is running down

1 to DEA, so that process is being circumvented now.

2 REPRESENTATIVE THOMAS: Well, the
3 district attorney has access to those forfeiture assets
4 which are seized within the county of Philadelphia by
5 Philadelphia police. Now, the Philadelphia police
6 commissioner has access to Federal forfeiture dollars,
7 and that's where we have a problem. But in any event,
8 let me say that last year in Philadelphia, and since
9 you mentioned Philadelphia, there was, what, 501
10 murders, of which, if I'm not mistaken, over 70 percent
11 involved juveniles. Okay? And that statistic, while
12 the numbers are high, is not endemic to what's going on
13 all across this country in communities of all shape and
14 form when we look at what's happening to young people.

15 And I just think that law enforcement is
16 good for us to give law enforcement the resources that
17 they need, but we got to shift the gear a little bit.
18 Under PennFree, over \$87,000 was put into
19 community-based groups. So we have done a part of what
20 we need to do. But we're also saying come June 30th,
21 we can't leave those community groups hanging out
22 there, and what we're saying is demand reduction has to
23 be the order of the day for '91 and for beyond.
24 Because if you feel good about who you are and if you
25 have the right kinds of support systems, no matter how

1 much drugs come into this room, you will not touch,
2 use, distribute, or do anything else with those drugs.

3 And so what I'm saying is that people in
4 your community, ones that have the after-school
5 programs, the ones that have the child care programs,
6 the ones that have the intergenerational programs, the
7 ones that have the basketball teams, the football
8 teams, the hockey teams, the soccer teams, those are
9 the ones that are really making the difference. And we
10 can't continue to ask those people to keep trying to do
11 it without some help. Because as long as a child is in
12 an after-school program or as long as a child is in a
13 program that is building strong values, that's building
14 strong support systems, then we will never have to
15 worry about that child with an M-16 in his or her hands
16 or worry about that child dead on a corner from an
17 overdose of Crack cocaine.

18 I am saying that through the forfeiture
19 assets, and we don't have any other mechanism that's
20 available to us now. This is the only option that I've
21 seen. The Speaker has supported forfeiture assets,
22 providing some percentage of forfeiture assets to
23 community-based groups. The Governor has showed some
24 receptivity to it. The members of the General
25 Assembly, both sides of the aisle, have showed some

1 receptivity to it, and I think the only question before
2 us today is when and under what circumstances? We have
3 an opportunity today to move forward on the concept and
4 then work together in providing a mechanism as to how
5 the concept can be implemented.

6 REPRESENTATIVE O'BRIEN: Representative
7 Thomas, when you talked about these moneys just being
8 Federal moneys, I can tell you just from what I've
9 heard in the city of Philadelphia, there are cases that
10 are ongoing that are being prosecuted by the district
11 attorney and evidence from that trial is being taken
12 down to DEA and surrendered because they need the
13 money. So there is competition down there right now
14 for all kinds of money. And when you're talking about
15 education, I agree with the importance of education but
16 I think all values are being warped and perverted at
17 this point because you take a kid who's standing on a
18 corner, doesn't even have to get involved in the
19 transaction itself, he's going to get paid several
20 hundred dollars just for standing on a corner and being
21 a lookout in case a police car comes down the street.
22 How do you teach that kid values? You got to get those
23 guys off of that corner and you have to instill in that
24 community faith in law enforcement that when they turn
25 the kind of information that Representative Acosta is

1 talking about over the law enforcement, that something
2 is done about it so these guys don't come back three
3 hours later and threaten the very lives of those people
4 in that community that are putting themselves on the
5 front line. And I'm telling you right now, this is the
6 only way that law enforcement is being funded at this
7 time, the only way that the drug fight in Philadelphia
8 is being funded, because everybody else is turning
9 their back.

10 REPRESENTATIVE ACOSTA: Representative
11 Kenney, we'd like to stop that kid that is paid \$300
12 per hour or per day to be on the corner before he gets
13 to the corner so we could get him into a program, we
14 could get him into some educational place and teach him
15 what his drugs are doing to everybody, not only to the
16 community of Philadelphia but to the whole world. And
17 we know, for example, groups that we have in the city
18 right now, we go out on Friday nights on vigils, and
19 one of these nights I'm going to invite you to be there
20 with us.

21 REPRESENTATIVE O'BRIEN: I'll come down.

22 REPRESENTATIVE ACOSTA: And you'll see it
23 for yourself. And you then can speak with more
24 authority as to what it is that we could do to prevent
25 some of these kids from being on the corner.

1 REPRESENTATIVE O'BRIEN: Open the jails,
2 Ralph.

3 REPRESENTATIVE ACOSTA: Because right
4 now, you're giving us everything that you read in the
5 magazine there about how they could use the dollars.
6 We could use the dollars probably better than the
7 police department could use the dollars, and I know
8 that for a fact because I go out there on Fridays on a
9 vigil, on rainy days, on cold days, and we see exactly
10 what we have to do.

11 REPRESENTATIVE O'BRIEN: I went, I think
12 it was last year or two years ago, when Hardy Williams
13 had a drug summit and he had it down at the Hershey
14 Hotel, and there were people from community groups
15 standing there and they were complaining that they turn
16 information over and three hours later they see the
17 same drug dealers back on the street. They had no
18 knowledge that--

19 REPRESENTATIVE ACOSTA: We're talking
20 about kids now. We're not talking about grown pushers,
21 big time pushers. We're talking about children.

22 REPRESENTATIVE O'BRIEN: Well, let me
23 tell you something. Let me tell you something, Ralph.
24 Who do you think is selling the drugs in the city of
25 Philadelphia? The big drug pushers are using kids,

1 kids that judges will not put behind bars because of
2 their age.

3 REPRESENTATIVE ACOSTA: We've got to
4 train those kids.

5 REPRESENTATIVE O'BRIEN: But let me tell
6 you--

7 REPRESENTATIVE THOMAS: Mr. Chairman, if
8 I may.

9 CHAIRMAN CALTAGIRONE: We're getting a
10 little carried away.

11 REPRESENTATIVE THOMAS: The hour is
12 getting late and we have a lot of people here this
13 afternoon--

14 CHAIRMAN CALTAGIRONE: Yes. Yes, we do.

15 REPRESENTATIVE THOMAS: --that want to
16 provide testimony. Representative Kenney's comments
17 are well taken--

18 REPRESENTATIVE O'BRIEN: O'Brien.

19 REPRESENTATIVE THOMAS: O'Brien. And the
20 record will so reflect that, and I ask that we move
21 forward.

22 CHAIRMAN CALTAGIRONE: Yes, I'd
23 appreciate that. I know that--

24 REPRESENTATIVE DERMODY: I just had one
25 brief question.

1 The \$87,000 that you talked about, were
2 they PennFree funds for the whole State or just for the
3 city of Philadelphia that went to community groups?

4 REPRESENTATIVE THOMAS: That went to
5 community groups all across the State.

6 REPRESENTATIVE DERMODY: Do you have any
7 idea how much of that \$87,000 Philadelphia got?

8 REPRESENTATIVE THOMAS: From what I
9 understand, very little, unfortunately. Most of it
10 went to the other counties.

11 CHAIRMAN CALTAGIRONE: Is it a truce?

12 REPRESENTATIVE GRUITZA: \$87,000, that
13 doesn't seem like a very large amount.

14 REPRESENTATIVE THOMAS: Oh, it's not
15 because the bulk of PennFree went into treatment and
16 law enforcement.

17 REPRESENTATIVE DERMODY: Where are the
18 moneys coming for these community groups that are
19 started now, because it didn't come from PennFree?

20 REPRESENTATIVE THOMAS: Nowhere.
21 Nowhere. Most communities right now are providing, I
22 think, the most awesome indication of volunteerism that
23 you'd ever want to see. I think that we're just at a
24 point now where we have to do more than just say to
25 them, keep on doing what you're doing. We've got to

1 give them some support so that they can keep on doing
2 what they're doing.

3 Thank you.

4 CHAIRMAN CALTAGIRONE: Gentlemen, thank
5 you very much for your testimony.

6 I'd like to speed things up just a little
7 bit. If I could have Fred Ramirez and Stephen Pina
8 come up together and we'll have you testify.

9 And for the benefit of the members, we do
10 have a tour coming up at the Philadelphia Family Court
11 this Thursday at 10:00 a.m. It does not have to be
12 public notice because it's just a tour and it's not a
13 formal committee function as such as far as a hearing
14 or a committee meeting, it's just a tour, and as far as
15 I understand, it doesn't have to be sunsetted.

16 If you would just like to introduce
17 yourselves for the record. Fred, you can go first, and
18 Steve, you could go second, and then we'll open it up
19 for questions.

20 MR. RAMIREZ: Thank you, Mr. Chairman,
21 members of the committee. My name is Fred Ramirez.
22 I'm the Regional Director of the Department of Puerto
23 Rican Community Affairs, which is an offshoot of the
24 government of Puerto Rico, and I'm housed in
25 Philadelphia.

1 MR. PINA: And I'm Stephen A. Pina. I'm
2 the Executive Director for the drug and alcohol
3 recovery program in Philadelphia known as One Day at a
4 Time. We have been in existence for eight years.
5 We're a self-supporting program, and we truly believe
6 that the need for this particular legislation or
7 similar legislation is very important to the work that
8 can be done throughout the recovery community, which is
9 a little bit different from what tends to be presented
10 in most testimony.

11 MR. RAMIREZ: Mr. Chairman, members of
12 the committee, I am certainly not here in the capacity
13 this afternoon of an anti-drug war expert or certainly
14 as a member of these grassroots community organizations
15 doing that, But I was so interested in the concept of
16 both these bills here that I did want to take the
17 opportunity to share my thoughts with you based and
18 having been borne of the fact that I do work with the
19 nonprofit organizations that are fighting this war, and
20 for the sake of brevity and what we've heard here this
21 afternoon, I intend not to be repetitive of the facts
22 and the figures that we heard here this afternoon.

23 But I do want to share with you that it
24 is highly ironic that the perspective that we have from
25 our law enforcement perspective on the use of drug

1 forfeiture dollars is very different from the same
2 perspective when it comes to nonprofit organizations
3 that are fighting this war, and literally it is a war.

4 Just last week, two organizations go to
5 my office not precisely to seek help in what they're
6 doing but precisely to deal with something that an
7 earlier member had made comments earlier here this
8 afternoon, which is how do I help them identify funding
9 from the private sector in order to carry this out?
10 And that is a role that my office does carry out most
11 of the times for these nonprofit organizations, and
12 indeed I'll share with you that it becomes increasingly
13 more difficult to do so. When I have organizations
14 come to my office such as CUNAD, Community United
15 Neighbors Against Drugs, that cannot buy approximately
16 200 t-shirts for the school children to go to these
17 anti-drug vigils and marches, it worries me. It
18 concerns me when I'm the fellow that has to identify
19 funding to where to get the sandwiches for these kids
20 to hold their anti-drug messages and their teachers and
21 their parents and the heads of these nonprofit
22 organizations.

23 It's highly ironic and it really concerns
24 me when we have an organization, we have a place, a
25 house like the Thomas Akins House in Pennsylvania, the

1 renowned Pennsylvania artist, whose house is used
2 primarily as a cultural and recreational activities in
3 a drug-infested neighborhood that has to close for a
4 lack of funding, that the director of that agency in
5 that house has to come to my office to identify the
6 funding that cannot only keep the programs in place
7 that benefit 200 children from those neighborhoods, 200
8 children from those neighborhoods, but to rehab those
9 properties, and that does concern me. It concerns me
10 when the focus is one entirely on law enforcement as
11 opposed to strengthening the social infrastructure, if
12 you will, that will enable these children to stay away
13 from this major problem.

14 To comment on earlier comment here, yes,
15 there is a drug war. I believe we're losing it,
16 especially those of us like I do who live in those
17 neighborhoods. It is one thing evening after evening
18 to go to your house and see the direct results of this
19 war on drugs that we, I believe, are losing.

20 And I'll share with you something that
21 was said for those of us who look at and focus on this
22 problem from a strictly law enforcement perspective.
23 It jarred in my memory that just last week a captain
24 like Captain Lorenzo of our police station had to say,
25 I can lock them up every hour on the hour but if the

1 family doesn't help, and if the social infrastructure
2 isn't there and these organizations help me, I cannot
3 keep them off there. And it just rang a bell in me
4 because it precisely was something that was said
5 earlier here this afternoon. So we have one concept,
6 two perspectives on the same concept. The law
7 enforcement perspective, and the perspective of
8 upholding and strengthening the social infrastructure
9 that hopefully will lead to us to keep combating this
10 problem.

11 I note to the members of the committee
12 that what we're talking about here is basically
13 refocusing 40 percent of those funds, keeping it within
14 the domain of the district attorney's offices. So
15 we're not doing anything, we're not jarring or doing
16 anything extravagant with the system that we have in
17 place right now. At least it does not seem to me that
18 way.

19 So I simply urge the members of the
20 committee that I think, I, for one, like these bills.
21 I think this has to be considered. I certainly think
22 that we err by keeping the status quo. I think that is
23 evident that by continuing on the path of the status
24 quo probably the system is not in place, so I think we
25 have a victory even in looking at the concept of what

1 we have now. Something that is currently going on,
2 because my understanding is that the city controller of
3 the city is also looking at -- in the case of the city
4 of Philadelphia -- is precisely also looking at this
5 question and coming up with some numbers of a question
6 that was headed earlier today, how effective is this
7 money being used by strictly law enforcement? So I
8 think it's a very timely question.

9 CHAIRMAN CALTAGIRONE: Thank you.

10 Stephen.

11 MR. PINA: Fred, thank you.

12 I guess where I am with this is that
13 there will never be enough money. I think one of the
14 things we had to accept last year in Philadelphia was
15 that if we had 500 community groups last year that were
16 trying to survive on a shoestring budget, if any budget
17 at all, we probably could have done a lot better if two
18 of them would have gone out of business because they
19 were all competing for the same dollars.

20 What we've been trying to implement in
21 Philadelphia is a lot of those community groups pool
22 their resources, extend their boundaries, tie those
23 boundaries together and what we have are larger
24 communities. To one extent if we get that, we get more
25 communities coming together to work together.

1 Unfortunately, we're taking less dollars and trying to
2 stretch them further. If somebody could probably
3 understand that we really are a part of the State of
4 Pennsylvania in Philadelphia County. I am not a
5 politician. I just only know what I read.

6 I am a little old boy from Montgomery
7 County, Pottstown, and one of the ironies or one of the
8 nice things about being from Pottstown was that we had
9 townships around us that felt like they were part of
10 the community. So when we had football games or
11 basketball games or community projects, we all came
12 together and did a lot of the things together.

13 I was in Pottstown not too long ago and
14 was rather sad of what I saw on the corner of Walnut
15 and Washington. Two of my young cousins, and I'd like
16 to think that they had the same background I had, were
17 undoubtedly selling drugs. And there must have been
18 about 19 or 20 other children. It almost reminded me
19 of riding through north Philadelphia and seeing what
20 goes on in those corners, those little pockets in north
21 Philadelphia.

22 Communities like Pottstown and Royersford
23 and Boyerstown and those little places, Owen J.
24 Roberts, they don't have the same type of community
25 structures that we have. These are people who are busy

1 just trying to make it and they generally can pretend
2 the problem doesn't really exist. We can't pretend in
3 Philadelphia. We've had to accept over the last few
4 years that we're almost fighting this battle by
5 ourselves. I'm not happy to know that all the
6 forfeiture dollars, a significant portion of the
7 forfeiture dollars that come out of Philadelphia are
8 coming directly out of the poor communities that we're
9 so busy trying to fight the problem in. The sad part
10 about it is that the moneys leave and they never come
11 back. They're not being spent at the local grocery
12 store, they're not being spent at the local clothing
13 store. They're coming to the DAs office, they're
14 coming to Harrisburg, they're going to Washington. We
15 will never realize these moneys again in those
16 communities.

17 We've got to find a way to help recycle
18 some of those dollars back into our neighborhoods. You
19 have no idea how devastating the impact is on our
20 community economies. Forget about the city in general.
21 Forget about it. There are certain areas of the city
22 that will survive regardless of what goes on. We are
23 literally looking at moneys that should be used for
24 rent being spent on drugs. We are looking at housing
25 fall apart because people aren't paying their bills.

1 We're looking at communities which were once proud,
2 where people came out and swept their sidewalks and
3 their front steps, just turning into total decay. We
4 have no economy in some of those communities.

5 Ladies and gentlemen, you're correct,
6 they're going out of the community to be used in an
7 incredible type of formula structure that makes very
8 little sense to a guy such as myself who is about the
9 business of taking people who want drug and alcohol
10 recovery and trying to give them a new way of life
11 without asking the State for a dime, not one penny, nor
12 the Federal government. We're talking about
13 self-supporting programs. We have a lot of fellowships
14 in the city of Philadelphia doing work and we can't ask
15 the government or anybody for money for fear that if
16 you do give it to us, we'll have the same problem that
17 the PennFree focus is about - the moneys will dissipate
18 and we'll be strung out there. So we choose to do it
19 without asking you for any money.

20 I don't think it's really fair. I think
21 a system that can spend \$2,000 to \$4,000, \$5,000 a week
22 to try to detox somebody and keep hospitals open, and
23 in many instances that's what we're doing, you know,
24 might want to look at the incredible recidivism rate
25 for those dollars. My family alone three years ago

1 spent \$20,000 of our hard-earned money because we
2 thought the way to take care of a family member that
3 was strung out on drugs was to send her to a very
4 overly priced rehab center in Princeton, New Jersey.
5 We found we could have just as easily done it in
6 Pennsylvania, but we sent her to New Jersey. Within
7 two weeks, and I'm not talking insurance money, I'm
8 talking about hard-earned money that was banked, nest
9 egg money, within two weeks she went back out on us.

10 This problem isn't political anymore. It
11 really isn't. I don't think it's about the mayor of
12 Philadelphia any more than I think it's about the mayor
13 of Erie, Pennsylvania. It's about finding a way to put
14 peoples' lives back together, to put whole communities
15 back the way they used to be. That pride doesn't exist
16 much anymore. It's just not there.

17 I live in an overly priced section of
18 Philadelphia and unfortunately when my washing machine
19 broke down we went to the complex washroom. My wife
20 and I are presently moving right now because we could
21 not believe somebody that could afford to pay that kind
22 of rent would sit up in a laundry room and smoke Crack.
23 Well, the evidence was all over the place. I'm not
24 proud to talk about that. But I'll tell you what, I
25 don't think it needs to be a secret anymore. And if

1 it's going on in my community, which is right in center
2 city, I know it's going on everywhere. I can afford to
3 move. There are a lot of people that can't.

4 I can afford to get a person off of drugs
5 without a burden to the State. I can do that. But I
6 can only take care of X amount of people while I'm
7 doing it. All I need is a house. I don't need much
8 but to fix up an old house. It costs money. Where do
9 I get the money to do it? And how do I take
10 Representative O'Brien's suggestion in keeping people
11 out of prisons if I don't have places to put them when
12 they come out of the rehab centers or the
13 detoxification centers? Somewhere along the line we've
14 got to think of this thing as though we're a team and
15 not look at it in terms of we're sacrificing something
16 on the backs of somebody else.

17 Philadelphia was good to me when I came
18 to it. Philadelphia was very good. Pottstown was very
19 good also. I'd like to give something back to both
20 communities, and that's being able to ask you to look
21 at everything that's going on in the State as though
22 it's one big family problem. You know, my mom and dad
23 used to argue, at some point they'd get together, I
24 would have to imagine, in the later part of the evening
25 and they'd sort of work out whatever problems they were

1 having, and for us kids it made our mornings a little
2 better.

3 The gentleman talked about the three
4 police officers killed. I spent about six years of my
5 life helping to encourage and work towards having a
6 strong Black fraternal police organization called the
7 Guardian Civic League, and it is very painful to watch
8 and know that these people put their lives on the line
9 as other police officers do. I've lost some very good
10 friends of mine. But the sad part about it is that we
11 can talk in terms of three police officers, but what
12 about the tens of children that are maimed through the
13 same type of violence, through the guns, through the
14 knives, through the erratic behavior of the drug
15 problems that the communities are confronted with?

16 I don't want to take up a lot of your
17 time. And I didn't come here to sell my program. I
18 came here to talk about Pennsylvania trying to be a
19 family, that we need to look at this as though we're
20 all in the same house, that if my house falls, yours is
21 going to fall. I'm telling you, I live in an
22 over-priced neighborhood. I know what's going on. But
23 I also don't have to go that far to find out how bad it
24 is in neighborhoods that can't afford to move. It gets
25 worse. Our economies are not where they should be.

1 They really aren't. And I personally would like to see
2 all the drug pushers sent out on a boat somewhere and
3 just let loose and drift wherever they have to go.
4 They're not going to go away that way.

5 PennFree is dead. Forfeiture is alive.
6 The drug dealer wins most instances. I don't know what
7 a State does that has the budget problems that we have,
8 but I believe I hear some very sincere, some very
9 sincere comments coming from people.

10 I just want to say that, and I'm going to
11 close, that one of the fellows that came to my program
12 and asked us for help, and we were truly overwhelmed
13 with people who need help, went to a party in the
14 northeast last week and he was very impressed with the
15 section of the northeast he was in. He described the
16 house as something out of a storybook. There was about
17 40 young people there and it was, for all intents and
18 purposes, a drug party and an orgy. He was
19 HIV-positive. The bottom line on this is that there
20 were a number of young ladies that walked away infected
21 with the HIV virus that have no idea that this boy was
22 infected. He never told him, nor was that his
23 intention. He enjoyed all the drugs, and he stayed
24 there 16 hours and didn't spend one penny. He couldn't
25 have done that in north Philadelphia. He couldn't have

1 done it in south Philadelphia. He could not have done
2 it in west Philadelphia. He went to Philadelphia's
3 greater northeast and spent 16 hours in the middle of a
4 drug orgy that I just really was in pain to have to
5 listen to him describe to me.

6 I think we have got to slow down long
7 enough to realize that we are in a crisis. If we don't
8 do it here, I won't stop doing what I'm doing, but if
9 those young ladies that left that party are walking the
10 streets as they are now, they may just bump into some
11 people that are very dear to us, and this was all
12 drug-induced.

13 Thank you.

14 CHAIRMAN CALTAGIRONE: Questions?

15 Dave.

16 REPRESENTATIVE HECKLER: Just a few
17 questions, Mr. Chairman.

18 BY REPRESENTATIVE HECKLER: (Of Mr. Pina)

19 Q. Mr. Pina, the organization or the program
20 that you're involved with is the -- is sponsored by the
21 Philadelphia Urban Coalition?

22 A. It's affiliated by the Philadelphia Urban
23 Coalition. Their 501(C)(3) gives us opportunities to
24 do things through our limited funding that we don't
25 have capabilities of using.

1 Q. Okay, so you're sort of a private
2 nonprofit organization?

3 A. Yes, we're a registered nonprofit
4 organization within the State of Pennsylvania.

5 Q. Okay. And I wasn't quite clear, are you
6 presently, your program presently, receiving any
7 funding from PennFree?

8 A. Oh, no. No.

9 Q. Okay, so where does your funding come
10 from right now?

11 A. Our fundings come through contributions
12 and whatever minimal dollars our clients can possibly
13 provide in terms of rent, support. It's about \$30 a
14 week up to about 80 percent of our clients. There's no
15 requirement to pay when you come into our program, just
16 a willingness to want to get better.

17 Q. Okay, so that yours is essentially a
18 residential drug treatment recovery kind of program?

19 A. Yes, the latter part. More recovery than
20 anything else.

21 Q. No public funding whatsoever at this
22 point?

23 A. Zero public funding.

24 Q. Okay. And probably not much in the way
25 of insurance funding or anything like that?

1 A. No.

2 Q. Okay, so it's just charitable support
3 from the greater community?

4 A. Yes.

5 Q. And the passing of PennFree has no, at
6 least no direct impact on your program whatsoever?

7 A. None. It wasn't coming our way. It
8 wasn't directed towards the recovery community.

9 Q. Thank you.

10 A. Yes.

11 CHAIRMAN CALTAGIRONE: Gentlemen, thank
12 you very much for your testimony.

13 We'll hear next from Doug Hill.

14 MR. HILL: Good afternoon, Mr. Chairman,
15 members of the committee. I'm Douglas Hill, Executive
16 Director of the State Association of County
17 Commissioners. Our association is a nonprofit,
18 nonpartisan association representing all of the
19 Commonwealth's 67 counties. I am also presenting
20 testimony today on behalf of the Local Government
21 Conference, which includes our association as well as
22 the associations representing cities, boroughs,
23 townships of the first and second class, and school
24 boards. Together we account for more than 3,200 local
25 units of government.

1 I'm pleased to have this opportunity to
2 present our comments on House Bill 74, which amends
3 Title 42 of the Pennsylvania Consolidated Statutes by
4 establishing county drug forfeiture councils and
5 further provides for the allocation of the proceeds of
6 cash and property forfeited in drug offenses. Before I
7 specifically address House Bill 74, I'd like to place
8 the drug and alcohol problem in the context of the
9 larger crisis facing the local criminal justice system.
10 Over the last five years, we've been waging the war on
11 drugs on the national, State, and local levels. I'm
12 not here to discuss the merits of the war but rather
13 the priorities we've established for fighting this war
14 and the consequences this war is having on local
15 government.

16 When appearing before this committee in
17 1988 and on numerous occasions since, we have testified
18 with some concern that the resources expended on drug
19 law enforcement have emphasized the apprehension and
20 prosecution side of the equation. We have used the
21 analogy and we use it again today that this model of
22 the criminal justice system can be viewed as a bottle
23 with a funnel. Our past efforts emphasizing
24 apprehension and prosecution have increased the size of
25 the funnel dramatically, while doing little for the

1 size of the bottle.

2 The General Assembly finally began to
3 deal with this issue last session passing a number of
4 acts that address the size of the bottle. Act 71 of
5 1990, the \$200 million bond issue for county jail
6 construction, and Act 193 of 1990, the intermediate
7 punishment act, are the two most significant examples.

8 This brings us to House Bill 74, which
9 for us represents another opportunity to balance the
10 equation by addressing the capacity side of the local
11 criminal justice system. The demands on the county
12 based drug and alcohol treatment system have grown
13 proportionately with the increase in law enforcement
14 activities. Unfortunately, the State appropriation for
15 treatment has remained stagnant while the Federal
16 dollars are projected to decrease for fiscal year
17 1991-92. The decreasing Federal dollars are stretched
18 even further by the Governor's proposal to use Federal
19 funds to replace State funds in the PennFree
20 programming.

21 House Bill 74, as written, would divide
22 between the district attorney and the newly created
23 county forfeiture council the cash and proceeds for
24 forfeited property seized in connection with controlled
25 substance violations. Sixty percent would go to the

1 district attorney and the remaining 40 percent would go
2 to the county drug forfeiture council. The district
3 attorney would use the proceeds for enforcement of the
4 Controlled Substance, Drug, Device and Cosmetic Act, as
5 is current law. The county drug forfeiture council
6 would use its share of the proceeds to fund drug
7 education, drug abuse prevention, drug counseling and
8 rehabilitation, and other anti-drug services.

9 We strongly support the concept of
10 utilizing these funds to help offset the costs of drug
11 and alcohol treatment prevention and education. Each
12 dollar spent on prevention and treatment means
13 significant savings in funds needed later for
14 enforcement, prosecution, and incarceration. There are
15 also indirect savings particularly in reduction of
16 child abuse, decreases in marginal employment and less
17 homelessness, decreases in family problems, and I think
18 several of those who testified already before you today
19 spoke much more eloquently to those points than I ever
20 could.

21 We do, however, have concerns about the
22 proposed distribution formula and the requirement for
23 the development of county drug forfeiture councils. We
24 strongly suggest that all cash and proceeds from
25 forfeited property be divided in thirds, with one-third

1 going to the district attorney for current uses,
2 another third going to the local single county
3 authority for distribution to drug and alcohol
4 treatment, prevention, and education services, and the
5 final third going to local police departments based on
6 relative participation in drug task forces both to
7 stabilize their funding and to offset their costs for
8 participation in anti-drug efforts. We feel this
9 proposed distribution formula represents a fair and
10 equitable balance among the major components of the
11 drug and alcohol interdiction system.

12 Our concern with the requirement to
13 establish local forfeiture councils centers on the
14 creation or more particularly duplication of effort of
15 a county body that is already in existence. Act 63 of
16 1972 created the Single State Authority, now the Office
17 of Drug and Alcohol Programs, in the Pennsylvania
18 Department of Health. Its mission is to provide drug
19 and alcohol services to the residents of the
20 Commonwealth, largely by administering State and
21 Federal drug and alcohol grants and programs. The
22 Single State Authority, or ODAP, as it's now called,
23 has in turn created a system of local administration
24 through single county authorities. Through this
25 system, 47 SCAs have been created somewhat on a joinder

1 basis, providing a full range of community-based drug
2 and alcohol education, treatment, and prevention
3 services covering every county.

4 In order to establish a single county
5 authority, the county commissioners must appoint a
6 citizens group, known as the planning council or the
7 executive commission, consisting of 11 to 15 members.
8 These councils or commissions advise the SCA in the
9 planning, coordinating, and administering of the local
10 drug and alcohol services. Appointments must include
11 representatives of criminal justice, business and
12 industry, labor, education, health care, consumers, and
13 human services. Appointed members serve three-year
14 terms and they serve for two consecutive terms, and
15 they are required to meet 11 times a year.

16 Because we have this structure in place
17 and operating successfully, we recommend that House
18 Bill 74 be amended to give the SCAs jurisdiction over
19 distribution and administration of the education,
20 treatment, and prevention funds. The creation of
21 another county body to oversee the delivery of drug and
22 alcohol services, as proposed in the present version of
23 House Bill 74, would be redundant and would result in
24 confusion and added administrative costs.

25 Before concluding, I want to emphasize

1 that the amount of funds available through these
2 forfeiture proceeds represents a fraction of the
3 dollars needed for our war on drugs. I do not want to
4 give the members of the committee the impression that
5 these funds, which we estimated at about \$5 million a
6 year, would be enough to provide the drug and alcohol
7 services that the citizens of the Commonwealth need.
8 It will, however, provide sorely needed funds for
9 treatment, education, and prevention and will help
10 balance the fiscally competing interests of
11 apprehension, prosecution, and prevention and
12 treatment.

13 I want to thank you for this opportunity
14 to present our comments. We would be happy to offer
15 our assistance in further development of the
16 legislation, and I would be happy to answer your
17 questions.

18 CHAIRMAN CALTAGIRONE: Dave.

19 BY REPRESENTATIVE HECKLER: (Of Mr. Hill)

20 Q. Once again, just briefly, Mr. Chairman,
21 and it seems that Mr. Hill is always the messenger
22 whose head I feel like I want to chop off because of
23 the message, but let me pose the same question I did to
24 the prime sponsors of this bill. Do you have some
25 reason to believe that the funds that are presently

1 being obtained by the district attorneys through this
2 program are in excess of the needs of the law
3 enforcement community which is presently using them?

4 A. If we're talking about a balance in the
5 system, they probably are. Granted, they could use the
6 money that's available, they could use more, but we all
7 could use more. Our problem is historically in the war
8 on drugs we've been using all of our resources to
9 apprehend people, we've been using them to push people
10 through the court system, and the point has been raised
11 here at this meeting on numerous occasions that once
12 they get past that, there's no place for them to go.
13 We don't have prison space to detain them. We barely
14 have the prison space to incarcerate those who are
15 convicted.

16 At the other end of the spectrum, we
17 believe we're spending far too little on treatment,
18 prevention, and education, and we think that if nothing
19 more than a symbolic effort is made here to divide
20 these funds among local enforcement efforts, county
21 prosecution, and then treatment, incarceration and
22 prevention, then we've made a positive step.

23 Q. Well, I suppose the problem I have with
24 that, unlike some of the speakers previously, you
25 represent a group that has a taxing authority and if

1 you and those commissioners you represent had been up
2 here lobbying us for more funding for the areas that
3 you would reallocate to or if I had seen a commitment,
4 and I'm well aware at least in Bucks County that we're
5 up against limits in terms of taxation, so I'm not
6 unsympathetic to counties' taxation problems, but if I
7 had seen a commitment on the part of counties to make
8 those choices, those priorities, I would be a lot more
9 sympathetic to your argument. As it is, it seems to me
10 that you folks are not powerless like some of the
11 groups who are looking around for funding. There are
12 things that you can and should be doing and I'll be
13 hanged if I want to see the money taken away from -- I
14 mean, if there's a philosophical argument, maybe we
15 should be reallocating money differently, but we
16 shouldn't be taking that out of the DA's hide and out
17 of a program that works. We ought to be facing up to
18 it legislatively at the State level and at the county
19 level.

20 A. Well, I agree with you in one respect, we
21 should be facing up to it at the State level,
22 certainly. The counties, I think, are doing what we
23 can, but let's face it, we have very little discretion
24 with what we're able to do with the limited tax base
25 available. We have 25 mills general purposes tax

1 capacity. Right now the average county is 19.2 mills.
2 There's very little headroom there. Ninety percent of
3 what we do goes towards mandated programs, and that's
4 not local mandates, that's not court mandates, that's
5 mandates from the General Assembly. That includes
6 Children and Youth, that includes mental health/mental
7 retardation, and the list goes on and on and I don't
8 need to tell you. We also fund the court system except
9 for \$70,000, or under the Governor's proposal \$68,000,
10 per judge. We also fund the election system, the
11 prisons, and on and on. And so to say that we're not
12 doing our part to try to deal with this problem I think
13 is disingenuous at best.

14 We have shown our commitment. At the
15 same time, the State has passed mandatory sentencing
16 statutes which, for example, have increased our DUI
17 prison population by 1,400 percent since 1981. We have
18 had a whole series of mandatory sentencing statutes
19 since then on major and minor drug offenses, many of
20 which if they fall under five years are served at the
21 county facility and impact on the county system in a
22 number of other ways. We have State underfunding of
23 Children and Youth programs and State underfunding of
24 housing programs that counties are required to, as best
25 they can, match, and to the extent those are

1 underfunded, that's more people that are out on the
2 streets and are placed in precarious family situations
3 and are not able to deal with the problems and
4 pressures of modern society. And so if we can work on
5 some of those programs I think we're going to see some
6 reduction eventually in the need for incarceration, the
7 need for prosecution. But the State does need to do
8 more.

9 I will also say that each year as the
10 budget is prepared we advocate before the legislature
11 for some 80-some different line items and we do provide
12 numbers on where we think they should be, and I think
13 we provide as best we can the statistics to justify
14 those numbers, and I think we all know very well that
15 the Commonwealth's fiscal capacity is limited certainly
16 as much as the county is although in different ways,
17 and we all need to deal with that as well. But we are
18 doing our share at the local level.

19 Q. Well, just especially since the term
20 "disingenuous" popped up, let me say I don't
21 necessarily buy that. I certainly agree that we have a
22 responsibility at the State and maybe that we have a
23 responsibility to enhance your taxing power, but I
24 think when any entity of elected officials who have the
25 ability to tax start talking about the allocation of

1 resources, if we're not going to be disingenuous then
2 we have to recognize that part of it is a matter of
3 political will, is a matter of are you going to look
4 the taxpayers in the eye and say, yes, I am in favor of
5 taking more of your money and spending more of your
6 money because we need, for the good of society, to
7 allocate it in those ways. As I've said earlier today,
8 I'm ready to do that at the State level.

9 I think that one of the keys of a
10 rational taxation policy is that there be some
11 relationship between the resource that's being taxed
12 and its allocation and that there be an incentive, if
13 possible, and a rational relationship. We've got that
14 right now in terms of law enforcement having incentive
15 to aggressively pursue drug investigation and
16 forfeiture to get these funds so that they can enhance
17 their effectiveness, and I have real problems with
18 intruding upon that.

19 A. Let me just make one final point. You
20 suggest that we all need to look the taxpayers in the
21 eye. I will furnish numbers to the committee, if you
22 would like, that show that fully two-thirds of our
23 counties look the taxpayers in the eye every year and
24 have done so for the last 10 that we've kept records
25 and have increased taxes, and I think that speaks well

1 toward our political willpower to try to deal with
2 funding issues at the local level.

3 CHAIRMAN CALTAGIRONE: Thank you very
4 much, Doug.

5 MR. HILL: Thank you.

6 CHAIRMAN CALTAGIRONE: We will next hear
7 from Michael Marino, John Driscoll, and Charles
8 Gallagher.

9 MR. MARINO: Good afternoon. Mr.
10 Chairman. My name is Michael Marino. I am the
11 district attorney for Montgomery County.

12 Mr. Chairman and committee members, it's
13 my personal opinion that the Forfeiture Act is the
14 strongest piece of law enforcement legislation that has
15 been passed since I've be the DA, and that's been since
16 1988. That includes all of the death penalty
17 provisions, lethal injection, mandatory sentences of
18 any kind, of any type. The impact of this Forfeiture
19 Act, in my opinion, is not only crucial, it's critical
20 to the enforcement of the criminal laws in the
21 Commonwealth of Pennsylvania. I, for one, maintain the
22 entire countywide drug enforcement program. If this
23 bill was passed in any of its formx or any of its
24 suggestions - one-third, 60 percent/40 - I would be
25 broke now.

1 Let me give you an idea what I spend the
2 money for. I pay one-half of local police officers,
3 and I mean full-time police officers, we swear them in
4 as county detectives, all of their overtime, buying
5 them cars, vests, guns, everything that you can
6 possibly think of. We've purchased dogs for the county
7 police departments, the local correctional facilities.
8 We've bought these dogs all over the county. We've
9 paid for the use of wires that run approximately
10 \$100,000 in an investigation. We've bought every type
11 of equipment against the war on drugs. We've bought
12 cars. We've paid for, and a lot of people don't
13 understand this, every six months I pay \$2,000 to DARE.
14 I recently paid \$5,000 to FAD. We have supported every
15 single school sign in the county, and that must be well
16 over \$10,000.

17 But the main thrust of this act is to use
18 these moneys to fight the war against drugs. And the
19 interesting thing about it is contrary to what you
20 might think, I am one of the DAs and one of many that
21 have not received 10 cents either in Federal or State
22 money. Everything that has been run out of that county
23 has come from this Forfeiture Act. People fail to
24 realize that it is getting tougher and tougher to get
25 these funds. The drug dealers are getting smarter,

1 they are leasing the property, they're hiding it
2 better, they are tying it up in titles differently.
3 It's not getting easier for us, it's getting more
4 difficult.

5 We believe in drug prevention, education.
6 We believe that. But ladies and gentlemen, if you take
7 this money from us, I think that that will send a
8 message, we will not be able to do the effective job
9 that we have done, and I, quite frankly, think that
10 contrary to what you've heard, we've made enormous
11 inroads in this war against these drug dealers. And
12 the reason that the prisons are bursting at the seams
13 is because we are catching them and we are convicting
14 them. That's why the prisons are bursting at the
15 seams, and it comes directly from the forfeiture funds.

16 I am open to any questions that any of
17 you might have.

18 CHAIRMAN CALTAGIRONE: Before we do that,
19 if we can hear from the other two testifants, then we
20 will have questions from the body.

21 MR. DRISCOLL: My name is John Driscoll.
22 I'm the District Attorney in Westmoreland County. I'll
23 be brief.

24 I just have a few reactions to the
25 testimony that's been presented this afternoon. I just

1 want to give you just briefly the Westmoreland County
2 history and the benefit that the forfeiture statute has
3 rendered in Westmoreland County and the difficulty we
4 would have if it were changed or amended or if we lost
5 the flow of forfeiture funds in some way.

6 In 1983, I went to my county
7 commissioners -- well, first of all, I came into office
8 in 1982 and I expected to find this marvelous army
9 geared up to fight the war on drugs. When I got into
10 office I found that there was hardly anybody purchasing
11 drugs in Westmoreland County. I found that there was
12 really very little going on. I went to the county
13 commissioners, designated some detectives to work
14 drugs, I went to the county commissioners and asked for
15 some money, and in 1983 they gave me \$40,000. They
16 said, Driscoll, here's \$40,000, don't come back.
17 Fortunately, they thought that would last forever.
18 Fortunately, the forfeiture statute was enacted, I just
19 asked Mr. Gallagher, I couldn't remember the year, I
20 think it was 1985, I wasn't sure of the year, but
21 sometime after that it was enacted and it has virtually
22 kept our drug operation alive. I have not gone back to
23 the county commissioners for equipment, for cars, for
24 guns, for buy money. The only thing that the county
25 has been paying, though I have been somewhat of a

1 liability, too, they pay salaries and they pay our
2 liability insurance and so forth out of the General
3 Fund. But I have been able to run this entire drug
4 operation in Westmoreland County out of forfeited
5 funds.

6 The need today is every bit as great as
7 it was in 1985, perhaps more so. There have been a lot
8 of drug funds infused into this war against drugs in
9 Pennsylvania. Westmoreland County has not gotten any
10 of them. We service about 35 police departments. I
11 have about 12 detectives. There's a large contingency
12 of the Pennsylvania State Police in our county.
13 Geographically, they cover a lot of the larger
14 townships and probably population wise cover a third of
15 our county. The drug effort that has been carried on
16 in Westmoreland County has been out of county dollars
17 in the forfeiture funds. Virtually no other funds. I
18 know there's a lot, there have been a lot of money,
19 Dixie funds and so forth, come into the State. Those
20 have all gone to the Attorney General. The district
21 attorneys have not gotten any of those funds. And it's
22 a whole other argument about how those should have been
23 spent and I don't want to get off into that at this
24 point, but suffice to it say that the forfeitures we've
25 been able to obtain have been the lifestream for the

1 drug effort in our county.

2 There was some question alluded to
3 earlier about the audit of these funds and the efficacy
4 and the efficiency and the effectiveness of these
5 funds. To divert all of these -- to divert these
6 funds, and there are not a lot of forfeiture dollars in
7 the Commonwealth of Pennsylvania. I know that as it
8 would affect Westmoreland County it would have the
9 equivalency of setting up a mini-United Way. Another
10 small version of a United Way in Westmoreland County.
11 That would not be helpful in the long run. It would
12 create more problems than it would solve. There are
13 funding streams, and the few dollars that we could, you
14 know, if we could get out \$30,000 or \$40,000 a year to
15 these areas, that would be a tremendous contribution,
16 and next to their budgets it would be just a trickle.
17 But within the drug enforcement budgets, this is a
18 major, major stream. It's a lifestream.

19 I just want to say one last thing with
20 respect to the expenditure of funds and auditing of the
21 funds. There had been some statement made somewhere in
22 these proceedings before the committee as to auditing.
23 Well, our funds are audited at the whim and will of our
24 county controller. Our understanding is they will be
25 audited quarterly. Actually, they've probably only

1 been auditing every six months or so, but they are in
2 our office twice a year. I am on the hook for every
3 dollar that's in that account. I write the checks, I
4 or my chief county detective are the only two people
5 that sign those checks. I'm on the hook for them.
6 That money goes out. We not only have got to keep on a
7 weekly basis a record of all of our expenditures, but
8 we tie in with every expenditure a corresponding police
9 report so that when I do my internal view of where this
10 money is going I can see where, in what investigation
11 this money is being spent, who are we targeting, what
12 types of expenditures are being made, and what are the
13 results getting. It helps me. I can use this to
14 monitor my own personnel, and the auditing process is
15 so tight that -- and I am on the hook for it and county
16 controllers around the State, at least in my county,
17 they would like nothing better than to find the
18 district attorney's office in some state of disarray
19 particularly with drug funds. And so it's a very tight
20 procedure and I feel that the money is being spent well
21 and fully accounted for.

22 So that's kind of the perspective that I
23 have from Westmoreland County. The statement had been
24 made earlier about the efficacy of these funds. There
25 is no better way to spend these funds than putting them

1 directly into the enforcement of the drug laws.

2 Thank you.

3 MR. GALLAGHER: Good afternoon. I'm
4 Charles Gallagher, Deputy District Attorney for Policy
5 and Planning in the Philadelphia District Attorney's
6 Office. I have been a career prosecutor for 15 years
7 and have been involved in the forfeiture enforcement in
8 our office from the beginning in 1985 when the act was
9 first passed. I was Chief of the Motions Unit and set
10 up the unit of how to litigate these motions in court.
11 In the last several years I've been overseeing the
12 expenditure of these funds in the district attorney's
13 office.

14 I believe I'd like to preface my remarks
15 with some comments about some things that were said
16 earlier. Everyone talks about the way to approach the
17 war on drugs, and I think everybody agrees, everyone
18 with common sense agrees, that it has to be approached
19 on three levels - education, treatment, and law
20 enforcement. And I'm here to discuss law enforcement.
21 I believe education is a very important thing and
22 should be done and a lot more of it has to be done. A
23 lot more treatment has to be done. But when we in law
24 enforcement, when we in prosecution get the products of
25 the failures of education and treatment, we have to

1 deal with them and we have to deal with them sternly.
2 And this legislature has given us the authority to do
3 that through the Forfeiture Act and also through the
4 Mandatory Minimum Sentencing Act. But we also need
5 funds to support those functions. That is, we need
6 funds to support the forfeiture actions not only out on
7 the street but in court. We also need funds to support
8 the enforcement of the mandatory minimums.

9 I have with me today, and I'll hand it
10 out to the members of the committee, statistics, the
11 most recent statistics in Philadelphia, and these
12 statistics come from the records of the Court of Common
13 Pleas and they indicate the amount of work that we've
14 been doing before the passage of the Forfeiture Act,
15 which was 1984, and just this past year in 1990, and if
16 you make a comparison of the statistics, something
17 comes clear to you. In total dispositions in Common
18 Pleas Court, in 1984, a little over \$10,000. And last
19 year there was over 20,000 dispositions. It went up 86
20 percent. But now if you go down to the second chart
21 we're talking strictly here about drug dealers. These
22 are people that are charged with and the cases are
23 disposed where the charge was possession with intent to
24 deliver a controlled substance in Philadelphia. In
25 1984, there was only 292 cases out of the 10,000.

1 Approximately 3 percent of the cases. In 1990, we
2 handled 5,438 cases. 5,438 drug dealers in the city of
3 Philadelphia. That amounts to 27 percent of the total
4 workload of the Court of Common Pleas in Philadelphia.
5 That's 18 times more drug dealers in 1990 that we
6 processed through the Philadelphia courts than we did
7 in 1984.

8 You just go down in the drug dealer's
9 chart you can see that in 1984 we had 157 guilty
10 convictions. And we had, in 1990, 3,895. In 1984, we
11 convicted 79 percent of the drug dealers. Last year we
12 convicted 93 percent of the drug dealers that came into
13 the court. That also, if you just look at it
14 numerically, there's 24 times more guilty convictions
15 in Common Pleas Court in 1990 than there was before the
16 Forfeiture Act.

17 Jury trials. If you just look at that
18 statistic. We had one jury trial for a drug dealer in
19 1984. Last year we had 86. That's 85 times more. And
20 then you can go and see the impact upon prison
21 overcrowding in the State prison as well as in the
22 county prison from this chart that I've given you.

23 We had no witness protection program in
24 1984. We do today. There's a lot of other things that
25 we expend the forfeiture money on that are necessary

1 for us to achieve the outstanding results that you see
2 there. We use it for putting the DAs in court to
3 handle these cases. We have eight DAs doing that. We
4 fund part of their salaries. We fund, in the district
5 attorney's office in Philadelphia, 35 positions - 10
6 assistant district attorneys, fully fund 15 county
7 detectives, and we fund 10 support personnel, the
8 clerks that do the work and the important work-up of
9 the files. So that's 35 people that we fund directly
10 from the forfeiture fund.

11 And it's important that we fund these
12 positions because we need them to survive in
13 Philadelphia in the Philadelphia District Attorney's
14 Office because if we didn't have them, we wouldn't
15 survive. And that's because in Philadelphia since 1984
16 the city administration has reduced our authorized
17 personnel. Our budget has gone up a little bit each
18 year because of the cost of living and so forth because
19 90 percent of our budget is for personnel, but if you
20 look at the hard numbers, last year our budget was \$19
21 million from the city of Philadelphia. From city
22 council. That funded 453 authorized positions. We
23 can't hire anything more than that. If we go to hire
24 they say, no, you can't hire that person. In 1984, the
25 city funded 478 positions in our office. That's a

1 reduction of 25 positions. So you can clearly see that
2 if it wasn't for this drug money, we would not be able
3 to prosecute the 18 times more cases that we've done as
4 far as drug dealers are concerned. That's very
5 important.

6 We also support the police department,
7 their wishes. Last year we expended over \$600,000 in
8 equipment for them to support their drug enforcement
9 efforts.

10 So not only that, it should be clear, and
11 I think my colleagues have pointed out to you, that we
12 submit each year to the Attorney General in accordance
13 with the forms that the Attorney General sends us, a
14 report of revenue and expenditures, and this has to be
15 submitted each September of each year. This report
16 also in Philadelphia, as a result of the changes in the
17 law that you made in 1988, this report is audited by
18 the city controller's office, and the city controller
19 of Philadelphia comes in and looks at our checkbooks
20 and our books and looks at everything as far as the
21 money coming in and the money going out and where it's
22 going. So there's complete accountability because that
23 was written into the law in 1988.

24 As far as the acts that are before you
25 today, I would respectfully submit that surely

1 community groups do need money. We, in fact, in our
2 office have funded some grassroots community groups,
3 but I believe that in order for this committee to
4 approach it correctly, you have to realize what is the
5 historical significance of the Forfeiture Act? It's to
6 help prosecutors and it's to help police departments do
7 their job. You can see what we've said today that we
8 are doing our job. But in order to fund education and
9 treatment, that should go through the Department of
10 Education or that should go through the PennFree money,
11 which it has already. And our recommendation, as Mr.
12 Castille did when he was the district attorney, when
13 Governor Casey came to Philadelphia in June of 1989, he
14 recommended to the Governor, as well as recommended to
15 this committee when you came to Philadelphia in May of
16 1989, that there should be a separate appropriation to
17 fund community groups, and we recommended at that point
18 \$12 million, and I still have the correspondence that
19 was sent to this committee as well as to the Governor.
20 The Governor did respond to that because he did expend
21 some PennFree money for educational programs, and we
22 refer community groups that used to come into our
23 office and ask for money, we refer them to that funding
24 source. We believe that's a viable use of State money,
25 but quite frankly, the forfeiture money should be used

1 for law enforcement, as the act indicates it should,
2 and we believe that we've been very successful in this
3 regard and I would submit to you that you should not
4 back the bills that are presently before you today.

5 And I'm willing to answer any questions
6 about expenditures or anything else concerning what we
7 do in Philadelphia with the forfeiture funds.

8 CHAIRMAN CALTAGIRONE: Questions?

9 REPRESENTATIVE THOMAS: Yes.

10 First of all, let me thank each one of
11 you for taking the time out here to present testimony.
12 All three of you gave data, impact, but I haven't heard
13 anything about how much in forfeiture dollars did you
14 receive in '89 and '90?

15 MR. GALLAGHER: Well, sir, as far as
16 Philadelphia is concerned, you indicated \$21 million.

17 REPRESENTATIVE THOMAS: No, I didn't
18 indicate anything.

19 MR. GALLAGHER: Well, someone indicated
20 \$21 million. One of the earlier speakers. That is not
21 correct. As far as what the Philadelphia District
22 Attorney's Office controls, we control whatever is
23 seized by the Philadelphia DA's Office Dangerous Drug
24 Offender's Office Unit, and we also, any property
25 received in which a Philadelphia police officer makes a

1 seizure of money that's related to drugs, he is
2 required to submit it to our office and we then file a
3 petition in that regard. We filed approximately 2,000
4 petitions last year. In fiscal 1989, the revenue was
5 \$2.6 million through the DA's forfeiture procedure. In
6 fiscal 1990, it was \$2.3 million, approximately. And
7 that adds up to approximately \$5 million over the last
8 two fiscal years, and we've expended almost \$4.7
9 million of those funds that were taken over the last
10 two years.

11 MR. MARINO: In my county, Mr. Thomas,
12 the first year was roughly \$350,000, the second year
13 was \$700,000. We anticipate a drop this year from that
14 figure.

15 REPRESENTATIVE THOMAS: What county is
16 that?

17 MR. MARINO: Montgomery County.

18 REPRESENTATIVE THOMAS: Okay.
19 Westmoreland?

20 MR. DRISCOLL: Okay, in Westmoreland
21 County, 1986 -- I drove all the way here without my
22 glasses -- in 1986 we brought in around \$27,000. In
23 1987, \$2,400. This is cash. There were some other,
24 some vehicles. 1988, \$2,800. Oh wait, I'm sorry.
25 Excuse me. During 1987, I'm sorry, we brought in

1 approximately \$157,000, and in 1988 approximately
2 \$62,000.

3 REPRESENTATIVE THOMAS: Okay.

4 Now, for Mr. Gallagher, have you provided
5 or has the district attorney's office provided any
6 financial support to community-based organizations in
7 Philadelphia County with drug forfeiture?

8 MR. GALLAGHER: Yes, sir, we have. In
9 fiscal '89, I believe the number was \$43,000, and so
10 far -- strike that. In fiscal '90, it was \$43,000, and
11 so far this year I have with me a list of the community
12 groups in which we distributed, 21 community groups,
13 we've distributed so far in fiscal '91 \$30,672. Most
14 of these distributions of funds are about \$1,000,
15 \$2,000, \$2,500 for various different programs, walkie
16 talkies. We've also helped in the neighborhoods in
17 northwest Philadelphia, in south Philadelphia, in west
18 Philadelphia, and I believe in the eighth district,
19 which is the lower northeast, community booklets. And
20 we funded these booklets because it's called "An Action
21 Guide to Combating Drugs," and a neighborhood group
22 came forward and initially drafted this. We helped, as
23 well as the police department, and basically this helps
24 community groups become the eyes and ears of the police
25 and assist them and tell them what to look for out on

1 the street. On the back of it there's a drug
2 information report where community members are to fill
3 in information, all the critical information that the
4 police need to instigate and to start an investigation
5 of possible drug dealing in their neighborhood. So
6 these booklets are aimed at what the act calls for, the
7 Forfeiture Act, to do, and that is enforcement of the
8 act.

9 REPRESENTATIVE THOMAS: And through what
10 process is a community group able to find out about
11 that or make application for use of forfeiture assets
12 that you might have?

13 MR. GALLAGHER: Well, the community
14 groups are aware of it because whenever they ask for
15 anything, Mr. Castille, when he was out in the
16 community, told them to submit a letter and it came in
17 and it was processed either by me or by one of my other
18 deputies to Mr. Castille. It's his responsibility to
19 determine, the DA's responsibility to determine how in
20 his discretion the money should be used to enforce the
21 Drug Act.

22 REPRESENTATIVE THOMAS: Okay. I know of
23 no group in the 181st, and I know of one specific
24 problem that maybe you can look into, the 25th Police
25 District, which has the highest number of drug arrests

1 and drug activity in the city of Philadelphia. Now,
2 they have a town watch group and I know that
3 Representative Rieger and some other Representatives
4 from that section of the city has been working with the
5 local police district to try and deal with this massive
6 problem in that district. I know that the father, I
7 can't think of his name, he has a church up here in the
8 25th, wrote several letters to District Attorney
9 Castille and was told, go to the police commissioner, I
10 don't have anything to do with it. So--

11 MR. GALLAGHER: Well, I'd like to speak
12 with you afterwards to find out the specifics of that,
13 but there have been requests from various community
14 groups. I know there have been some requests and
15 there's been some funding sent to some groups in your
16 area, and I don't have them on my fingertips here, but
17 I can get that information for you.

18 But secondly, there has been requests
19 from community groups for prevention programs as well
20 as you indicated basketball programs of that nature,
21 and the district attorney determined that they are all
22 very good programs and certainly will help in
23 prevention, but the act specifically states "for
24 enforcement of the Drug Act," and that means
25 enforcement of the drug laws. And anything, in other

1 words, we supported walkie talkies for town watch
2 groups that help the police be the eyes and the ears.
3 We supported these booklets and forth, but we have not
4 supported anything and we have not paid any salaries to
5 anyone dealing with basketball leagues or baseball
6 leagues or any kind of educational or treatment
7 function because that's not what the act addresses.
8 The act addresses enforcement of the Controlled
9 Substance Act.

10 REPRESENTATIVE THOMAS: Well, just one
11 last question. Now, the act speaks to enforcement.
12 The district attorney is primarily responsible for the
13 prosecutorial side of enforcement. The police
14 department are the ones on the front lines. I know
15 that you constantly, as much as I constantly, hear that
16 there's not enough police on the street, the department
17 has been cut from almost 30, 40 percent from, say, 5,
18 10 years ago. And communities are constantly
19 complaining about this. Is there any evidence of drug
20 forfeiture assets going to the hiring of additional
21 police officers or going to the purchase of additional
22 equipment for police officers to have a direct
23 correlation to the war on drugs?

24 MR. GALLAGHER: Yes, sir, there is. Last
25 year there was approximately \$340,000 for police

1 overtime in drug areas, as requested by Police
2 Commissioner Williams. In addition, the amount of
3 equipment by the police department was over \$600,000
4 last year.

5 There is some question and there is some
6 ongoing controversy between our office and the police
7 department about this money, and you asked a good
8 question because the police department presently we've
9 determined over the last several years has diverted
10 approximately \$3 million. We know from the city
11 controller's report that in fiscal 1989 it was \$1.2
12 million, and last year we believe it was probably more
13 than that in fiscal '90. And when I say diverted, what
14 they have done is the police officers, under the
15 authority of the State Forfeiture Act, as State law
16 enforcement officers, go out and seize money, they then
17 take that money and they put it in the evidence
18 custodian. They don't necessarily notify us of that
19 seizure, but what they do is they notify the Drug
20 Enforcement Administration in the Federal government,
21 and that money goes down there and they get, last year
22 in fiscal '89 they got 90 percent of the money back.
23 This year they're only getting 85 percent of the money
24 back because the DEA changed the guidelines. That is
25 called adoptive forfeiture.

1 We have told the police commissioner time
2 and time again that in our opinion, and in strict
3 reading of the State drug forfeiture law, that that is
4 incorrect and it's a violation of the mandates of the
5 State forfeiture law. Not only that, when the police
6 department sends that money down to DEA and they get
7 part of it back, they are free to use that for law
8 enforcement purposes. That means any law enforcement
9 purpose that the Police Commissioner decides to use it
10 on, whereas the drug forfeiture money that is passed
11 through the district attorney's office and goes back to
12 the police department must be used for enforcement of
13 the Drug Act.

14 So what I'm saying to you is that we
15 believe that not only is it wrong for the police
16 department to divert that money to DEA, but also it's
17 not only diverting the dollars but it's diverting the
18 purpose of the money because the purpose of the money,
19 as indicated by the legislature here, was for
20 enforcement of the act when they're using it for any
21 law enforcement purpose.

22 REPRESENTATIVE THOMAS: Well, you've just
23 provided me with clear evidence as to why the General
24 Assembly needs to intervene in this, because there
25 appears to be a problem.

1 Lastly, recognizing that the district
2 attorney of Philadelphia has now resigned and is
3 running for another office and that the policy which
4 you have just advanced really has been the policy of
5 that district attorney, sometime very shortly someone
6 will be taking over the helm of the district attorney's
7 office. Assuming that another policy is developed and
8 that person feels that it is reasonable for drug
9 forfeiture assets to be shared between law enforcement
10 and community and drug prevention, drug education,
11 would you have a problem in working as aggressively to
12 adhere to that policy as you have to District Attorney
13 Castille?

14 MR. GALLAGHER: I work for the district
15 attorney of Philadelphia. When he tells me that his
16 interpretation of the law, it's not a policy question,
17 it's an interpretation, and I've advised him over the
18 years that that is the correct interpretation of the
19 law. The new district attorney comes in and tells me,
20 no, that's not the correct interpretation of the law,
21 this is the other policy, I will tell him he is wrong
22 or she is wrong.

23 (Whereupon, Representative Kruszewski
24 assumed the Chair.)

25 ACTING CHAIRMAN KRUSZEWSKI:

1 Representative Ritter.

2 REPRESENTATIVE RITTER: Thank you.

3 Mr. Gallagher mentioned the three
4 components of the drug war being education, treatment,
5 and law enforcement, and I believe in connection with
6 that statement you also said something to the effect
7 that you have to deal with the folks who aren't helped
8 through the other two components of that, through the
9 education and treatment, and I agree with that. That's
10 why it seems to me, though, that the education and the
11 treatment is just as important to the drug efforts as
12 anything that law enforcement can do because if those
13 efforts are more successful, it will reduce the number
14 of people that come through your system, therefore
15 reducing the burden on the taxpayers not only for your
16 system but for the corrections system.

17 So it seems to me that as we talk about
18 the drug war we use the number of arrests and the
19 number of people who are incarcerated as some measure
20 of the effectiveness of the war on drugs and how we're
21 doing in that war, and it seems to me that that's not
22 really the most appropriate measure. It's sort of like
23 bailing out a boat that's taking on water. If you
24 don't fill the leak, you're just going to continue to
25 bail and you're going to sink as surely as you would if

1 you didn't do anything, although it would take a little
2 longer. I would think a more effective measure of the
3 job we're doing on winning the war on drugs is to see
4 the effect within our neighborhoods and in fact to have
5 less arrests and incarcerations not because the police
6 are sitting down on the job but because they have less
7 people that they have to arrest because the other
8 programs are doing their jobs.

9 So it seems to me that education and
10 treatment addresses the market. We have to dry up the
11 market, it seems to me, because there will always be
12 someone new to come in and sell the drugs if there is a
13 market for the drugs. And the only way that, I think,
14 to dry up that market is through education and through
15 treatment. And so, you know, it seems to me that this
16 bill may not be the perfect answer, but clearly I think
17 we've got to tip the scales of money that we're
18 spending from the State more in favor of education and
19 treatment as a way to help with law enforcement. I
20 mean, I think we have to begin to look at that as a
21 very important component of law enforcement and in fact
22 one that can reduce the burden on our society that this
23 problem is causing, and I think the intent of this bill
24 is to address that problem. It may not be the perfect
25 answer, but I think to say we're taking money away from

1 law enforcement in order to do education and treatment,
2 I don't think that's necessarily appropriate because I
3 see that that's a way to reduce the eventual costs of
4 law enforcement in any case.

5 So I didn't want to ask a question, I
6 just wanted to make that statement because that's what
7 I'm hearing from here and that's my perception. I
8 obviously don't have the experience in the field that
9 you folks do in terms of your particular areas of
10 expertise, but looking at it, you know, as a legislator
11 and as an interested person in terms of the people that
12 I represent and while I have people in my district who
13 have half million dollar homes, I also have the two
14 public housing projects in the city of Allentown where
15 the neighbors are seriously concerned about the effects
16 on their neighborhood that this problem is having and
17 trying to do what they can to clean up their
18 neighborhoods. And law enforcement is doing an
19 excellent job, there's no question of that. I think
20 it's a matter of looking at our resources and targeting
21 them where they would be most effective and
22 accomplishing the goal we all have, and if the goal we
23 all have is to put more folks in jail, then we need to
24 put more money in law enforcement. If the goal we have
25 is to reduce the effects of drug abuse and alcohol

1 abuse on our communities, then I think we need to look
2 to the communities for part of the solution to that.

3 Thank you.

4 REPRESENTATIVE HECKLER: Just very
5 briefly, I think that Representative Ritter's analogy
6 is well taken but falls just a little bit short of the
7 mark, and again, we had some of these discussions but
8 not near enough of them a couple of years ago when
9 suddenly PennFree erupted and the Governor and the
10 Attorney General got together and we suddenly were
11 spending a tremendous amount on the war on drugs. I
12 believe that a lot of what we're hearing today about
13 the commitment to treatment, the commitment to
14 education and prevention and drying up the demand makes
15 good sense, but if we're talking about being in a
16 leaking boat, I think we have to recognize that
17 building the patch, that that process of building the
18 patch is a very slow process which has dubious results
19 at least in terms of measuring what's happening --
20 being measured in terms of what's happening on the
21 street. I would like to think that long-term that is a
22 route that will solve the problem, but in the meantime,
23 that water is coming in like crazy and I don't think,
24 and it's a shame Doug Hill isn't still here because as
25 usual, the proper rejoinder comes to me 15 minutes

1 later, I don't think he or his county commissioners
2 would be willing to stand up in front of their
3 constituents who also elect their district attorneys
4 and say, stop bailing. Guys, district attorneys, put
5 down your buckets, we're going to patch that hole and
6 in the meantime you stop doing what you're doing.

7 And that's the comment that I would have,
8 and what troubles me about these proposals, I genuinely
9 believe we need to be spending money on these areas but
10 we don't want to be telling the bailing crew to stop in
11 the meantime. We want to be telling them, bail like a
12 bandit, and we've got to bite the bullet on putting
13 money into prisons and all of the other
14 counterproductive things in some ways societally until
15 we can patch that hole.

16 Thank you.

17 ACTING CHAIRMAN KRUSZEWSKI: Any other
18 questions? Anything else?

19 REPRESENTATIVE O'BRIEN: I just want to
20 ask one question.

21 BY REPRESENTATIVE O'BRIEN: (Of Mr. Gallagher)

22 Q. Mr. Gallagher, you said that in the
23 moneys that are accumulated by the police commissioner
24 going down to DEA, that those moneys are used for --
25 how did you term that?

1 A. Official purposes.

2 Q. Official purposes. Could those official
3 purposes include washing cars and things like that?

4 A. I don't know. All I know is the city
5 controller did a review of that fund and apparently
6 some of that money was used for washing cars, and I'm
7 sure that a policeman feels a lot better driving around
8 in a car that's clean than one that is dirty and it
9 helps the community have more respect for law
10 enforcement, but whether or not -- I don't think that
11 would fall under the mandate of this act, which is
12 enforcement of the Drug Act.

13 Q. All right. Also, could you just briefly
14 comment on the effect that you feel this legislation
15 would have, given that situation, and do you think --
16 what do you think the effect on the Philadelphia Police
17 Department would be? Do you think there would be more
18 moneys available for drug forfeiture or do you think
19 they would just simply dry up?

20 A. Well, I think it would take away some of
21 their incentive to be more aggressive in doing
22 investigations as far as seizing money and the drug
23 dealers. I mean, I think it would have somewhat of an
24 impact if they realized that it wasn't all coming or
25 most of it coming back into their coffers to help them

1 do their job. And it also, I mean, we're using it in
2 our office to, you know, emphasize and to increase our
3 efforts not only in forfeiture but in enforcement, so
4 it's going to have a devastating impact, I think, on
5 our office as well as on the police department.

6 MR. DRISCOLL: There are truly -- I can't
7 think of one police department that has more resources
8 than it needs. There may be some, but they aren't in
9 Westmoreland County.

10 REPRESENTATIVE THOMAS: But I think the
11 distinction needs to be made, he is representing the
12 district attorney's office and not the Philadelphia
13 Police Department. And to that end I think that in his
14 testimony he clearly indicated that there was some
15 concerns within the district attorney's office as to
16 how the police department is using or not using drug
17 forfeiture assets. So I don't really think that his
18 comments can -- I don't think that he could substitute
19 the wisdom of the police department. I think he can
20 only speak on the role of the district attorney's
21 office in this particular mission.

22 Are there any other questions?

23 ACTING CHAIRMAN KRUSZEWSKI: DA

24 Gallagher, in regard to what Representative Thomas was
25 talking about, I think you're referring to a civil case

1 that there's a seizure and that it wasn't prosecuted is
2 what a lot of time the police department, the DEA goes
3 around to various municipalities, they do that for a
4 return of so much money. Now, I was involved with that
5 for years and we've never done it because we went
6 through the DA's office, naturally, but are you
7 referring to something like that? Do you know, was
8 that the case where maybe you could do that, say you
9 did a search warrant, good faith search warrant, you
10 seized money and no drugs, no charges, but there's
11 still a forfeiture under civil through the DEA? Is
12 that what you're referring to?

13 MR. GALLAGHER: Well, there's two methods
14 in which the money is diverted down to DEA, Federal
15 DEA, by the police department. One is the adoptive
16 forfeiture procedure, and the other is wherein DEA
17 agents worked along with Philadelphia police in a joint
18 investigation and as a result of that investigation
19 there were seizures made. Under the guidelines by the
20 Federal government, there is a split of that money,
21 just as well as there is in the State Forfeiture Act.
22 So they are the two methods.

23 What we're saying is when they divert the
24 money down to DEA wherein no DEA agent is involved in
25 any part of the investigation or in the seizure, that

1 that's wrong, and they should be going through the
2 State forfeiture procedure for that.

3 ACTING CHAIRMAN KRUSZEWSKI: And in
4 regard to the three DAs here, I take it that you figure
5 the best deterrent is incarceration and prosecution,
6 and that's why you're looking at the Forfeiture Act, I
7 take it?

8 MR. MARINO: We are prosecutors. We are
9 in law enforcement. We are not social workers, we do
10 not run those programs. We think that those programs
11 are wonderful, but that is not our job. Our job is to
12 arrest and convict guilty drug dealers. We cannot do
13 that job without this forfeiture money. And speaking
14 for my county, we have no problem with the police
15 department. Those funds are turned over to us. We
16 have to go into court and prove that they are, in fact,
17 drug proceeds. And when we get those proceeds, we in
18 the district attorney's office share those with
19 everybody concerned. It's worked marvelously well, and
20 to take that tool away from us I think would be a very
21 drastic mistake.

22 (Whereupon, Chairman Caltagirone resumed
23 the Chair.)

24 CHAIRMAN CALTAGIRONE: Any other
25 questions from the committee?

1 (No response.)

2 CHAIRMAN CALTAGIRONE: I want to thank
3 you gentlemen.

4 MR. DRISCOLL: Thank you.

5 MR. GALLAGHER: Thank you.

6 MR. MARINO: Thank you.

7 CHAIRMAN CALTAGIRONE: Is Sister Carol
8 here, and Efriam Rios, Nellie Torres, and Sid, Sid is
9 here?

10 (Whereupon, Representative Kruszewski
11 assumed the Chair.)

12 REPRESENTATIVE ACOSTA: Mr. Chairman,
13 where is the rest of the committee? It looks like
14 everybody is walking out.

15 ACTING CHAIRMAN KRUSZEWSKI: I don't
16 know, Representative Acosta. We heard from you, so
17 that's important enough.

18 MR. HEIFETZ: Well, where's the DAs? I
19 think that I took a day off of my business to come down
20 here, representing 300 businesses in Philadelphia, and
21 it's a slap in the face that 300 businesses, that a
22 whole committee of people, especially people that
23 represent Philadelphia, have picked up and walked out
24 on me. You can put that in the record.

25 REPRESENTATIVE ACOSTA: I would make a

1 recommendation to get the committee some other time to
2 listen to what they have to say and bring those DA
3 people. They had their testimony, they gave their
4 testimony, they waked away. I don't think it's fair to
5 these people from Philadelphia to come here and give
6 testimony to the walls.

7 ACTING CHAIRMAN KRUSZEWSKI: Mr. Acosta,
8 Representative, you know there's still committee
9 members here. The Chairman had to step out and
10 everything is recorded. That's what the public hearing
11 is for. It's not going to fall on deaf ears, and we're
12 all going to see it, you know that. So if you want to
13 resume.

14 REPRESENTATIVE THOMAS: Just a response
15 to that. I think it is only fair to let the record
16 reflect that there's really only one committee member
17 here. You're not a member of the committee, right?

18 MR. SUTER: Republican Counsel.

19 REPRESENTATIVE THOMAS: Okay, so just two
20 committee members. I'm not a committee member.

21 ACTING CHAIRMAN KRUSZEWSKI: I know that.

22 REPRESENTATIVE THOMAS: I think the
23 record should reflect that.

24 MR. RIOS: And we sat through the
25 district attorneys' testimony and it's only fair, you

1 know. And then the other committee people here, we
2 were here on time. We drove from Philadelphia, you
3 know. We have some real concerns here.

4 ACTING CHAIRMAN KRUSZEWSKI: I understand
5 that.

6 SISTER KECK: Which we'd like to begin
7 addressing.

8 ACTING CHAIRMAN KRUSZEWSKI: Yes, okay.

9 SISTER KECK: Thank you.

10 ACTING CHAIRMAN KRUSZEWSKI: You know
11 what the record is going to reflect, and like I say,
12 Chairman Caltagirone had to step out and like I said,
13 everything is being recorded, so Sister, do you want to
14 start then?

15 SISTER KECK: Yes.

16 My name is Sister Carol Keck, and I am
17 the Director of Norris Square Neighborhood Project,
18 which is an urban environmental center in north
19 Philadelphia. I'm also a member of United Neighbors
20 Against Drugs, which is one of these grassroots
21 coalition neighborhood groups that has had to form out
22 of necessity to fight drugs in our community.

23 We've had an uneasy coalition of working
24 with the police over a number of years. Ours is a
25 community that also has been ravaged by the police

1 department in numbers of ways, so it was a hard battle
2 to get people to come together and work with the police
3 department in gathering information to give that
4 information to the police that the police would follow
5 up on and then take into court and have the DAs
6 prosecute, so I think you need to understand some of
7 that background of where we came from.

8 We started in 1985, disbanded, started
9 again two years ago, and in the two years that we've
10 been in existence again, our group has been responsible
11 for information leading to over 700 arrests and
12 confiscation of over \$5 million worth of properties.
13 Some of that has been drugs, which has a street value
14 but no forfeiture value. Including in that is a
15 \$150,000 home, \$10,000 worth of paintings, a number of
16 cars. We would like to see the money from that, those
17 forfeitures, come back into our community to help
18 rebuild our community.

19 I had a prepared statement which was
20 distributed emphasizing that the money that comes from
21 this should come back into the communities as in House
22 Bill 12 with the recommendation -- it's coming out of
23 our communities, it needs to come back into the
24 communities to help rebuild those communities, to help
25 community-based organizations provide social services

1 that in most cases are State mandated. I happen to run
2 an urban environmental education center. It is not the
3 same mandate that agencies providing social services to
4 children, however environmental education is now State
5 mandated. We have had to divert some of our time from
6 doing that into running programs still with an
7 environmental focus but with also a dual focus of
8 providing activities to take these children out of
9 these neighborhoods for their safety. All the
10 education, prevention things that we've talked about,
11 this has become the new focus for what we're doing,
12 along with the environmental education.

13 Mr. Rios was employed by Norris Square
14 for a number of years taking children rock climbing,
15 canoeing, backpacking, all those kinds of things that
16 help build the child for the future, the self-esteem
17 that's necessary. We need money to continue to do
18 those kinds of things.

19 There are other community-based
20 organizations that are taking the empty houses, 22,000
21 empty houses in the city, trying to rehab some of those
22 to provide places for people to live. These are being
23 rehabbed, in some cases, by people from the community
24 who are being trained by these CVOs in construction
25 skills, rehabbing the buildings. They then have a

1 trade that they can continue to earn a living for the
2 rest of their life. The community has benefited then
3 by a home which then becomes a tax base in the
4 neighborhood instead of a drain on the neighborhood, as
5 it had been before, and a haven for drug dealers, which
6 it had been before.

7 Representative Acosta referred to the
8 drug vigils that we do with the police department. We
9 not only meet weekly with the police department giving
10 them information but every other week we are out on
11 these vigils doing direct action by prevention of drug
12 sales, and that's just a drop in the bucket to what
13 goes on. The licenses of the cars that come through
14 when we trace those we find most of the time they're
15 not people from our neighborhood that are buying drugs.
16 They are people from outlying counties that are coming
17 into the drug market that exists in north Philadelphia
18 and buying drugs and going back to their suburban homes
19 and using them. We want the money to come back into
20 our neighborhood to provide houses, to provide jobs, to
21 provide education, to provide prevention programs for
22 the children, for the neighborhood that is being so
23 affected by this. What we're talking about is a smart
24 use of the money that's being collected in these
25 forfeiture funds.

1 We have received some funding from the
2 DA's office. Mr. Gallagher spoke of money that comes
3 to us. Our particular group received \$2,000 over two
4 years. With that we bought two walkie talkies and a
5 number of coats to keep our members warm as we stand
6 out on the street corners in the cold rain last Friday
7 night, or in 10 degree weather a month ago. That's
8 what we've gotten from the DA, as we stand out there
9 with the police department. We need things that help
10 children learn to get involved in other things so that
11 they can legitimately say no to drugs because they're
12 saying yes to something else. Representative Ritter
13 was very correct in saying that we need to address the
14 money to the front end of the problem on prevention and
15 treatment and not on the back end of it.

16 We've also, as United Neighbors Against
17 Drugs, gone into court following up on these cases, the
18 ones that are affecting our neighborhoods most
19 severely, and we have to sit and go through -- Ms.
20 Torres goes through court record after court record and
21 we zero in on the ones that have the most affect.
22 There are so many, we have to be selective of the ones
23 that we're going to follow in court. Sometimes those
24 are thrown out because of the drug dealer does not show
25 up. Any number of reasons. That is a tremendous waste

1 of the DA's money, the police money, the court system's
2 money. Nothing happens. There has to be something
3 happening in the law enforcement end that's going to
4 complete the work that the police department has done.
5 That's another whole issue, but I think it was
6 important to mention that, that we don't just stop at
7 the reporting information. We do follow that through
8 the court system, and in some cases there are a number
9 of people that are involved in prison ministry so that
10 we go into the prisons and talk to these young people
11 and try to help them find a religious meaning in their
12 life which will help divert their life once they come
13 back out so they will not come back out and go sell
14 drugs as they had been before.

15 The majority of these young people have
16 been failed by the education system. If they finished
17 school, their education is not adequate. Many of them
18 do not have job skills. We have to start doing that
19 very early so that we have fewer people that the law
20 enforcement people will have to deal with.

21 (Whereupon, Chairman Caltagirone resumed
22 the Chair.)

23 CHAIRMAN CALTAGIRONE: Mr. Rios.

24 MR. RIOS: Thank you.

25 For the record, the name is Efraim Rios,

1 E-F-R-A-I-M. And I was going to talk a little bit
2 about United Neighbors Against Drugs, because I'm also
3 a member, but Sister Carol covered a lot of it.

4 I am a drug prevention specialist with
5 Philadelphia Anti-Drug, Anti-Violence Network. I am
6 one of two specialists, and we work citywide and all
7 over the city. And the city of Philadelphia is a very
8 big city. And in my duties I visit children all over
9 the city in schools, their after-school programs, the
10 day care centers, community groups, their youth groups
11 in the evenings, and I talk to youth about the dangers
12 of drugs and I try to show them and share with them
13 knowledge, information that they can use to defend
14 themselves better against this drug problem that we're
15 having. I've received hundreds -- our office has
16 received hundreds of letters from children from all
17 over the city saying thank you for the information that
18 I've given them. I did not know, Efraim, that kerosene
19 was used to make drugs. I did not know that people
20 died in South America before the drugs even hit the
21 streets in Philadelphia. I don't want to do drugs.
22 But there's just two of us doing that for the office
23 that I work for.

24 But I also live in the UNAD community,
25 the Norris Square community, which is in Lower

1 Kensington, and that neighborhood in which I live and
2 I'm raising my family, my three children, in that
3 neighborhood, that supplies 80 percent of the drugs to
4 the tri-State area. That's why I'm a little concerned
5 -- or not a little but very concerned that the two
6 district attorneys from Montgomery County and
7 Westmoreland County, they left. I wanted them to hear
8 what I had to say about how if we can combat through
9 education and prevention programs and other
10 alternatives, combat the drug problem in our area, 80
11 percent of the drugs that is supplied in the tri-State
12 area comes from my neighborhood, maybe they wouldn't
13 have a drug problem in Montgomery County and
14 Westmoreland County, or not as serious as they have
15 now.

16 In talking about a morale booster, to
17 provide a morale booster for the police personnel in
18 the street when they don't receive the equipment, and
19 now they may be getting equipment through forfeiture
20 funds, but what about the morale booster that they will
21 be getting along with us, the community people working
22 together and that the young children can see the police
23 officer as a positive role model saying, this guy is
24 not going to lock me up because this guy is going to
25 play ball with me, and that's something I want to be.

1 I might want to be a police officer or I might want to
2 be a community leader.

3 The supply and demand, that is the key.
4 Eliminating that demand will eliminate the supply.
5 Working with the children, giving them alternatives,
6 giving them the education that they would need and more
7 one-on-one, such as the style that I do myself and the
8 other prevention specialists that work with me, the
9 jails won't be bursting out at the seams because then
10 we would be preventing that from happening.

11 When we talk to young people all over the
12 city and we, I feel that I convince them, but then
13 again, I only talk to them for 45 minutes and then I
14 leave. I may not see them again for a few more months,
15 if they request the service then I'm there. But when I
16 do talk to them, they listen. They are encouraged by
17 what I say about the drugs and the stimulants that
18 would kill them and how it can get them involved in
19 selling their own bodies for \$3 worth of Crack. And I
20 see children half a block from my house standing on the
21 corner who do not want to go to school because the
22 schools are failing them. There are no recreational
23 facilities in the area. Our Norris Square Park is one
24 city block, and this is a park that has trees and
25 benches, and kids try to go in there and play hardball

1 and full tackle football because there are no
2 recreational facilities in that area. And they play
3 street football and they ride around in cars and
4 getting involved in everything else because there's
5 nothing there.

6 The Norris Square Project tries to
7 provide some alternatives for the kids, but we're
8 talking per family five children, four children per
9 family. And do you know how congested Kensington is
10 and how many kids are out there? And there's only one
11 Norris Square Neighborhood Project or one group United
12 Neighbors Against Drugs. And we're in the 26th Police
13 District, and that's a pretty big district. And the
14 25th District is just 10 blocks away. If using the
15 Norris Square Park, one city block, as a center of the
16 target, if you look at a bull's eye, 10 blocks in any
17 direction, in a radius in any direction, United
18 Neighbors Against Drugs was very, very key to providing
19 information that within two years \$5 million in drugs
20 and money and other properties were confiscated. Now,
21 what happened? \$5 million. Do you know what we could
22 do with \$5 million in a 10-square-block area? \$5
23 million, and they're saying they don't have enough.

24 We're not asking for the pie. We just
25 want a percentage so that we can do something with

1 these kids, so that we can get young people like Nellie
2 Torres and train them so that they can work with the
3 youth, so that we can get moneys to train more people
4 to be drug prevention specialists, so that we can teach
5 kids some skills, carpentry, how to read a ruler, in an
6 after-school program, because the schools aren't doing
7 it. And the schools will do it academically, okay, but
8 we have our United Neighbors Against Drugs, like all
9 the other anti-drug groups in the city, they have
10 after-school programs and a lot of it is volunteer
11 time, parents, and teaching kids, you know, how to put
12 together a kite, how to make a simple kite and take
13 some time out and fly this kite. This kid is going to
14 fly this kite, he's not going to get high because
15 somebody is investing that kind of time. But we need
16 money for materials, for supplies, to take kids on a
17 canoe trip. To rent a canoe for one day is \$15. To
18 get there is \$25. You know, and that adds up. And
19 then you multiply that by 20 kids for a one-day trip
20 instead of hanging out on the corner, you know, dodging
21 bullets, having somebody come up to them and say, hey,
22 kid, I'm going to give you \$200 a week. You just stand
23 on the corner and watch for the police.

24 You know and someone questions, you know,
25 how do you challenge that? Well, you have to challenge

1 it by providing alternatives for them, developing some
2 kind of a training program where these kids can feel
3 needed, they can feel respect, they can look forward to
4 something. I grew up in that neighborhood. When I
5 first moved into the neighborhood, we were the first
6 Puerto Rican family in that area. It was nice and it
7 was clean and the city services just started to go down
8 the drain because people were investing their money
9 everywhere else, the city wasn't providing the
10 services, houses were being abandon, landlords just
11 taking over and tearing the neighborhoods apart. And
12 so now we're stuck there with that mess. And I cannot
13 afford to move out. I have three kids and I provide
14 this kind of service where I talk to children all the
15 time. And we're not talking short-term dollars like
16 the PennFree money. That's not going to do it. We
17 need long-term so that we can develop programs.
18 It's not a social service, it's teaching people how to
19 survive. That's what we're looking for.

20 That's all I have for now. If there are
21 any questions.

22 SISTER KECK: And before Ms. Torres says
23 anything, I'd like to mention that she was one of the
24 young ladies, teenagers, in a program that Mr. Rios and
25 I worked with four summers ago called Project Hope,

1 Helping Ourselves Pursue Excellence, and it's building
2 leadership skills in young people, in teenagers
3 specifically, and she now, four years later, is doing
4 the same thing with a group of children called Norris
5 Square Park Patrol, that's their name, but they're
6 doing a variety of activities, all of which are keeping
7 20 children that she works with off the streets.

8 MS. TORRES: That was a little bit about
9 what I wanted to talk about. I have been a teenage
10 mother and I was out, I've always lived in the Lower
11 Kensington area, and if it wasn't for the support that
12 I've gotten from simple community-based organizations,
13 I wouldn't have the skills now to work with 20
14 teenagers, young kids, that should not be out on the
15 corners but that are, you know. And I think we, as
16 United Neighbors Against Drugs, we work alongside the
17 police department and it's taken a lot to have our
18 community trust the police and work with them side by
19 side. But it takes money. It takes money both working
20 with the kids and working with adults in training them,
21 in showing that they have leadership potential, in
22 letting them know that there are alternatives both for
23 the adults and for the children because it's not only
24 the children that we keep saying need the alternatives
25 so that they don't start, but it's also their parents

1 that say, okay, this is the life I've always lived,
2 this is the way it's going to always be, so I'm just
3 stuck here and that's the way things are going to be.
4 So at least I work with both groups and it's important,
5 and that's one of the reasons we continue to need
6 funds.

7 We're not saying, as Efraim said, we want
8 the whole pie. We want a piece, and that piece is
9 essential for our community because we need to keep
10 building our community. We need to keep enforcing it.
11 We need to be able to show people that there are
12 alternatives. We need to be able to have our community
13 be able to help the police so that they know that the
14 situation they're in is not the situation that they
15 have to be in. It's a difficult fight. It's one
16 that's very frustrating. It's one that is really hard
17 to see the light at the end of the tunnel. But it's
18 one that we must keep working on. I live in the
19 community, I've always lived in the community, and from
20 the way I feel now I always will be living in the
21 community. I have two little girls and I want my girls
22 to live in the community and to be able to feel safe
23 walking across a park. And in order to do that, I
24 think we have to start working together. It's very
25 difficult for people to be pulling apart from each

1 other when we're doing the same, we're working towards
2 the same goal.

3 And that's all I really have to say. I
4 think it's something that's needed. Education and
5 prevention, it's a must. It's not something that we
6 should -- we should fight for. It's something that
7 should be there. It's something that's definitely
8 needed. If not, what are we going to hope for our
9 youth? I mean, how can we say we're going to end the
10 war against drugs if we're not doing anything to stop
11 it from the beginning? If we expect our kids to be out
12 on the corner because they're getting \$200 a day, then
13 that's what they're going to be doing. But if we
14 expect them and we try to help them, let them know that
15 that's not the way it should be, that's not the way it
16 has to be, then the kids start to see a little bit of
17 hope, they start to see the light at the end of the
18 tunnel, and I think that's what we're working for.

19 Thanks.

20 MR. HEIFETZ: I'm Sid Helfetz, President
21 of Cogan and Gordon. I'm also President of the
22 American Corridor Business Association of Philadelphia,
23 I'm one of the trustees of the Episcopal Hospital, and
24 I'm on the board there. I can give you a list of
25 committees, I'm on the 26th Police Precinct Advisory

1 Board. I'm very active in the community. It is
2 probably one of the worst communities in the city of
3 Philadelphia, and I've been active there for a lot of
4 years. I don't have to do it, I do it because I care
5 about the people. And I care about the people there
6 because I have 50 of them working for me, and I don't
7 feel from sitting here this afternoon listening to the
8 comments from the Representatives on the committee that
9 they have a full understanding of what is happening in
10 the community and I don't feel that way because some of
11 the comments that I've heard today show me that they
12 haven't been there and they haven't experienced what's
13 actually out there, and I think it's important for them
14 to be here to be listening to what's really happening
15 in the communities because they have to vote on things
16 that directly affect the people that are electing them
17 to office.

18 I'm going to give you some stories. I
19 run a business, the American Corridor, we're part of an
20 Enterprise Zone. I stood in a showroom at 2:00 o'clock
21 in the afternoon and a bullet came launched through the
22 window two feet from where I was standing with three
23 customers. It took three hours to get a police person
24 there after the police were called. Three hours to
25 respond to a police call. And when they responded to

1 the police call the policeman said to me, what do you
2 expect in this neighborhood? And then we were up on
3 the second floor one day, same thing happens, a bullet
4 comes through upstairs. Today, right now, there are
5 roofers putting a roof on my building that was built
6 four years ago. The roof is guaranteed for 10 years.
7 The roof is guaranteed for 10 years, the roofer comes
8 in, takes a look at the roof, he says, "The roof is
9 still under guarantee but we don't guarantee bullet
10 holes. There's 25 bullet holes in your roof." I'm
11 spending \$17,000 right now on new roofs on buildings in
12 that area.

13 And I attend meetings of UNAD, United
14 Neighbors Against Drugs, the 26th Police Precinct, I'm
15 on the Committee for the North Philadelphia
16 Revitalization, I'm on the committee that's involved in
17 the racial tension in the city for Blacks, whites and
18 Hispanics, and I'm there and I'm listening to people
19 with problems, and I'm also watching city government
20 failing in what they are claiming they are doing and
21 what they're attempting to do, when I can hear
22 Representative O'Brien talk about someone went through
23 a drug program and they got a GED and they took the GED
24 and they went in the service and now hopefully they
25 will have a successful career. I interview people with

1 their GEDs and guess what? They don't have educations
2 because the educational system is a failure, and those
3 GEDs are nothing but failures. Those are the kids that
4 dropped out in 10th grade or 9th grade or 8th grade
5 that were four years behind when they dropped out and
6 those papers are just handed out, because we can't
7 employ them and we can't hire them. And the other part
8 of it is, they come in and they don't want to work for
9 \$4 or \$5 an hour, they want \$15 an hour, and we can't
10 train them even if you hire them at \$4 or \$5 an hour.

11 You got major problems in the educational
12 system. You've got to take your educational system and
13 you've got to put shop courses back into those schools
14 and those shop courses have to go in at fourth grade
15 and third grade. You've got to take these kids and
16 teach them some trades so that by the time they are 9,
17 10, 11 years old they have some other interests and
18 some other things to do. You've got to take the money
19 that's coming out of these areas in drugs, and we're in
20 one of the highest crime and drug areas of the city,
21 and I can tell you a lot more stories, but we're in one
22 of the highest drug and crime areas of the city, and
23 take some of that money that's coming out of there and
24 use it to rebuild those areas. If you don't rebuild
25 those areas, those areas are going to continue to

1 decay.

2 I am Chairman of the American Corridor
3 Public Service Project, which started two years ago,
4 and two years ago we had Wilson Goode and we had Lucien
5 Blackwell and half a dozen people including Jim Lloyd
6 at my office, who was representing the Governor, and we
7 had meetings there, and we started the American Public
8 Service Project with a commitment from the city of
9 Philadelphia that they were going to work with us. We
10 were taking a three-block by three-block test area and
11 we were going to work in there to eliminate crime and
12 drugs and start to rebuild the area. A year later,
13 with the help of the city of Philadelphia, we cut the
14 area from three blocks by three blocks to three city
15 blocks. We're having, at 10:30 the new managing
16 director is coming in to sit down with me on Thursday
17 to talk about the three blocks. In two years, the city
18 of Philadelphia has been unable to clean up the drug
19 activities and the crime and to rehabilitate 3 city
20 blocks, and we've had 8 meetings with the mayor at my
21 office with 10 or 12 police commissioners at my office
22 -- not police commissioners, but the commissioners from
23 L&I and from different departments, from Streets and
24 from Water and all, they have been ineffective and
25 unable to do it.

1 I've watched these city organizations,
2 these little groups of people that got together from
3 the city take and turn around areas in the city, take
4 and rehab and fix up blocks of property where the city
5 has failed with all their bureaucracy and all their
6 money. I've watched it happened because I've been
7 involved with them, and I'm watching and listening to
8 people. Representative Ritter has the right idea, and
9 other people in this committee don't fully understand
10 what's going on, and I think that before anyone votes
11 on any of this stuff that's going on they ought to come
12 down to Philadelphia. For O'Brien to say he went to a
13 drug meeting at the Hershey Hotel is a bunch of
14 baloney. That's not where you see what's happening
15 with drugs, at the Hershey Hotel. You go to American
16 and Dauphin and you stand on the corner where my
17 business is and you look across the street at all the
18 drug houses and the drug activity. Behind my business
19 is worse than Baghdad is today with the bombed out
20 areas there and the drugs and crimes. You can drive a
21 car every 15 feet and have people standing there
22 waiving packets at you. And for the district attorneys
23 that were here today to say they need that money, sure
24 they need that money, but that money should come from
25 taxes that are raised in their communities. If they're

1 living in areas with \$200,000 and \$300,000 and \$400,000
2 houses, then let them raise the taxes a couple of mills
3 on those houses and give them the money that they need
4 to fight crime.

5 The communities, the organizations in
6 these communities need some financial support now, and
7 the logical place for them to get financial support is
8 from the crime and drug income that's coming out of
9 those same communities. That money should not be going
10 to other areas of the city, it should be used back in
11 those areas and it should be worked on by the people
12 that live in those communities because those are the
13 best judges of where to put that money and make it most
14 effective. And if you want to begin to start to fight
15 the battle against drugs, that's where you have to
16 start to do it. And it isn't only law enforcement.
17 Law enforcement is part of it, but education is another
18 part of it, housing is another part of it, and jobs is
19 a very important part of it, and unless you can create
20 jobs in these areas, what are you going to do with all
21 the drug money that's being generated that disappears?
22 Those people need incomes, they need jobs, and there
23 isn't a single political candidate in Philadelphia
24 today running for mayor that is talking about jobs
25 today even.

1 We're in an Enterprise Zone. We started
2 a project because there's new legislation in Washington
3 right now on Enterprise Zones and we started a project
4 to prove to the Federal government that we were capable
5 of working with the city and the State and the local
6 residents to bring a community back. The local
7 residents are successful in what they are doing, The
8 business community has been successful in what they are
9 doing, but government has failed us, and I'm talking
10 for the business community that I represent from the
11 American Corridor Business Association, which is about
12 250 businesses.

13 And I'm open to any questions that you
14 may want to ask me now.

15 REPRESENTATIVE KRUSZEWSKI: Can I say
16 something, Mr. Chairman?

17 CHAIRMAN CALTAGIRONE: Sure.

18 REPRESENTATIVE KRUSZEWSKI: Is it Mr.
19 Heifetz?

20 MR. HEIFETZ: Heifetz, right.

21 REPRESENTATIVE KRUSZEWSKI: Mr. Heifetz,
22 first of all, I spent nine years on the street and you
23 can't tell me stories. I mean, I can tell a lot of
24 stories and they're not stories, it's the truth. I
25 relate to the Sister and Mr. Rios and also to Ms.

1 Torres, but I look at families, when we talk education,
2 that's where I always thought that education started,
3 especially in regard to drugs. The drug culture starts
4 at home most of the time. I mean, when you're a kid,
5 what happens? First thing you cry, they give you a
6 pill.

7 Going beyond that, morality today--

8 MR. HEIFETZ: Excuse me one second.

9 REPRESENTATIVE KRUSZEWSKI: Let me
10 finish, sir.

11 In regard to the families, and I think
12 the morality, you look at education, I saw families,
13 and I'm sure Sister did and this gentleman here
14 especially working in prevention, I not only was an
15 enforcer, I talked all over the northwest and put on
16 talks outside my area where I wasn't known. I worked
17 undercover - bandana, beard, had it for nine years.
18 But when I see families, grandmothers, mothers,
19 daughters, and their kids and their kids handed down
20 that that's the only way they make a living, I mean,
21 you have to look at that. There's no rehabilitation
22 there.

23 So, you know, I can't say that I'm -- I
24 guess I am a little callous, you telling me about the
25 committee maybe talking one way. I don't believe that,

1 and you're going to see this committee is one of the
2 most prestigious, I agree, and with our two
3 Representatives here to talk when Mr. Caltagirone left
4 the room, everybody is going to go over this and talk
5 about it. This is nothing that's going to be, you
6 know, to be just ballyhooed or just shooed off the
7 table. So for you to say, I just wanted to set your
8 mind at ease that, you know, you can't tell me as many
9 stories as I can tell you, and, I mean, this happens
10 all the time. I went through this.

11 MR. HEIFETZ: We didn't know that.

12 REPRESENTATIVE KRUSZEWSKI: I wish I
13 would have wrote a biography, but I understand where
14 you're coming from, and everybody says it's education.
15 You've got to look at myself, not the other committee,
16 I speak for myself and not the Chairman. I'm from law
17 enforcement only being there 19 years, you got to
18 understand, and 9 years in the drug field. And it's so
19 important that I look at the first resource naturally
20 is give me enough that I have more than the other
21 person, you know, as far as taking drugs off the
22 street, and in prevention you have to understand that,
23 you know, that's it. It does you great when you do
24 help somebody, but some people, you know, no matter
25 what you do you just wonder, you know, they are never

1 going to turn out right whatever you do. I mean, we
2 just do our best. Is that right?

3 MR. RIOS: That's right.

4 REPRESENTATIVE KRUSZEWSKI: We do our
5 best.

6 That's all I wanted to say. You made a
7 good point in regard to the neighborhood but, boy--

8 MR. HEIFETZ: I would like to make one
9 other point, if I may.

10 I have a school of 400 kids that I
11 adopted, the Hunter School, which is two blocks from my
12 business. It's 400 kids and it only goes up to fourth
13 grade, and if you went into Hunter School you would
14 find that there is no family there. When I heard
15 President Bush say that we have to address the drug
16 problem through the schools, through the Parent
17 Teachers Association, those kids are probably, over
18 half of them, are single-parent families, and most of
19 those kids' parents are on drugs and they're on
20 alcohol, and those kids at 7 and 8 and 9 years old are
21 walking the streets in the neighborhood where my
22 business is at 11:00 and 12:00 and 1:00 o'clock in the
23 morning because there's no parental guidance. So it's
24 a responsibility that we have to undertake to take
25 these kids and break them of the drug environment and

1 the drug habit. We can't leave it to their parents and
2 to their grandparents because they don't have the
3 parents and grandparents that we were very fortunate to
4 be raised by.

5 So that's what I wanted to respond to
6 what you just said about the families and all. The
7 areas that we're talking about, you don't have the
8 families. If you had the families, you probably
9 wouldn't have a lot of this problem.

10 SISTER KECK: And one of the things that
11 law enforcement has found out is that they can't do it
12 alone also. That's why you have, within the city of
13 Philadelphia, a movement all across the city in
14 African-American neighborhoods, Anglo neighborhoods,
15 Hispanic neighborhoods, of coalitions of people coming
16 together and working with the police on this, and the
17 police are willing, for the first time in the history
18 of the Philadelphia Police Department, to work with
19 community groups because they have found that they
20 can't do it alone. The DAs are working with us,
21 meeting with us on these cases. They can't do it
22 alone. Sometimes they are handed a case on their way
23 in and they're trying to prosecute it. We're meeting
24 with DAs and giving them information background. They
25 have found that they can't do it alone. They need the

1 community-based organizations, the people who are
2 there.

3 MR. RIOS: I just wanted to add in
4 response to what you were saying, we're all members of
5 the 26th Police District Advisory Board. We had a
6 general meeting two weeks ago and we had invited more
7 people to come in and one of those persons is a block
8 captain about 20 years of age, Hispanic male, lives
9 seven blocks from the Norris Square Park, of which
10 we're all talking about, and when we went around the
11 table with names and where you live and so on, he said
12 his name and then he said, I live in Ghosttown. Seven
13 blocks away from the Norris Square community.

14 And as a Latin American male I am really
15 concerned more so in trying to educate the young
16 people, especially the male population in our
17 community, because we are stereotyped as the drug
18 suppliers for the whole east coast. I mean, you see
19 your movies and you see everything else, the drug
20 dealers speak Spanish or they're Latin American or
21 South American or whatever, and that's very frustrating
22 when I'm working through the neighborhood and I'm
23 wearing a tie, I'm driving around a decent car and
24 people point at me and say, there's a drug dealer. You
25 know. And these are the things we want to help educate

1 our kids to get away from.

2 When the value system for young people
3 today, they come from broken homes but yet they can't
4 go to school because they don't have on a pair of \$90
5 sneakers. They don't want to go to school because
6 people are going to laugh at them. And this is what
7 we're up against. And like I mentioned earlier, we
8 don't want it all, we just want a portion of it so that
9 we can do something to work together with law
10 enforcement. We, the United Neighbors Against Drugs,
11 is an organization that is key in establishing a very
12 good working relationship with Captain Feeney and the
13 previous captain, Captain Murphy, and the previous
14 captain, Captain Baker, in the 26th District working
15 shoulder to shoulder. And we are the only anti-drug
16 group in the 26th District. Now, in the 25th District
17 there are more than one anti-drug groups, and Captain
18 Lorenzo is working along with, Lieutenant Johnson is
19 working along with those groups, but we're in the 26th
20 and this is what we're concerned about at this time.
21 And we have established a very good working
22 relationship and police officers understand that it's
23 not just enforcement, lock 'em up and put them away,
24 because they don't want to take them into jails because
25 they're letting them go now at this point.

1 SISTER KECK: And that's why this past
2 weekend this young man and a police officer spent the
3 weekend camping an hour away from Philadelphia to try
4 to turn kids away from the street corners selling
5 drugs.

6 MR. RIOS: We took them away for three
7 days to put them through a role course, confidence
8 course, just so they can feel some self-esteem, and
9 these are kids from the neighborhood with a police
10 officer from the 26th District and myself. Our
11 weekend. You know, my wife wants to shoot me now
12 because of that, but that's a different story, you
13 know. But that's what we're saying.

14 MR. HEIFETZ: I have watched the area
15 that my business is in and that our businesses are in
16 completely deteriorate every year more and more. The
17 problems that we have, primarily because of crime and
18 drugs, have not improved through the entire
19 administration that's in there today, and it's just
20 gotten continually worse and worse and worse. There
21 are jobs leaving the area and there's population over
22 400,000 people left Philadelphia, over 100,000 jobs
23 left Philadelphia. There are more buildings available
24 right now in the area that we're in, commercial
25 buildings available, than there were eight years ago,

1 four years ago. It's just we've got to turn that
2 around, and I think that the way to turn it around,
3 it's my opinion right now, to turn it around is to let
4 some of the people in the community that care about the
5 community begin to take a more active role in
6 determining what the community needs and directing the
7 funds and directing things for the community, for the
8 betterment of the community, because you'll have more
9 people participating, and that's what it's going to
10 take to turn it around. Government has been
11 ineffective in what they've been doing the whole time
12 that I've been in that area.

13 REPRESENTATIVE HECKLER: If I could, this
14 testimony has been fascinating. I'm sorry more members
15 of the committee couldn't hear it, but I would have to
16 say, at the risk of getting people cranky, that I don't
17 think much of it has had to do with the limited issue
18 that is before this committee, and I suspect that's why
19 everybody left because they knew you were going to tell
20 us about a whole host of urban problems that while some
21 of us may not be as confronted with them as others, we
22 are certainly, at least in general terms, aware of. I
23 can't imagine that any of you sitting here think that
24 if you managed to wangle not just 40 percent but 100
25 percent of the \$2 million or \$3 million a year or

1 \$2-point-something million that the Philadelphia
2 District Attorney's Office has managed to get at
3 present that you could change the broad range of issues
4 you've addressed.

5 Now, just to try to focus a little bit
6 more narrowly on what may be germane to this
7 legislation, the Philadelphia United Neighbors Against
8 Drugs, how is that organization funded at this point?

9 SISTER KECK: There is no funding
10 specifically. We are a coalition of neighborhood
11 groups, agencies, churches and neighbors who have come
12 together. We receive money to operate the coalition
13 from collections among ourselves. The district
14 attorney did give us \$2,000 to buy some equipment.
15 Campaign for Human Development from the Catholic Church
16 has given us money to do organizing work, to buy
17 materials, to have workshops to train people in
18 leadership skills, running meetings, lobbying, et
19 cetera.

20 BY REPRESENTATIVE HECKLER: (Of Sister Keck)

21 Q. Okay, so you're not getting PennFree at
22 this point?

23 A. United Neighbors Against Drugs does not.
24 Norris Square Neighborhood Project received a \$20,000
25 PennFree grant, and with that we're able to do some of

1 the activities that we talked about with young folks as
2 Norris Square.

3 Q. Okay.

4 A. Norris Square is one of the members of
5 United Neighbors Against Drugs.

6 Q. Okay, so Norris Square had gotten some
7 money?

8 A. Right.

9 Q. Had some of the other organizations
10 gotten PennFree money?

11 A. Woodrock is another youth agency within
12 the coalition that has also received \$20,000 from
13 PennFree.

14 Q. Okay, so we're now looking at two \$20,000
15 grants that are, at this point, in jeopardy because
16 PennFree is coming to an end and there is no specific
17 allocation in the budget.

18 A. Right.

19 REPRESENTATIVE HECKLER: And, you know,
20 Mr. Heifetz, I'm not going to ask you your political
21 affiliation. I know what mine is and you're talking to
22 me, you know, I think people have to take control of
23 their own lives. I think the idea that a bureaucracy
24 at any level, and I'm not focusing on the bureaucracy
25 of the city of Philadelphia, I don't think the State

1 does any better or county government in a lot of other
2 counties does a lot better, that the further government
3 gets away from the neighborhood, the more likely it is
4 that you're going to get a lot of bureaucracy and
5 overhead and not much in the way of results. But to
6 get to the question I have, have you, you're a very
7 persuasive advocate, have you been before city council,
8 have you folks approached any other funding agency, you
9 know, from a governmental standpoint to try and seek
10 funding for these efforts?

11 MR. HEIFETZ: If you saw TV about three
12 weeks ago there was a forum with six mayoral
13 candidates. I ran it. It was the American Corridor
14 Business Association. We had six of the candidates
15 there. It was right before Castille resigned and
16 Lucien Blackwell resigned, so they weren't present.
17 And Frank Rizzo won't go where any other candidate is,
18 but we had the rest of the candidates up there. They
19 all listened to this from me on a one-on-one. I got
20 phone messages in my pocket right now from half a dozen
21 of the city council people, so they all know who we are
22 and they all know what we're looking to do, and I have
23 been very active with trying to persuade and to let
24 them know that they have to look at things more
25 realistically and better understand what's going on out

1 there, and as long as you can understand what a problem
2 is, you can address it. If you don't understand a
3 problem, how do you come up with solutions?

4 REPRESENTATIVE HECKLER: I'm looking more
5 at past -- in terms of establishing some rationale.
6 Again, you can tell, I'm a former prosecutor, I happen
7 to think prosecutors are doing a good job with a very
8 limited fund and I don't want the see other people
9 intruding on that particular fund. I'm wondering what
10 you've done in years past to seek other funding from
11 what I would think of is more conventional, you know,
12 the Department of Community Affairs at the State level?

13 MR. HEIFETZ: I can respond to a lot of
14 that, if you'd like me to. For over two years now I've
15 been running a committee in our community. For the
16 first year it was a real education process for me
17 because I was listening to -- we had the heads of the
18 different agencies coming in and it was how do you get
19 a house back that is completely abandoned? There's
20 22,000 abandoned properties in Philadelphia. When you
21 talk to the head of Licenses and Inspections, he says
22 to you, we don't have the money to do it and we don't
23 have the personnel to do it, and there's 22,000
24 abandoned properties. When you go to say, well, we
25 have people in the community who would like to take

1 that property and they'll rehab it and we'll get people
2 living there. We'll put three apartments in there and
3 we'll put three people in there and you'll be
4 collecting taxes. You find out that it's going to take
5 four to five years to get that property back. And why
6 is it going to take four or five years to take the
7 property back? Because the laws in Philadelphia have
8 to be changed because the bureaucracy ties the property
9 up and it takes them that long to get through the red
10 tape that exists, and I won't go through all the
11 details, before the property can be auctioned off, and
12 then once it's auctioned off, the person that possibly
13 had a claim on it has a year to take it back.

14 So it's a very involved thing. But all
15 those laws in the city of Philadelphia have to be
16 looked at and changed. They've got to turn it around.
17 Once you get a few vacant properties in a block, the
18 decay starts, and once the decay starts like that, the
19 drug activity starts in those properties and the
20 neighbors that can afford it move out, and the ones
21 that can't afford it are locked in. There's a lot of
22 nice people that are locked in that live there that
23 can't afford to move, and all of a sudden they got
24 locked into houses and they can't go anywhere after
25 5:00 o'clock at night because there's guns going off

1 all night long in those neighborhoods with automatic
2 weapons. It's unbelievable.

3 REPRESENTATIVE HECKLER: Thank you.

4 CHAIRMAN CALTAGIRONE: Ralph.

5 REPRESENTATIVE ACOSTA: Mr. Chairman, I
6 would like to go on record if we could get the
7 committee, the full committee, the whole committee to
8 come down to Philadelphia and see it for yourself. And
9 the reason I'm asking you to do that, two years ago,
10 and some of you were here at the time, I took a group
11 of people to Philadelphia to take a look at the bars,
12 and eventually we might have to link the problems of
13 drugs related to bars. We might have to get the Liquor
14 Control and we might have to get the different
15 departments within the State to come in together and
16 work with us because the problem is not only the drugs.
17 For example, bars in the community is part of the
18 problem. They have a license to sell beer but they use
19 the license to keep open to sell drugs. So that links
20 together.

21 At the time I brought a group of
22 legislators to the city of Philadelphia, I was able to
23 get across the St. Mary's Hospital gave us a bus, I
24 supplied the lunch, and we worked it together, a whole
25 bunch of us went through the city and we got to certain

1 places, certain bars, the members were afraid to get
2 off the bus. I don't know if you read the papers at
3 the time. You must recall that probably. The same
4 thing is happening here. At the time, they did not
5 believe me that we had a big problem two or three years
6 ago. When they came down and they saw it by
7 themselves, then they changed their attitudes and their
8 style and their ways of doing different things and I
9 was able to get some legislation in regards to the bars
10 and so on.

11 When you come down to the city and you
12 see what we have, and most of it, most of it, I would
13 say 90 percent of what we're talking about here is
14 within my district. My district. You would not
15 believe that we have, in the State of Pennsylvania, a
16 city or a portion of the city that is so devastated and
17 so rundown and so poor, you would not believe it until
18 you see it. So then I'm sure all of you are going to
19 be able to turn the other members around.

20 The problem is there and it's unfortunate
21 that we have to take the task to work the problem out,
22 but unless you see it, you're not going to believe what
23 we're telling you.

24 CHAIRMAN CALTAGIRONE: Well, let me just
25 say, I lived in north Philadelphia when I was going to

1 Temple a few years, quite a few years ago, not a lot,
2 you know. It was bad then and it's probably a lot
3 worse, and I lived there for a year, so I saw
4 firsthand. And just two years ago or a year ago we
5 went through your schools and we walked your streets.

6 REPRESENTATIVE ACOSTA: Yes. Right.

7 CHAIRMAN CALTAGIRONE: I was there with
8 you and we walked many of the streets. We're coming
9 down to Philadelphia this Thursday for a tour of the
10 Family Court Division at 10:00 o'clock and if the
11 members would care to, if you could join us, maybe if
12 they want to take any tours after the court tour, that
13 would be available.

14 Let me just say this. You've got to
15 understand the perspective of the members, and each in
16 their own way are coming from different points of view
17 dealing with this issue. Ralph knows that I held a
18 hearing on this very legislation, it was Ralph's bill
19 last session. I combined them, with the understanding
20 from both prime sponsors that we would run a hearing on
21 both of them today. Even though there wasn't a great
22 deal of support, and I'm being perfectly honest with
23 you, my background is a special education teacher, a
24 social worker, and a community organizer, so I can
25 relate to the problem. I know what you're saying.

1 The controversy evolves about law
2 enforcement as to whether or not this is the best way
3 of utilizing what they perceive as shrinking funds, and
4 it may very well be. I mean, I think from what they're
5 saying and if their figures are accurate, which I don't
6 doubt that they are, in most of the counties they are
7 probably on the downside now of the forfeiture moneys.
8 It is really not a stable source of funds. With the
9 budget being what it is this year, I don't know if you
10 stand much of a chance, looking at the budget. But as
11 I had said to many of the leaders from the communities
12 when we discussed this, Father Kakelic I think was one,
13 and Jim Mills and a couple of the other leaders from
14 the Black and Hispanic communities that we had met and
15 talked with about trying to develop a firmer source of
16 funding that could continue for a longer period of time
17 than just forfeiture.

18 You're talking, and if I may ask, what
19 business are you in, Sid?

20 MR. HEIFETZ: Wholesale kitchen and bath
21 products.

22 CHAIRMAN CALTAGIRONE: And how many
23 people do you employ?

24 MR. HEIFETZ: About 50.

25 CHAIRMAN CALTAGIRONE: And are they

1 basically neighborhood people?

2 MR. HEIFETZ: Pretty much. Two-thirds.

3 CHAIRMAN CALTAGIRONE: See, what I've
4 seen, and I live in Reading, but I've spent a lot of
5 time in Philadelphia and other -- we held 14 hearings
6 when I was Subcommittee Chairman on Third-Class Cities
7 throughout the Commonwealth, one of them happened to
8 have been in Erie, as a matter of fact, and we toured
9 the entire State with the subcommittee. Dave
10 Richardson was Chairman at the time, and he and most of
11 the members toured the State with us. It's a
12 battleground. And this was only about three, four
13 years ago. I mean, we're talking about an absolute
14 battleground that it's from one end of the State to the
15 other. It's not just restricted to Philadelphia,
16 believe me.

17 MR. HEIFETZ: We are a war zone. We are
18 a war zone.

19 CHAIRMAN CALTAGIRONE: When you have a
20 smaller city, you know, it's just as horrendous with a
21 smaller city as it is with a bigger one. I mean, you
22 can take a chunk of Philadelphia like what you're
23 saying now and put it in Reading or put it in Erie or
24 put it in any of these other cities and you'd say, my
25 God, it's no different no matter where you go. You

1 know, it's almost like a plague on our society. And I
2 agree with much of what has been said here, but I'm
3 going to be very honest with you as I have with Ralph
4 and Curtis, you have to have the votes on the
5 committee. If you don't have the votes, and that means
6 11 votes to get any legislation out, you're not going
7 to get the legislation voted out of this committee.
8 It's as simple as that. Now, you can lobby, you can
9 talk, you can do all you want, but it comes down to the
10 fact that you have to have 11 votes to get any
11 legislation out of this committee. If you don't have
12 it, you don't have it. And that happened to us in the
13 last session. And we did try to work out compromises
14 with Representative Hayden and others to see what could
15 be done, to see if anything could be done, and I know
16 that Dick and Ralph worked on that and worked on that
17 and worked on that, and I think everybody was
18 frustrated.

19 Ralph, you have a comment?

20 REPRESENTATIVE ACOSTA: I have to say, if
21 we get Representative Nahill and we get O'Brien to join
22 with us in going down to the city, because I know both
23 of you have a lot of influence in the DAs office and
24 different people because you've been there, we could
25 let them know that it's important that the community

1 continues working with them. In the Philadelphia area,
2 Sister mentioned it, the police department would not be
3 able to do the kind of job today that they are doing if
4 it wasn't for the involvement of the work that we do
5 with them. There's no way out. What I see happening,
6 if we don't do something in the urban areas where we
7 have the biggest crime, the biggest crunch of the
8 crime, that crime is going to move on to your
9 neighborhoods, like it's happening right now in
10 Philadelphia.

11 REPRESENTATIVE HECKLER: Mr. Chairman?

12 CHAIRMAN CALTAGIRONE: Yes, Dave.

13 REPRESENTATIVE HECKLER: You know, we're
14 kind of talking past each other here a little bit and
15 it frustrates me because I think to some extent it's
16 sort of a cruel -- I don't want to say a hoax because
17 that suggests that somebody created it and that's not
18 the case -- but for you folks, I don't think there's
19 anybody who in their right mind would question the
20 validity of what you're doing, and again, I'm talking
21 from a Republican perspective, the virtue of putting
22 small amounts of money relative to what government
23 programs cost into seed money for groups like yours to
24 do something at the grassroots. The only dispute that
25 we've got is where that money comes from, and this

1 you know, through I think most of the neighborhoods in
2 Philadelphia within the last five years one way or
3 another, and I haven't necessarily gotten out of my car
4 in some of them, but, you know, I think I have some
5 idea of what you're talking about. The issue with this
6 legislation just got a flat fight on, you know, other
7 people who are making a contribution. I mean,
8 philosophically you may argue about which comes first,
9 the chicken or the egg, but as I say, I can't believe
10 that many people who, certainly many elected officials
11 who want to stand and say, yeah, we're cutting back on
12 the funding that goes to the war on drugs, to the DAs
13 and the police because we think we can spend it better
14 elsewhere. Let's take the tact of you folks are
15 effective, you're uniquely effective, and for small
16 dollars you get big results and let's find those
17 dollars. I think that's the more constructive way to
18 go.

19 REPRESENTATIVE THOMAS: Mr. Chairman?

20 First of all, I want to thank the
21 representatives from the United Neighbors, Norris
22 Square, and I want to thank Sid for coming and giving
23 us testimony this afternoon.

24 The only thing that I'm somewhat bothered
25 by is this almost seems like repeat performance when

1 legislation is targeted at one particular fund of
2 money, and I think what Chairman Caltagirone is saying
3 that that may be a tougher, while Lord knows this is a
4 tough budget year and things are tough all over, that
5 this may be a fund of money that I happen to think is
6 an inappropriate fund but also may just prove
7 politically very difficult.

8 What I'd love to see is that whatever
9 member of this committee goes down, tours your district
10 or gets sensitized to the issue, but the Appropriations
11 Committee as well, and if we're going to talk about
12 building coalitions, what we should be doing is
13 building a coalition around getting a relatively,
14 because my sense is given the numbers we play with up
15 here, we're talking about small dollars to, you know,
16 call it a pilot project, call it whatever the heck
17 mumbo-jumbo name you want to put on it. As I was
18 saying to Representative Thomas earlier, I think that
19 the concept he's involved in with his legislation in
20 terms of his county based allocation agency, you know,
21 the folks who would make a decision about how that
22 funding takes place is a step forward in this
23 legislation.

24 The issue is finding a fund. And it's
25 just a question of nobody doubts, and I've been down,

1 845 was before the committee. The dialogue was very
2 similar. We thought we went back and dealt with the
3 dialogue, and during last year and this year our
4 circumstances were much better in the General Assembly
5 last year than they are this year and we offered
6 nothing but to vote down 845. I think that if we don't
7 do nothing but move forward on, and I really don't care
8 whether it's 14, whether it's 12, or whether it's 74.
9 I think the question before the committee is whether or
10 not we are in a position and feel that it is a position
11 that we should be in to provide community-based
12 organizations with some real tools to continue their
13 efforts in dealing with the war on drugs. That seems
14 to be the bottom line question.

15 The thing that seems to create the
16 differences is how do we do it? I submit to you that
17 as of today, we don't have any other choices. PennFree
18 was an option, but that option is going to be a moot
19 option come June 30th. We know we have a proposed
20 budget for '91-'92 in front of us. We know we might be
21 here for Christmas before we get that budget passed
22 because there are a lot of things in there that we
23 individually and collectively have said that we are not
24 going to deal with. We got hospitals closing, we got
25 43 percent of the budget hitting health and human

1 services, not just in Philadelphia but all across the
2 State. We don't have the luxury of having an arena
3 that we can pick and choose in.

4 If you agree that the presenters this
5 afternoon have provided reason enough as to why support
6 is needed, then let's try this mechanism. If this
7 mechanism fails, if it turns out to hurt district
8 attorneys, which I am confident that it won't, let's
9 give this mechanism a try, since we don't have any
10 other options and since the likelihood of us coming up
11 with additional options in this legislative term are
12 almost nonexistent.

13 And in conclusion, I say that if we look
14 at the '91-'92 proposed budget, the law enforcement
15 community is not hurting. They are not hurting. The
16 Commonwealth of Pennsylvania is providing the Attorney
17 General, the State Police, county police, not all that
18 they want, but much more than anybody else is getting.
19 And the other part, the Federal dollars that will be
20 coming into Pennsylvania to deal with this drug
21 problem, most of it is targeted for law enforcement.
22 There is nothing that is targeted for community-based
23 organizations. I think we have a unique opportunity to
24 make a difference in what happens to those people on
25 the front line, and I ask that we take advantage of it

1 and move expeditiously on it.

2 Thank you.

3 CHAIRMAN CALTAGIRONE: Ralph.

4 REPRESENTATIVE ACOSTA: Yeah, I just
5 wanted to close by saying maybe--

6 CHAIRMAN CALTAGIRONE: We have another
7 testimony yet. Jim Mills.

8 REPRESENTATIVE ACOSTA: Oh, I'm sorry.

9 CHAIRMAN CALTAGIRONE: Do you want to
10 wait until he finishes?

11 REPRESENTATIVE ACOSTA: Yeah, I will.

12 CHAIRMAN CALTAGIRONE: All right.

13 Thank you very much.

14 Mr. Mills.

15 MR. MILLS: Mr. Chairman, and members of
16 the committee, I could say good afternoon but it's good
17 evening now. My name is James Mills, and I'm the
18 Executive Director of Philadelphia Anti-Drug,
19 Anti-Violence Network.

20 I'm not going to read my testimony. I'm
21 going to let you take it and read it later. But I just
22 want to make some comments, basically. One is that I'm
23 involved in a grassroots movement in my city where
24 people are putting their lives on the line to take back
25 their neighborhoods. Two years ago, or a year and a

1 half ago, we came to you about drug forfeiture because
2 we felt drug forfeiture was a way for a viable
3 alternative for us to go to help infuse, not give a lot
4 of salaries out in the neighborhood but infuse some
5 programs in the community. I still think that that's a
6 good idea. But I also think that some other
7 suggestions that have been made about a dedicated line
8 of funding is a good idea but I don't see how realistic
9 that's going to be in this year's budget. And we are
10 losing the war against drugs if we continue to put
11 money in the back end, in law enforcement. There's
12 just no way that you can tell me that we are winning
13 when we need more cops, when we need more prisons.
14 We're not winning a war against drugs that way.

15 Basically, what I would seek from you is
16 that we don't need to do short-sighted planning, and
17 that's what that is. That's not doing any planning at
18 all. In fact, that is saying that we're going to
19 eventually have a police state. That's what eventually
20 all of that is going to turn into. I think that we
21 have -- I would like to think that we have legislators
22 who aren't short-sighted, who won't wait until the
23 problem is in their houses before they do something,
24 because trust me, it's coming. It is coming. If we
25 continue to spend our money in the back end, if we

1 continue to give the portion that we're giving to law
2 enforcement and the portion that we're giving to
3 prevention and education, if we continue to do that,
4 then we're going to lose. We're going to lose. We
5 can't win like that. And I would like to suggest to
6 you whether it's House Bill 12, 74, or whether you
7 introduce something else, which I very seriously doubt
8 will happen, but you're not going to have a
9 neighborhood to go back to, you know, or it's not going
10 to be able to be called a neighborhood if we don't
11 begin to do some things on the State level.

12 PennFree was a very short-sighted program
13 that happened because something else didn't happen.
14 And now we're here almost two years later and we still
15 don't have the mechanisms in place to turn the problem
16 around. Sure, we've done a lot in terms of prevention.
17 We probably have hundreds of groups in our city who
18 have begun to stand up and take back their
19 neighborhoods, but they need an infusion not of a whole
20 lot of dollars, because I don't believe that money is
21 the total answer, that people are the greatest resource
22 that Pennsylvania has, that this nation has. And that
23 we need to begin to do some planning that talks about
24 saving neighborhoods instead of locking up folks. And
25 that's what I would move you to do, because it doesn't

1 look like this legislation is going to go anywhere.
2 This is not going to be anything but another hearing
3 and this legislation is not going to come out of this
4 committee.

5 But you need to think about setting up
6 something that will work, something that can help,
7 because this problem, we can't wish this away. And
8 whether, you know, whether we believe it or not, we are
9 our brother's keeper, and it's happening to us right
10 now, but trust me, it's coming your way. Like one
11 other person said earlier, that a lot of the persons
12 who come down and buy drugs are people who don't live
13 in our community. A lot of them who buy drugs are
14 people who live in our community, and we need to form a
15 partnership. I'm not against the DA, but it certainly
16 has positioned me against the DA because he thinks this
17 is about R's and D's. This is not about R's and D's,
18 not Democrats or Republicans. Kids, they will
19 eventually be voters if they live to grow to be that
20 age to vote, but we are losing them before, before they
21 ever even get an opportunity to register. And we have
22 a responsibility to do something about that. And we
23 cannot allow, we cannot allow ourselves, we cannot
24 allow Pennsylvania to turn into a police state, because
25 that's all it's going to turn into. That's all it's

1 really going to be, full of prisons. We can't live
2 like that.

3 And that's basically all of the comments
4 that I make. Certainly, my statement speaks to all of
5 the other issues that I think that we're faced with,
6 but we need help, and I'm not just talking about
7 Philadelphia but we as a State need help. And if you
8 think that locking up folks is going to help, it's not.
9 It is not.

10 MR. SMALL: Mr. Chairman, my name is
11 Horace Small, and I'm with the Philadelphia Anti-Drug,
12 Anti-Violence Network, and I, too, do not intend to
13 take much of the committee's time. In fact, if I go
14 beyond three minutes, please stop me. And the reason
15 why I say that is because this is deja vu again, Tom --
16 I mean Mr. Chairman. Excuse me.

17 CHAIRMAN CALTAGIRONE: That's all right.
18 We're close. We're fighting the same battle.

19 MR. SMALL: Really. Two years ago we
20 came up with a concept, we met with Ralph Acosta, we
21 met with you, we put in a bill, and the same arguments
22 are here again, and quite frankly, I'm tired. And just
23 as much as you guys pretty much are tired because
24 you're hearing the same stuff, it's just a different
25 day. And I have no faith that this bill presently will

1 make it out of committee, and all I have to do is look
2 at the response that District Attorney Marino and
3 Charlie Gallagher and the other guy from Westmoreland
4 County got when they left. I mean, I kind of know the
5 deal. If Bill Gray taught me anything, it was to learn
6 how to count, and, you know, I think in politics you
7 got to learn how to count.

8 But the bottom line is this: In
9 Allentown, in McKeesport, in the Pittsburgh, in
10 Homewood and other parts of Pennsylvania, kids are
11 dying every day and they wouldn't be dying if they had
12 a T-ball league or a baseball team or a basketball
13 program or leadership development programs, or any of
14 those things that I had when I was coming up, which
15 most of us and my colleagues had when we were coming
16 up. We don't have them anymore. And when the major
17 economy in the community is drugs, you know, that's
18 where the kids are going to go to because that's the
19 only role models they have.

20 The only message I just want to leave to
21 you is this, because I feel like I'm preaching now, is
22 that if we can accomplish nothing else, I beg you and I
23 plead with you to take politics out of this, because
24 it's not about D's and R's, and for the last two years,
25 that's all it's been about is D's and R's. Okay? I

1 mean, Allentown is starting to become a problem.
2 Reading is starting to become a problem. It's all over
3 the place. It's not just in Curtis Thomas' district,
4 in northeast Philadelphia, it's not just in my
5 community, which is northwest Philadelphia, in Mt.
6 Airy, Chestnut Hill, Germantown. It's not just in West
7 Oak Lane. You know, it's all over. And if we can
8 begin to start taking the politics out of this, if we
9 can begin to start being friends with the District
10 Attorneys Association as opposed to being enemies,
11 which we didn't start out to be that, maybe we can get
12 somewhere with this thing. And I know you guys are
13 tired and I'm tired and you all want to go home and I
14 want to go home, so I'm going to stop now.

15 Thank you.

16 CHAIRMAN CALTAGIRONE: Let me just say
17 this, that this year we're going to have to bite the
18 bullet on taxes. There's just no getting away from it.
19 All the information that I've read thus far about the
20 budget briefings with Dwight and the other members of
21 the Appropriations Committee, and I happened to have
22 served there for a number of years before getting this
23 assignment, I served on that committee as a member,
24 it's going to require a tax increase. I mean, there is
25 absolutely no getting away from it, period, in order to

1 balance the budget this year. That being the case, and
2 there's all kinds of proposals on how that's going to
3 be accomplished, but rest assured, as sure as we're
4 here today, the budget will be balanced at some point
5 if it's not in June, July or August, the budget will be
6 eventually balanced and it is going to force a tax
7 increase on whatever number of ways they're going to
8 put it together, and it will require the 102 votes in
9 the House and 26 in the Senate.

10 I would suggest this, and you're exactly
11 right, Horace. With us not having the votes -- you'll
12 have my vote. You had my vote before. You're going to
13 get a handful of other votes, but we're not going to
14 win it. I mean, if you saw the reaction here today and
15 you can count the votes, you know that we're not going
16 to win it with these two vehicles. But I think you
17 have a lot of support and a lot of people willing to
18 help. If we can put these energies and resources into
19 the Governor's Budget Office, number one, into the
20 House Appropriations Democrat and Republican staffs,
21 number two, and I think it should be done. I don't
22 think that this is a dead issue. I think you've made a
23 lot of valid points. There are other methods of going
24 after this. We need to put a bottom line as to how
25 much money are we really talking about with the

1 counties out there. If we can come up with a fairly
2 decent estimate--

3 MR. MILLS: \$15 million.

4 CHAIRMAN CALTAGIRONE: \$15 million, and
5 that would cover the entire State for all the
6 community-based groups?

7 MR. MILLS: Yeah. That's twice as much
8 as what PennFree gave.

9 CHAIRMAN CALTAGIRONE: Okay. There were
10 some other conditions that we were putting on the
11 money, that they would have to be an established
12 501(C)3 fighting the drug war and be involved in the
13 neighborhood activities for at least two years so that
14 they would qualify so that groups wouldn't pop up all
15 over the place laying claim to some types of money. We
16 don't want that. That's not what it's all about.

17 I think what we need to do, and this is
18 just my humble suggestion, that we need to rethink the
19 battle plan, the plan of action, there is enough time
20 yet to do it, and put our two cents into the government
21 process of the appropriations arm, if they're going to
22 require a tax increase, so if you're going to increase
23 the taxes, and when you talk about, and I'll be very
24 honest with you and I don't mean this to be sounding
25 smug, when you talk \$15 million, it's nickels and

1 dimes. It really is up here. You're talking about a
2 \$12 billion, \$14 billion, \$18 billion budget, and when
3 you talk about that kind of money, it is nickels and
4 dimes when you look at a whole budget process.

5 MR. MILLS: Um-hum.

6 CHAIRMAN CALTAGIRONE: But it's life and
7 death to many of the community groups. And I think the
8 thing that you've got to understand, and I don't want
9 to lecture to you, I really didn't mean to get into
10 this, but I have to say this about organizing, and I'm
11 looking at some organizers that we've worked with, I
12 helped with the Neighborhood Housing Services. One's
13 in Philadelphia, as a matter of fact, one's in Reading,
14 another one is in Allentown. I think one is in Erie,
15 I'm not sure, and there may be another one out in
16 Pittsburgh or somewhere. And I showed them how to
17 lobby effectively through the Governor's Office.
18 David's shaking his head. They needed money for
19 administrative services. They helped build homes.
20 They get money, basically, from the community and
21 businesses, okay, and they rehabilitate homes and sell
22 them to poor people and other low-income people.
23 That's all they've ever done. They've never had
24 administrative money to cut their overhead. Well, we
25 cracked that egg two years ago and it's a line item in

1 the budget now and it was effectively done. Scranton
2 was the other one, David, right?

3 MR. KRANTZ: Right.

4 CHAIRMAN CALTAGIRONE: Scranton. They
5 have a line item in the budget, \$250,000. Each of the
6 five cities get \$50,000 to help with their
7 administrative overhead, and I think it's been in last
8 year and I guess it's proposed again this year.

9 REPRESENTATIVE THOMAS: It's been cut
10 this year.

11 CHAIRMAN CALTAGIRONE: It was cut this
12 year?

13 REPRESENTATIVE THOMAS: It's being
14 proposed to be cut out, in fact, cut back to \$50,000,
15 just \$50,000.

16 CHAIRMAN CALTAGIRONE: Well, I think that
17 will be another battle. See, now what they're going to
18 have to do again is they're going to have to come up
19 here to the Hill and lobby. And I'll tell you how many
20 people it was. It was about ten people, two from each
21 city?

22 MR. KRANTZ: Ten to twenty.

23 CHAIRMAN CALTAGIRONE: Two from each
24 city. You know, I rest my case.

25 REPRESENTATIVE THOMAS: Mr. Chairman?

1 CHAIRMAN CALTAGIRONE: Yes.

2 REPRESENTATIVE THOMAS: First of all, I'd
3 like to say that as I've said before, I am cautiously
4 optimistic. I am not one to believe that with the flu
5 and a bad foot that I came here and spent the whole day
6 for you to say no. I am confident that--

7 CHAIRMAN CALTAGIRONE: I'm not saying no.

8 REPRESENTATIVE THOMAS: I am confident
9 that the members of this committee, as in the words of
10 my Senator, Senator Roxanne Jones, will do the right
11 thing, and I think that if you support this and if you
12 just tell somebody else, if he supports it or he
13 supports it -- don't leave yet -- just tell somebody
14 else--

15 REPRESENTATIVE HECKLER: I hung in with
16 you a long time.

17 REPRESENTATIVE THOMAS: I think that we
18 can come up with something. The prime sponsors have
19 agreed that it don't have to be 12 or 74 in its current
20 form. The bottom line is that we come up with
21 something and send it to the floor of the House,
22 because there's a need out there.

23 And in closing, I would just like to
24 recognize the presence of Representative Harold James
25 from Philadelphia County who has also been working with

1 Representative Acosta and myself on this whole drug
2 forfeiture issue, and I just wish he was here when the
3 district attorneys were here because he's a former cop
4 and he knows how bad people need help out there.

5 So in closing, I move that if it's only
6 just one member of the committee, that the committee
7 move expeditiously to consider 12 and/or 74 or
8 something that looks like 12 and/or 74 and move it
9 towards consideration as soon as possible.

10 Thank you.

11 CHAIRMAN CALTAGIRONE: Okay. We'll
12 conclude with today's testimony. Thank you all.

13 (Whereupon, the proceedings were
14 concluded at 5:00 p.m.)

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

6
7 Ann-Marie P. Sweeney
8 ANN-MARIE P. SWEENEY
9

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