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HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bill 1897

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House Judiciary Subcommittee on Courts

Fifteenth Police District
Day Room
Harbison and Levick Streets
Philadelphia, Pennsylvania

Wednesday, December 3, 1997 - 10:13 a.m.

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BEFORE:

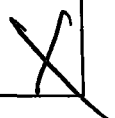
Honorable Daniel Clark, Majority Chairperson
Honorable Lita Cohen
Honorable Jerry Schuler

IN ATTENDANCE:

Honorable Chris Wogan
Honorable Thomas Caltagirone
Honorable Kathy Manderino
Honorable John Taylor
Honorable John Perzel
Honorable George Kenney
Honorable Babette Josephs

KEY REPORTERS

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1 ALSO PRESENT:

2

3 Brian Preski, Esquire
4 Majority Chief Counsel

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6 Galina Milohov
7 Minority Research Analyst

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(Written testimony submitted on
behalf of the Philadelphia District Attorney's
Office by Lynne Abraham.)

1 CHAIRPERSON CLARK: I am State
2 Representative Dan Clark, and I'd like to
3 welcome all of you to the Judiciary Committee
4 Subcommittee on Courts' hearing on House Bill
5 1897.

6 I'm the Chairman of the Judiciary
7 Committee Subcommittee on Courts, and I want to
8 welcome you to the 15th Police District Day
9 Room where we're going to receive testimony on
10 House Bill 1897 that's been introduced by
11 Representative George Kenney of the 170th
12 Legislative District.

13 I think before we take Mr. Kenney's
14 testimony I would like all the other members of
15 this Committee and other members to introduce
16 themselves. And we'll start up here at the
17 back to my left.

18 REPRESENTATIVE TAYLOR: I'm
19 Representative John Taylor from Philadelphia.

20 REPRESENTATIVE PERZEL: I'm
21 Representative John Perzel. This is the 172nd
22 Legislative District, and the Committee was
23 kind enough to invite me here this morning.

24 REPRESENTATIVE MANDERINO: Good
25 morning. Kathy Manderino. I'm also from

1 Philadelphia County.

2 REPRESENTATIVE COHEN: Lita Cohen,
3 Montgomery County adjacent to Philadelphia.

4 REPRESENTATIVE CALTAGIRONE: Tom
5 Caltagirone, Berks County.

6 MR. PRESKI: Brian Preski, Chief
7 Counsel to the Committee.

8 CHAIRPERSON CLARK: And I believe also
9 testifying with Representative Kenney is the
10 Honorable Seamus McCaffery. He's Judge,
11 Municipal Court of the First Judicial District.
12 Good morning. Representative Kenney.

13 REPRESENTATIVE KENNEY: Thank you.
14 Thank you, Mr. Chairman. And I want to thank
15 you and Chairman Caltagirone for coming to
16 Northeast Philadelphia. As the majority leader
17 said, it's in Representative Perzel's district.

18 House Bill 1897 is part of a effort to
19 move forward what I like to term the "safe
20 neighborhoods, safe city strategy" in
21 Philadelphia. And it's about building a
22 partnership between neighborhoods, police, and
23 the court system in really fighting crime
24 throughout Philadelphia.

25 Most communities, the buzz word is

1 "zero tolerance." They don't want to put up
2 with any type of crime. We read in our
3 newspapers about the big crimes, but it's truly
4 the minor crimes that are driving
5 Philadelphians from their neighborhoods and
6 moving them out.

7 We've all heard of the broken windows
8 theory where Wilson and Kelling (phonetic) talk
9 about a theory that says if you don't address
10 the minor problems in a neighborhood, that
11 neighborhood truly believes no one cares.

12 And when you don't care, they look for
13 places to live, work, go to school where they
14 believe government is responsive, the police
15 are responsive, the court system is responsive.

16 And that's the strategy with House
17 Bill 1897 is to give the court system another
18 tool to fight crime in our neighborhoods and,
19 specifically, minor crimes -- summary offenses,
20 fighting the vandalism in our playgrounds,
21 public drunkenness, kids loitering -- those
22 minor summary offenses.

23 And long before Eagles Court, I guess,
24 which is getting national prominence, Judge
25 McCaffery and a couple judges in the municipal

1 court have been out on their own volunteering
2 in neighborhoods hearing summary cases, you
3 know, to address problems in every neighborhood
4 in this city.

5 The problem is Judge McCaffery and, I
6 believe, Judge Schwartz (phonetic) and Judge
7 Means can't do it alone. And earlier this
8 year, you know, I met with Judge McCaffery. In
9 January, I believe, we started working on this
10 legislation.

11 This was truly his idea of saying, you
12 know, Representative, can we work with the
13 Legislature to gives us more tools to go out
14 into our neighborhoods to attack these minor
15 crimes?

16 And as one woman in Bustleton put it
17 at a town meeting, when she saw Eagles Court,
18 she said, you know, somebody breaks a leg at an
19 Eagles game, all hell breaks loose; everybody
20 reacts to it. But she says, That goes on every
21 day in every neighborhood throughout
22 Philadelphia.

23 These minor crimes of drunkenness,
24 loitering, vandalism go on every weekend. And
25 just to repeat, Judge McCaffery came up with

1 this idea where it allows the municipal court
2 to contract with professionals -- lawyers and I
3 guess those that have passed the minor
4 judiciary course -- to sit in in police
5 districts such as this when the police
6 say -- when neighborhoods say, No. 1, we have a
7 problem, the police go out an identify and
8 attack the problem, and that there is swift and
9 instant justice sitting here waiting for the
10 perpetrator, that person causing the nuisance
11 in the community, that everything is
12 collaborated and worked together and really
13 built on that partnership.

14 And this really allows the municipal
15 court to contract with these lawyers and place
16 them in police districts throughout the city.
17 The City is over 1 million people over, I
18 believe, 25 police districts and three judges
19 volunteering their time. And I don't know if
20 there may be more; but that's just not going to
21 do the job.

22 And this is a tool, House Bill 1897,
23 which was brought to me by Judge McCaffery.
24 And that's why I wanted him with me today to
25 really explain.

1 Because he's on the front line. He
2 sees what's going on. Here's a gentleman that
3 not only lives in our neighborhoods, he lives
4 in the Bustleton section of Northeast
5 Philadelphia, was on the police force for
6 twenty years, and now is a sitting municipal
7 court judge.

8 And I want to welcome him and thank
9 him for his leadership on this issue. And he
10 can further explain just how he sees this bill
11 working on behalf of neighbors and
12 neighborhoods throughout Philadelphia.

13 CHAIRPERSON CLARK: Okay. I thank
14 you, Representative Kenney. Judge McCaffery.

15 JUDGE McCAFFERY: Good morning. I'd
16 like to start off by giving praise where praise
17 is due. The gentleman sitting to my left,
18 State Representative George Kenney, was
19 unbelievable in helping to put a thought, an
20 idea, on the table and bring it this far.

21 I'd like to personally thank Speaker
22 of the House John Perzel, even though we never
23 really met personally, for having this meeting
24 here today. This is an idea I came up with
25 through our night court activities.

1 And quite honestly, we felt that this
2 is something that we really could use to work,
3 as George mentioned, to help have a positive
4 impact on quality-of-life crime here in
5 Philadelphia County.

6 Just let me give you a brief
7 history -- nothing ever comes out of my mouth
8 as brief -- but anyway, a quasi-brief history
9 of what's go on with the program.

10 Going on almost two years ago, I was
11 approached by George Kenney's illegitimate
12 cousin, Jim Kenney, from South Philadelphia to
13 start a quality-of-life court down in South
14 Philly. That particular court went over so
15 well.

16 It was something that was never, ever
17 done in Philadelphia County; and it basically
18 set up a situation where a judge like myself at
19 the time in robes with a full staff set court
20 up at 11th and Wood. As you know, most of the
21 districts in Philadelphia, police districts,
22 have courtrooms just as you see here today.

23 As a result of that particular
24 evening -- and it was, I believe, in the
25 April-May time frame of 1996 -- we had over 50

1 arrests for the type of quality-of-life crimes,
2 the nuisance crimes that really hurt our
3 neighborhoods.

4 And they are underage drinking,
5 disorderly crowds on street corners, public
6 urination, vandalism, graffiti. The type of
7 minor summary crimes that most of us -- I
8 should say most police officers don't really
9 have the time or the desire to enforce because
10 they're trying to enforce the more serious
11 crimes.

12 Let me just tell you something that we
13 have found throughout the last, again, eighteen
14 months. Perception of crime is a reality.
15 That's a fact. I can assure you that some
16 neighborhoods in Philadelphia are crime ridden;
17 most neighborhoods in Philadelphia are not.

18 But if you live in the neighborhood
19 that you feel is crime ridden, it becomes a
20 reality. And the people that can afford to
21 leave Philadelphia are moving out. The people
22 that can't afford to leave Philadelphia have
23 become hostages.

24 And I'll tell you why. In some of our
25 neighborhoods, some of our senior citizens and

1 some of our people that just don't have the
2 wherewithal to pick up and move; they're afraid
3 to come out at night. And that's the reality.

4 And with that fear, they don't shop in
5 the neighborhood, they're afraid to go around
6 the neighborhoods, stores close. Next thing
7 you know, they're all boarded up.

8 We have found through our night court
9 program that giving someone that perception
10 that there's a judge sitting in their
11 neighborhood at 1, 2, 3, 4:00 in the morning is
12 an absolutely wonderful tool.

13 I tell everybody the same thing:
14 Seamus McCaffery is not the cure, nor for that
15 matter are the other volunteer judges. We're
16 not the cure to the problem, but we are some
17 people that feel that we need to give back to
18 the community.

19 And that's why this program has grown
20 from not just myself to Judge Rayford Means in
21 the Court of Common Pleas, we now have fifteen
22 judicial volunteers.

23 For the last two years to give you an
24 idea, here in Philadelphia County we have what
25 is known as mischief night. Our judicial

1 volunteers were able to cover every single
2 neighborhood in Philadelphia from the far
3 northwest, northeast, southwest, west, all the
4 way down the river wards.

5 We had judges in every single
6 neighborhood that particular night, and it
7 worked absolutely fabulous. This is the kind
8 of quality-of-life giveback, if you will, that
9 the members of our judiciary both in Municipal
10 Court and the Court of Common Pleas have
11 brought together to go back into these
12 neighborhoods and help.

13 Now, what does the program do? Our
14 summary citation program here in Philadelphia
15 County has collapsed. We're meeting, as a
16 matter of fact, the next two days to deal with
17 and address a lot of the summary issues here in
18 Philadelphia.

19 For those of you who don't know, if an
20 individual is arrested for underage drinking or
21 disorderly conduct, he's brought in to a police
22 district just like this. The individual is
23 given a summary citation, a scheduled date is
24 given for a hearing down at the Criminal
25 Justice Center, and the individual is released.

1 And I say released -- released without
2 a photograph, without a fingerprint. And we
3 have individuals that show up in police custody
4 that are so good at playing the system that
5 they use bogus names every time they're
6 arrested.

7 We now have, for example, prostitute
8 problems here in Kensington and the Frankford
9 area where women are coming in from as far away
10 as Oklahoma.

11 Right where you're sitting I've sat in
12 Friday night courts at 2 and 3:00 in the
13 morning and had these women brought in front of
14 me with no identification. We had no idea who
15 they were. And it turns out that luckily we
16 had the ability to have them photographed and
17 fingerprinted.

18 And we were finding some of them have
19 upwards of twenty to twenty-five outstanding
20 bench warrants under different names. So the
21 problem that we ran into with the summary
22 program was that these individuals were
23 arrested, they knew how the system worked, they
24 were released, never showed up in court, and
25 were averaging upwards of 35,000 summary bench

1 warrants a year.

2 35,000 summary bench warrants. That's
3 outrageous. Every six months the District
4 Attorney's office comes into our court and they
5 nolle pros upwards of 5,000 of these bench
6 warrants that are over two years old. That's
7 an average of \$98.50 just for standard court
8 fines that we're losing every six months.

9 And last but not least -- I should
10 actually say most importantly is those police
11 officers that make the arrest are required to
12 go downtown to the Justice Center. And if
13 their day off or 4 to 12 or midnight to 8, it's
14 costing the citizens of Philadelphia overtime.

15 And if they're scheduled for day work
16 and they're sent downtown, we're losing their
17 manpower in the districts. And this is what's
18 hurting them. Our night court program and our
19 ability to be here in the neighborhoods saves
20 us tax dollars; it saves us overtime costs; and
21 more importantly, it saves us loss of manpower
22 in the actual neighborhood.

23 The judges that have been doing this
24 are not paid. None of us have ever been paid.
25 As a matter of fact, last week as you know with

1 the Vet Court thing, we're there on a Sunday.
2 I was back here at Harbison Levick that Friday
3 night and here till after 1:00 in the morning
4 and I was back in Vet Court again.

5 No one's paid. We do it as
6 volunteers. It's our way of giving back to our
7 neighborhoods. But as you can see, it's a
8 win/win situation for the police, for the
9 community, and it sends a significant message
10 to those folks that are out there disrupting
11 the quality of life in our neighborhoods.

12 Every neighborhood is different. What
13 we have in Northeast Philadelphia isn't the
14 same as Roxborough, isn't the same as in
15 Overbrook, isn't the same, say, in South
16 Philadelphia. We have different problems in
17 different neighborhoods.

18 But the nice thing about the program
19 and what we're doing is through these quality
20 of life -- enforcement of these
21 quality-of-life crimes, it sends a big message
22 to those folks that feel that they're
23 disenfranchised, that feel that the political
24 machine and the courts don't listen to them.

25 Well, we're listening to them and it's

1 doing wonders. Now let me tell you the bad
2 side. As the program has grown, everybody
3 wants us. I have but so much hair left to
4 lose, guys, you know what I mean?

5 I'm a little hoarse right now because
6 we're out there so much trying to do as much as
7 we can, but we still have a full case load.
8 And in my courtroom, Room 603, I average 150
9 criminal matters a week. That's criminal
10 matters.

11 On Friday afternoon after finishing a
12 load -- just to give you an idea -- last Friday
13 night, 39 cases on my list; and I went right
14 back into night court and stayed here till 1:00
15 in the morning. So it's wear and tear, if you
16 will, on some of the judges and the staff.

17 Our current administration under Mayor
18 Ed Rendell has just given the program \$125,000
19 for some computers and also to start paying the
20 court volunteers. No -- none of those monies
21 will go to any judge.

22 Any judge that's working on this
23 program both in the CP and the MC are not
24 taking any money. We don't want it. It's our
25 way of, like I said before, of giving back.

1 But the problem is this: As the
2 program has grown, the number of volunteer
3 court personnel has fallen off. And why? You
4 can't ask a man or a woman to leave their
5 families every weekend and come out after
6 working a full week and come out and sit in the
7 neighborhoods. So it's our way of giving them
8 some money back.

9 But more importantly, one of the
10 things that we have found in the night court
11 program is 85 percent of those individuals that
12 come into the court plead guilty. They plead
13 guilty. They're given their rights. They're
14 told that if they want an attorney we'll
15 schedule it, we'll set bail, we'll take you
16 down to the Justice Center.

17 But 99 percent of them want to have
18 the trial right there. It's that immediacy of
19 having the thing brought to a judge directly in
20 a courtroom. But we're looking at 85 percent
21 plead guilty.

22 Now, the idea came up -- and, again,
23 you know, George Kenney and myself sat and
24 talked about this. Well, if we're getting 85
25 percent guilty pleas, why do we need a judge?

1 Why can't we do what the civil side has; and
2 that is, create a judge pro tempore program.
3 Why not have lawyers that can come in here and
4 take guilty pleas?

5 85 percent of them, as I said, will be
6 guilty pleas. The fines can be given out; the
7 program can be self-sustaining; the monies
8 brought in could pay for the attorneys; and
9 last but not least, it would afford us the
10 opportunity to have lawyers in a wide variety
11 of neighborhoods on numerous nights instead of
12 one night here and one night there.

13 So with that idea in mind, I contacted
14 State Representative Kenney; and that's how
15 this all came about. I think it's a win/win
16 situation for Philadelphia.

17 If we allow the administrative judge
18 to have the appointments so that he or she can
19 identify whatever lawyers that we feel we'll
20 need in the neighborhoods, let them go out; the
21 monies that are brought in from the program
22 will go to pay for these lawyers; and last but
23 not least, any individual that wants a trial in
24 front of commissioned jurist, the bail will be
25 set and they'll schedule them right for the

1 Criminal Justice Center and we'll have our
2 judges down there to handle them just like we
3 normally do.

4 Saving on monies from failures to
5 appear; saving on monies from overtime; and
6 more importantly, savings on manhours from
7 allowing the police to stay in their
8 neighborhoods. So that's the history of the
9 program and that's what this is all about
10 today.

11 If you have questions, I'm here as
12 long as you need me to be. And I thank you
13 very much for your help and your time.

14 VOICE: Amen.

15 CHAIRPERSON CLARK: We thank you.
16 What would these attorneys, would they need to
17 be put under oath? Would they need to take
18 some kind of oath or would they have to become
19 jurists or how would that -- how would that
20 work?

21 JUDGE McCAFFERY: As Representative
22 Kenney mentioned, (1), lawyer's a member of the
23 bar, most importantly; and (2), have them
24 attend the same kind of course, the minor
25 judiciary course, and get certified just the

1 way our bail commissioners do here in
2 Philadelphia County.

3 So they do have that background; they
4 are members of the bar; and again, for the most
5 part, they're just taking a guilty plea. So
6 the training is very limited, if any.

7 CHAIRPERSON CLARK: Is there anyone
8 else that -- Representative Taylor.

9 REPRESENTATIVE TAYLOR: Judge, can you
10 give us an idea maybe to guide us as we
11 continue to put this together, how many do you
12 think we would need to make it comprehensive
13 enough that it's an established system
14 throughout the city?

15 JUDGE McCAFFERY: Well, that's what we
16 want. Everything, keep in mind, that I'm doing
17 and all the volunteers are doing, we're not in
18 writing anywhere. We're not really a part of
19 the court. You know, this could stop tomorrow.

20 We want to establish a real in-place
21 system so that the neighborhoods can know that,
22 you know, they're there when they need them.
23 To answer your question, Representative Taylor,
24 we're talking -- we don't know the numbers.
25 And I say that for a reason: Because different

1 neighborhoods have different problems.

2 For example, let's say you're in North
3 Central or down in South Philadelphia. You may
4 want a pro tempore judge there five nights a
5 week, six nights a week. It's like anything
6 else. Summer months, more activity; weekends,
7 more activity.

8 Do we need a pro tempore judges in,
9 say, Harbison and Levick in February on a
10 Monday or Tuesday? No. It's not cost
11 effective. We have found -- for example, I
12 hold the record of 103 defendants in one night
13 on South Street.

14 We actually had 103 defendants in one
15 night, and we worked right around the clock
16 till 6:00 in the morning. Other nights we have
17 judges in Northwest up in Representative Dwight
18 Evans' area he requested. We only had eight or
19 nine people all night long. So you don't want
20 to waste a pro tempore there.

21 So we couldn't tell you exactly how
22 many; but we'd like to establish at least a
23 number of, say, ten just to start out with.
24 And if it needs to grow, fine; if not, we can
25 cut back on it. As far as we can see, you get

1 paid if you work.

2 It's not like you're going to be on
3 staff. It's not like you're going to be
4 getting money. If you don't work, you don't
5 get paid. And we'd like to have a rolling list
6 of lawyers that are qualified and certified to
7 go out on a given night to be responsive to the
8 community.

9 If Harbison and Levick needs it more
10 often, they'll have that access. So we don't
11 have a full number. But, again, this is
12 something we're just doing. It's still in its
13 infancy as far as what we're doing.

14 REPRESENTATIVE TAYLOR: Thank you.

15 CHAIRPERSON CLARK: Representative
16 Manderino.

17 REPRESENTATIVE MANDERINO: Judge
18 McCaffery alluded to what the civil division
19 does. And I had gotten elected right when they
20 started the day forward/day back in the civil
21 courts to dry to get rid of the backlog, and I
22 know they were using attorneys in some capacity
23 as judges.

24 Is that the model for this? And can
25 you just give me a little bit more detail on

1 what the precedent that's already been
2 established on the civil side?

3 JUDGE McCaffery: The Court of Common
4 Pleas in the civil division, they have created
5 a -- it's been in place for a while now -- the
6 judge pro tempore program wherein established
7 lawyers, you know, for example, George Ladden
8 (phonetic), you know, 25 years' practice in
9 law, people like that who have a wide variety
10 of experience act as judge pro tempore in more
11 or less mediation issues where they will take
12 cases off of the docket the active day -- the
13 day backward or day forward docket and they'll
14 mediate and settle those cases.

15 So they act as judges, but they're
16 really not judges. It's just an experienced
17 lawyer who is certified by the Court of Common
18 Pleas to act in a pro tempore capacity.
19 They're paid for their services and they settle
20 cases civilly.

21 In this type of a situation they will
22 be, again, lawyers who are certified who are
23 going to be here to take guilty pleas only.
24 And basically any order that's imposed by the
25 pro tempore would then be sanctioned by the

1 commissioned jurist the following day because
2 any court order, as you know, has to be
3 sanctioned and ordered by a judge as opposed to
4 a pro tempore.

5 So you would have an overseeing judge,
6 whoever the court would appoint, to make sure
7 that whatever orders were entered into between
8 parties or, in fact, for the
9 defendants -- paying the fines for
10 example -- that would be overseen and certified
11 by the commissioned jurist.

12 CHAIRPERSON CLARK: Representative
13 Cohen.

14 REPRESENTATIVE COHEN: Thank you,
15 Mr. Chairman. Thank you, Judge McCaffery.
16 Just two questions: Do municipal court judges
17 have to be attorneys?

18 JUDGE McCAFFERY: Absolutely. We're
19 probably the most -- how would you
20 say? -- bashed group of jurists in the entire
21 Commonwealth. Just the other day there was a
22 newspaper article that described me as the
23 City's version of a district justice who just
24 handles summary nonjury matters.

25 We are lawyers. We are elected. The

1 difference is ten years for Court of Common
2 Pleas, six years for Municipal Court. The pay
3 difference is minimal; but we do -- as a matter
4 of fact, a lot of our judges are certified to
5 act in CP. And we're just the same as Common
6 Pleas judges except we don't handle juries.

7 We have limited jurisdiction up to
8 M1's, but we do have criminal trials. There's
9 only 25 of us in the entire Commonwealth, and
10 not too many people know about us. A lot of
11 people mistake us for district justices
12 or -- in New Jersey they have municipal court
13 judges; but they're nonlawyers and they're
14 basically traffic court folks.

15 REPRESENTATIVE COHEN: Thank you. My
16 second question is, if we could talk about
17 dollars for a moment, The way I read the bill,
18 it looks to me as if it is the
19 responsibility -- the cost for this program
20 would lie with the Municipal Court.

21 My concern as a state legislator,
22 obviously, is with the mandated court
23 unification, will the burden shift to the
24 state?

25 JUDGE McCAFFERY: Um, I really haven't

1 even thought about that, quite honestly. To us
2 it was more along the lines of if you're here
3 and you work and the monies -- the fines, in
4 fact, would pay for -- we're not talking about
5 a lot of money. Maybe 200, \$250 for a night's
6 work for an attorney, which is a respectable
7 sum for a lawyer. But that's easily recovered.

8 To give you an idea, on one night
9 alone, I gave out over \$15,000 in fines. Now,
10 obviously, that was the 103 defendant night.
11 But we still have -- on any given night, enough
12 fines are given and received by the court to
13 pay for itself.

14 REPRESENTATIVE COHEN: Where do the
15 fines go now?

16 JUDGE McCAFFERY: Right in the general
17 fund.

18 REPRESENTATIVE COHEN: This
19 legislation does not provide for that kind of
20 direction of fines to go into this program.

21 JUDGE McCAFFERY: We would like to see
22 something like that so that the night court
23 monies, any monies recovered from the pro
24 tempore program or for any of the night court
25 judges be set up in a separate account so it

1 could be used --

2 REPRESENTATIVE COHEN: So you feel it
3 could be self-sustaining?

4 JUDGE McCAFFERY: Absolutely. This is
5 not something that we're trying to do above and
6 beyond for our court.

7 REPRESENTATIVE COHEN: Thank you very
8 much. I have no further questions,
9 Mr. Chairman.

10 CHAIRPERSON CLARK: Thank you. At
11 this time --

12 REPRESENTATIVE KENNEY: Mr. Chairman,
13 can I just address one of your questions?

14 CHAIRPERSON CLARK: Sure.

15 REPRESENTATIVE KENNEY: All the -- in
16 the legislation, the employment and removal of
17 the judges, the establishment of standards of
18 conduct, and the rights, responsibilities of
19 all the pro tempore in their authority will be
20 dictated by, the municipal court will decide
21 what those standards are and who shall be
22 appointed and who cannot and what their rights
23 are.

24 And it also will set up proceedings
25 for appealing the decisions of the pro tempore.

1 So that will all be done locally. Not to be
2 facetious, but in some way you may have an
3 attorney that volunteers his time.

4 I mean, we say that the court can set
5 up in a contract with this pro tempore under an
6 agreed-to compensation package. You may have
7 an attorney in Somerton where I live that may
8 want to volunteer his time to sit and do this
9 type of court. So there's not necessarily a
10 cost involved in contracting out with this pro
11 tempore.

12 And that's -- so I would -- hopefully,
13 it'd be great if we had a lot of volunteers
14 throughout the city that met the standards of
15 conduct that we're looking for. And so, I
16 mean, there may not be that cost.

17 But I think importantly, as the Judge
18 says, it keeps police officers in their
19 neighborhoods doing the job they're supposed to
20 do. And that's the job they want to do.

21 And talk to police officers, they want
22 to go out there and do their job. And there's
23 some instant gratification when they see some
24 reward -- I wouldn't call it a reward -- but
25 some sense of purpose when they bring kids or,

1 you know, somebody into this police station,
2 there's a judge, whether you call them a
3 municipal court judge or a judge pro tempore,
4 sitting here to serve justice.

5 And that's what our neighborhoods
6 want, that's what they're asking for, and
7 that's what this legislation tries to do.

8 CHAIRPERSON CLARK: Thank you. The
9 Committee would like to welcome Committee
10 members Representative Schuler from Lancaster
11 County and Representative Babette Josephs.
12 Ms. Josephs, you have a question?

13 MS. JOSEPHS: Yes, thank you,
14 Mr. Chairman. I would imagine -- and I guess
15 either the Judge or Representative Kenney might
16 answer this.

17 I would imagine that a lot of people
18 who come into court with these guilty pleas
19 have other kinds of problems: Substance abuse
20 or mental illness or something.

21 I mean, if that is true -- and I think
22 that it must be -- is there any way that folks
23 who come before either you as you're sitting
24 now or if we set up this program can get
25 referred to services that would keep them out

1 of this repetition of these kinds of behaviors
2 which perhaps could be prevented in the future?

3 JUDGE McCaffery: Very interesting
4 question and very good question. That issue is
5 separate and apart from what we're looking at
6 with the pro tempore, okay. As I mentioned a
7 little earlier, every neighborhood,
8 Representative Josephs, is different.

9 In the northeast, for example, the
10 substance abuse issues -- Friday night, for
11 example, 26 arrests. All 26 were juveniles for
12 underage drinking. South Philadelphia may be a
13 different story, West Philadelphia, North
14 Philadelphia. Every neighborhood is different.

15 What we're trying to do here is
16 basically handle the nuisance crimes that are
17 going on in the community. But where those
18 individuals are arrested, for example, with
19 outstanding warrants, they will be, in fact,
20 transported downtown and processed in the
21 normal way, the way right now.

22 If somebody's taken into custody for a
23 summary and if they have outstanding bench
24 warrants for misdemeanors or above, they're
25 just taken and put back into the system.

1 As far as what you're talking about,
2 that is a whole other issue or situation I've
3 gotten myself into. This is what happens when
4 you decide to take on the world.

5 We're now doing a prostitution court.
6 I went to law school all those years. Now I'm
7 the graffiti judge; I'm the prostitute judge;
8 I'm the night court judge. You know, like I
9 said, what hair I have left is probably going
10 to go fast.

11 But we're looking now to address those
12 underlying problems, for example, with the
13 obstruction of the highway cases and the
14 prostitutes. We are trying to meet now with
15 the Public Defenders Association so that any of
16 the women that are picked up that do have the
17 underlying drug problems will be brought
18 directly into my courtroom.

19 We're going to start court action
20 earlier in the mornings now starting in
21 January, and those individuals will be funneled
22 into programs where we'll have social services
23 people set up to handle it.

24 We find that there's a lot of people
25 out there, especially in these in obstruction

1 cases and prostitution cases, it's all drugs.
2 It's all drugs. And coming in front of Seamus
3 and Seamus hammering these folks is not going
4 to help. We're looking to address those
5 underlying social problems.

6 There is a meeting set up where we're
7 looking -- I'm sure you're all familiar with
8 New York's Community Court. That community
9 court is a phenomenal idea.

10 Our center city district has been just
11 given some money by the PEW Charitable Trust to
12 look into the feasibility of creating a
13 community court, but they're looking more
14 towards downtown.

15 I'm on record and I'll tell you all
16 right now I'm in support of a community court
17 concept, but not downtown. I want it in the
18 neighborhoods. I want it citywide so that we
19 can have the judges that are going to address
20 all of these underlying problems. We want a
21 community court in Northeast and West and
22 South.

23 I firmly believe that Philadelphia
24 already has a community court. It's the
25 Municipal Court. And we can -- we're already

1 set up for it. We're going to have three new
2 judges coming on board, I believe, in January.

3 And with the social agencies that we
4 have right now, with the proper funding -- and
5 I think that the Mayor's right now looking to
6 get us that funding -- we can handle all those
7 things.

8 So we're looking at the community
9 court. We're looking at all the underlying
10 problems. It's going to be separate and apart
11 from what we're doing here.

12 This -- what I would like to see
13 happen is once this comes into play with the
14 pro tempore judges, they can handle the
15 nuisance night court, petty crimes; and then we
16 can then go on to develop that community court
17 concept and handle all the mid-level drug type
18 crimes and the homeless type crimes with the
19 social agencies, with the court so we can all
20 work together just like the New York system
21 but, again, citywide; not just in center city.

22 REPRESENTATIVE JOSEPHS: I have to
23 say, of course, defend my downtown. We do have
24 neighborhoods downtown too. People live there,
25 people are crime victims, and people perpetrate

1 crimes downtown on the folks who live there.

2 JUDGE McCAFFERY: I was a cop downtown
3 for years. I know downtown very well.

4 REPRESENTATIVE JOSEPHS: I know you
5 do. I think that the kind of person I was
6 asking about when I asked my question was
7 perhaps the person who commits a nuisance crime
8 who's a juvenile who had never been in trouble
9 with the law before who really if we could get
10 some help to that person would probably or may
11 probably never be in trouble again but if we
12 don't might embark on a repetitious career that
13 is disastrous for everybody involved.

14 JUDGE McCAFFERY: Well, let me say
15 this about the juvenile issue -- and since
16 everybody here is a state representative,
17 Representative Perzel, maybe something since
18 this is our city and you guys are now here,
19 this a very interesting problem we just found
20 out through our night court problem.

21 The Municipal Court handles summary
22 citations; but the Municipal Court does not
23 have the ability under the legislation to
24 penalize, or I should say, give sanctions to
25 juveniles.

1 In other words, all those 26 juvenile
2 underage drinking cases that came in front of
3 us the other night, 17 or below, we can't
4 sanction. We can't place sanctions on. They
5 have to be sent over to 1801 Vine to juvenile
6 under the juvenile law.

7 As a matter of fact, I'm in the
8 process right now -- I'm the new legislative
9 chair for our court -- of drafting a letter
10 which will be sent out to all of you to maybe
11 see if there's some way that we can, in fact,
12 take those juveniles for summary cases and be
13 able to give the sanctions we feel necessary.

14 Because right now, Representative
15 Josephs, we don't have the authority to do
16 anything other than try a juvenile for a
17 summary. We can impose a fine; but if the
18 individual doesn't pay the fine, we have no
19 authority to do anything further than that.
20 They have to be referred to 1801.

21 It's one of those flaws in the law
22 right now that Philadelphia Municipal Court
23 because we are the only city of the first
24 class, we have that problem.

25 But the juvenile unit under Judge Paul

1 Panepinto, they have the social agencies over
2 there. And once we refer them to them, they do
3 take the necessary steps to try to stop it.
4 And whatever social agencies they use, I'm not
5 really sure. I'm not familiar with that.

6 REPRESENTATIVE JOSEPHS: Thank you.
7 Thank you, Mr. Chairman.

8 CHAIRPERSON CLARK: Thank you. The
9 Committee would like to welcome and recognize
10 Councilwoman Joan Radjuski (phonetic), who's
11 with us this morning. And our Chief Counsel
12 Brian Preski has a question.

13 MR. PRESKI: One question, Your Honor.
14 And maybe the program's in its infancy; but
15 have you seen the places where you've been the
16 next time you've been there you don't see the
17 same prostitutes coming back, you don't see the
18 same juveniles congregating at the same
19 corners? I mean, what's been the effect of
20 this?

21 JUDGE McCAFFERY: We're being
22 told -- and as a matter of fact, sitting in the
23 audience right now are several community
24 activists from the Northeast area. We have
25 found that it's been a real positive impact on

1 the neighborhoods.

2 We're being told that throughout the
3 various city neighborhoods where we've been
4 some of the nuisance crime, nuisance corners,
5 nuisance rec centers are actually approaching
6 the police officers inquiring whether or not
7 the night court judges are sitting. It really
8 does have an impact.

9 And I'll tell you a real quick story
10 about one of our neighbors, Juniata. There's a
11 particular rec center down there where even
12 during the blizzard of 1996 they were still in
13 that rec center drinking beer.

14 But the one night -- the first night
15 we set up night court, that entire rec center
16 was quiet. And the people in Juniata Civic say
17 that Judge Seamus McCaffery was more effective
18 than the blizzard of '96. So it does really
19 help the neighborhoods.

20 And when you read the neighborhood
21 community papers, The Fishtown, The Star, the
22 various papers out there, you see what impact
23 it's having.

24 And let me tell you one other
25 collateral benefit of the program, and for

1 those of you that are lawyers know this. When
2 you make an arrest for a summary citation,
3 okay, you're allowed to conduct what is known
4 as a search incident to the arrest because in
5 Philadelphia County they're taken directly into
6 the police station.

7 In East Division last time down in
8 Fishtown -- and you guys will like this
9 one -- we had eight arrests at the bar of the
10 court. Now, you would think that's
11 insignificant, eight quality-of-life arrests;
12 but guess what? We coordinated -- or they
13 coordinated between uniform and narcotics cops
14 they had sixty drug pinches that night. Sixty
15 drug pinches.

16 So in those areas where we have drug
17 infestation, the police officers are allowed or
18 actually are working with the night courts,
19 okay, to go out, make those quality-of-life
20 obstruction of the highway or other public
21 passageway arrests. And during the course of
22 the arrests, they're finding the guns, they're
23 finding the warrants are outstanding, and
24 they're finding dope.

25 In one case at Front and Westmoreland,

1 a young man 17 years old with his mother by his
2 side was told to empty his pockets on the bar
3 of the court. He had \$212 in cash. This kid
4 is a runaway. He was a drug runner. 212.
5 Empties his pockets onto the bar of the court.
6 And what falls out besides the cash? Dope.

7 So it's having a positive impact
8 because now the police are able to legally go
9 out and make the stops that they feel
10 necessary. So it's having a great impact,
11 again, depending on the neighborhood. It's
12 hard to say, but we're getting a lot of
13 positive feedback from all the communities
14 across the City.

15 MR. PRESKI: Thank you.

16 CHAIRPERSON CLARK: Any additional
17 questions?

18 (No audible response.)

19 CHAIRPERSON CLARK: We want to thank
20 you, Judge McCaffery, very much for your
21 testimony this morning and you too,
22 Representative Kenney; and you're certainly
23 welcome to join us on the panel as we continue
24 to receive more testimonies.

25 REPRESENTATIVE KENNEY: I'd like to

1 thank everybody here. And just let me give you
2 a good aside about Philly. This is a great
3 story about Veterans Court. We just had 25
4 arrests in the last two games. How many
5 Philadelphians do you think were arrested in
6 Veteran's Stadium? Give me a guess.

7 (No audible response.)

8 REPRESENTATIVE KENNEY: One. One
9 Philadelphian was arrested. You know, people
10 like to bash our city and people like to talk
11 about Philadelphia this and Philadelphia that;
12 but I can say we were pleasantly surprised that
13 of all the people that were arrested --
14 Washington DC, Delaware, New Jersey, New York,
15 as far away as Pittsburgh -- only one
16 Philadelphian was arrested that whole time in
17 Veterans Stadium.

18 So it's not a bad place, folks. What
19 we need to do is maybe just sell tickets only
20 to Philadelphians. Let me just end with -- I
21 think the Judge has said it all. This is about
22 a partnership between neighborhoods, police,
23 and the court system to make safe neighborhoods
24 in a safe city. And that's what we're here to
25 do.

1 And I want to again thank the
2 Committee for coming to Representative Perzel's
3 district, thank the captains of both the 2nd
4 and 15th district for their hospitality today,
5 and thank Judge McCaffery for his leadership on
6 this issue.

7 CHAIRPERSON CLARK: The next
8 individual to testify is Richard A. Zappile.
9 He's the Deputy Commissioner of Operations of
10 Philadelphia Police Department. Good morning.

11 MR. ZAPPILE: Good morning. Welcome
12 to Philadelphia, and you can see our palatial
13 surroundings for you. Just this morning at
14 8:00 we had a ribbon cutting ceremony for
15 opening of -- you can see the district is under
16 rehabilitation.

17 We put a new handicap ramp out front
18 and we're doing some work. And I'm sorry we
19 couldn't have provided a better atmosphere for
20 these hearings, but I hope everything goes well
21 and I hope you enjoy your visit here.

22 I'm Richard Zappile, Z-A-P-P-I-L-E.
23 I'm the Deputy Police Commissioner. I'm here
24 to represent Commissioner Neal. I have
25 handouts of my testimony, if you wish. I have

1 thirty copies.

2 On behalf of Police Commissioner
3 Richard Neal and the Philadelphia Police
4 Department, I would like to welcome you to
5 Philadelphia and thank you for the opportunity
6 to address this meeting.

7 The Philadelphia Police Department
8 strongly recommends the passage of House Bill
9 1897. It is our opinion that appointment of
10 temporary judges to preside over criminal trial
11 for summary offenses would be a step forward in
12 the judicial law enforcement efforts towards
13 enhancing the quality of life for the citizens
14 of Philadelphia. We also urge appropriate
15 funding from the State Legislature be given to
16 support this initiative.

17 The quick judicial address to the many
18 nuisance crimes that plaque our city would
19 serve notice to any and all wrongdoers of our
20 resolve not to tolerate such behavior.

21 Judge Seamus McCaffrey's efforts in
22 establishing and presiding at night courts
23 throughout the City and recently at Vets
24 Stadium during Philadelphia Eagles home games
25 are fine examples of how coordinated efforts

1 between the courts and the Police Department
2 can make a difference.

3 In addition to eliminating backlogs of
4 court hearings, House Bill 1897 would further
5 empower our city in its efforts to better serve
6 our communities.

7 The night court concept has worked to
8 address quality-of-life issues in Philadelphia,
9 and I urge appropriate funding for this
10 initiative. The City cannot afford another
11 unfunded mandate. And I will answer any
12 questions.

13 If I can have an aside just to your
14 question earlier about juveniles, in each
15 police district there's a youth aide panel
16 that's set up by district attorney's office and
17 the police department to address those very
18 issues about youths before they enter that
19 system where they become -- they get the
20 mentality of the criminal.

21 We try to intervene at an earlier age.
22 So the youth aide panels in the districts do
23 look at social alternatives. Some of them are
24 working in the community. For instance, the
25 graffiti, they'll have to wash graffiti off the

1 walls or they'll do cleanups in police
2 districts or they'll work in specific targeted
3 areas.

4 CHAIRPERSON CLARK: Do we have any
5 questions for the Deputy Commissioner? Ms.
6 Cohen.

7 REPRESENTATIVE COHEN: Thank you,
8 Representative. Thank you for being here this
9 morning. As long as Judge McCaffery is still
10 here, when he was asked about funding for this
11 program and his response was that it would
12 really be self-sustaining, to be paid for by
13 the fines, what I'm concerned about is you're
14 asking for the State Legislature to fund this
15 program, which obviously for us is of some
16 concern that we're all looking for dollars
17 everywhere.

18 Would you be supportive of this
19 legislation if, indeed, we would make
20 provisions for it to be self-sustaining through
21 the fines? As Judge McCaffery told us, right
22 now the money from the fines goes directly into
23 the City's general fund.

24 If we would be pulling out of the
25 general fund the money from the fines and using

1 it to sustain this program, would you have
2 objections to that?

3 MR. ZAPPILE: Well, I wouldn't have
4 objections; but I'd have to see -- I don't know
5 if the amount of fines taken in would cover the
6 court costs.

7 I mean, Judge McCaffery has very
8 succinctly laid out the fact that all the
9 people that work this from the court's end are
10 not paid. They're volunteers. And there's
11 only so much that you can do.

12 On our end -- and I'm not asking for
13 funding on this end -- it costs us an enormous
14 amount of resources to support the night court
15 concept.

16 In other words, I'd have to have
17 additional police officers here, I'd have to
18 have people in the district station houses to
19 not only make sure that the prisoners under the
20 law are taken care of, there's adequate
21 housing, that they have toilet facilities,
22 things like that. So I have to supply
23 additional resources.

24 I'm not implying that in this bill.
25 But in order to support his initiative, the

1 City cannot afford to supplement what they give
2 now to the Municipal Court concept.

3 I mean, we're talking about if we
4 hire -- my sense -- and, again, I'm looking
5 strategically at this and how judge pro tempore
6 work -- would it be one night a week? Would it
7 be two nights? Would it be five nights? Would
8 it be seven nights a week? And I'm not sure of
9 how it's going to go.

10 My sense is that at one point in time
11 the fines are not going to be able to sustain
12 the personnel that's required to carry out a
13 night court.

14 REPRESENTATIVE COHEN: Do you have any
15 idea of the total cost of this? And I
16 understand because we don't know the number of
17 personnel, et cetera. Do you have any dollar
18 figure on this?

19 MR. ZAPPLE: No, because everything
20 has been done on a volunteer basis. The Judge
21 has been volunteer. But there's a sheriff's
22 office has put people in there to help the
23 Judge, his own personal staff, his tipstuffs.
24 I have no idea as to the cost of what their
25 average salaries are.

1 REPRESENTATIVE COHEN: Okay. Thank
2 you.

3 CHAIRPERSON CLARK: What is the rate
4 of fine collection?

5 MR. ZAPPILE: Municipal Court handles
6 all the fine collections. The Judge or some of
7 his people would have to answer. I don't even
8 think the Judge would know.

9 We're trying -- and this is only
10 allegorical information. At the Vet Stadium
11 Court when we set it up last week, I was there
12 with the Judge; and we were looking at trying
13 to do it through a credit card system.

14 So I have no idea if we're collecting
15 the funds -- my sense is if it's running, we're
16 probably only collecting about 40 percent of
17 the fines that were imposed. That's my sense.

18 CHAIRPERSON CLARK: But if possible,
19 you try to collect those fines right on the
20 spot?

21 MR. ZAPPILE: Well, we don't -- that's
22 an issue that the Judge would have to decide.
23 For instance, if he came before me and found me
24 guilty, it's \$300, most people don't have \$300
25 in their pocket. I don't know what

1 arrangements he makes. I think it's, like,
2 within thirty days; but the Judge or his staff
3 would be better able to answer that.

4 CHAIRPERSON CLARK: Okay. Thank you.
5 And I also thought Representative Kenney was
6 going to arm twist lawyers to volunteer their
7 time for this.

8 REPRESENTATIVE KENNEY: I have a few.
9 Commissioner, Judge McCaffery
10 mentioned that the DA throws out -- how many
11 thousands a month?

12 JUDGE McCAFFERY: Five thousand twice
13 a year.

14 REPRESENTATIVE KENNEY: What do we
15 lose in City revenue? What's the cost --

16 MR. ZAPPILE: Again, you'd have to
17 check with MC court, Municipal Court, or you'd
18 have to check with the DA's office. We
19 don't -- the police department does not keep
20 statistics on the amount of fines and we don't
21 actively pursue fines. That's an arm of the
22 court that does that.

23 REPRESENTATIVE KENNEY: But, I
24 mean -- so, I mean, when you argue
25 this -- first of all, this would be -- this

1 legislation allows the court to do this if it
2 chooses to do it. It is by no means an
3 unfunded mandate.

4 And when I hear that the DA throws out
5 over 10,000 cases a year, that's money that
6 belongs to the taxpayers. So I think there may
7 be the problem and not whether we pass House
8 Bill 1897 and allow Municipal Court to do this.
9 So that would be my only comment on that.

10 MR. ZAPPLE: I think the DA's
11 scheduled to testify or something like that.

12 REPRESENTATIVE COHEN: There is a DA.

13 CHAIRPERSON CLARK: I'm not sure
14 they're going to come to testify; although,
15 they do have a letter and remarks to submit in
16 place of record. Questions? Representative
17 Taylor.

18 REPRESENTATIVE TAYLOR: Yes. Thank
19 you, Mr. Chairman. And Commissioner, part of
20 what I have is a comment. Maybe it'll turn
21 into a question. As Representative Kenney
22 said, this is merely a "may" provision, meaning
23 that we can't currently do what Judge McCaffery
24 and Representative Kenney and a lot of City
25 councilpeople want us to do.

1 This law allows us to do that. So we
2 have a four-paragraph or a six-paragraph
3 statement, and three times you mention
4 appropriate funding. What does the
5 Philadelphia police -- before you answer this,
6 I just want to explain why I'm asking it.

7 Rhetorically, what does the
8 Philadelphia Police Department have to do with
9 funding Municipal Court, No. 1? And No. 2, in
10 our deliberations across the city, we're
11 hearing over and over and over that crime is
12 strictly a budgetary issue. And maybe this is
13 an inappropriate question for you. Maybe it's
14 for the Mayor.

15 That the funding issue is not -- it's
16 not going to matter if people are picking up
17 and moving over and over. In my area, they're
18 not even selling their house; they're just
19 leaving their house.

20 And we have a system that was
21 described to us this morning that would help
22 the quality of life and keep people in
23 Philadelphia, and yet even the police
24 department worries about funding on an area
25 that they don't have to fund. I mean, I don't

1 know what your response to that.

2 Last night, we were in East Oak Lane.
3 And in that kind of issue where we respond to
4 quality of life crimes by worrying about the
5 costs came up over and over and over again, and
6 here this isn't even a police cost.

7 What if it did cost -- what would the
8 police care if it did cost Municipal Court?
9 This seems like a statement from the Mayor's
10 office rather than the police department.

11 MR. ZAPPILE: I can give you my
12 opinion and the police department's opinion. I
13 mean, we welcome the ability for the state or
14 for Municipal Court to do that, but I think
15 there's a lot of hidden costs both on the
16 police department's side and on Municipal Court
17 side. That's why we brought that issue up.

18 I mean, there's some questions there
19 that you're right, you have to address the
20 administration or the Mayor with that. We're
21 looking at this strategically rather than a
22 just as an up-front issue.

23 CHAIRPERSON CLARK: Well, are those
24 costs currently being incurred under the
25 volunteer system? You said where you had to

1 have additional --

2 MR. ZAPPILE: Additional police, sure.
3 What we've done is we've paid additional
4 overtime. It runs -- for instance, Vet
5 Stadium, for me to do Vet Stadium runs about 3
6 to \$5,000 a weekend to do the Vet Stadium. So
7 it's an additional cost. And now we've gotten
8 some quality of life grants.

9 When we run it in the 15th district,
10 there's overtime costs entailed. When we run
11 the prostitution detail, when we start that,
12 I'll have to keep officers overtime in order to
13 bring the officers in front of Judge McCaffery.

14 I just can't say officers go home and
15 we'll bring the prostitutes in. They have to
16 stand them up in front of the Judge. So there
17 are a lot of costs. It's like a Domino effect.

18 CHAIRPERSON CLARK: Any other?
19 Representative Josephs.

20 REPRESENTATIVE JOSEPHS: I think this
21 is perhaps directed to Representative Kenney,
22 but a comment. I don't think it would be so
23 hard to make a cost analysis of this. From
24 what I've heard, I think it would prove your
25 point.

1 But just to figure out how much money
2 we lose in fines, how much money the volunteers
3 would cost if they were not volunteers, just
4 one perhaps night court over a short period of
5 time I don't think it would be difficult to do.

6 I think it would be very instructive,
7 I think it would prove your point, and I think
8 it would keep us from going back and arguing
9 over and over these points.

10 REPRESENTATIVE KENNEY: And from our
11 perspective, I mean, it has no cost to the
12 state; and Municipal Court cannot do this
13 presently. And what this would allow them to
14 go out and contract with pro tempore, the
15 City --

16 REPRESENTATIVE JOSEPHS: I understand.

17 REPRESENTATIVE KENNEY: So, I mean,
18 they don't have to do anything. We could pass
19 this bill, give them the authority. And you
20 know what, that's the decision of the Municipal
21 Court system to say we're not interested in
22 moving forward.

23 But I have no problem, you know,
24 working on some numbers per se; but I look at
25 this as a very simple -- when neighborhoods

1 complain to their police district that there's
2 a hot spot, there's kids vandalizing Forest
3 Hill Train Station.

4 You call the captain. You tell him
5 there's a problem on Friday and Saturday, that
6 why they can't then say to the court system,
7 We're going out this Friday or that Saturday to
8 arrest these -- to see if they're out there and
9 have someone sitting in the police district to
10 address that problem immediately.

11 So, I mean, the perception -- as the
12 Judge said, perception is reality. And as he
13 said, kids are saying, Is the Judge sitting
14 tonight? But this will give them a tool to
15 have a judge sit every night if they want to.
16 So this just builds on that partnership.

17 We can work on the costs, but I think
18 that's a smoke screen. I don't think it's
19 truly an issue that I think -- and what do you
20 hear from police officers? They don't mind
21 going out and getting people. It's when they
22 pick 'em up nothing happens.

23 And this shows that there will be
24 instant justice that if 85 percent are pleading
25 guilty, you know, that little Johnny or little

1 Mary calling their mother from the 7th police
2 district, I think mom or dad's going to get a
3 little P.O.'d and going to put an end to it.

4 And the theory of this is that we have
5 to stop these minor crimes because these minor
6 crimes lead to big crimes. And if we don't
7 demonstrate we care about neighborhoods and
8 addressing minor crimes, then the senses of
9 purity for any neighborhood in Philadelphia
10 will not exist.

11 And that's all this legislation does.
12 This unfunded mandate, I don't know, that's
13 just a buzzword to, I don't know, slow somebody
14 down or get you off track. But this is a very
15 simple, common sense approach to protecting our
16 neighborhoods.

17 CHAIRPERSON CLARK: Judge McCaffery,
18 you wanted to address this issue.

19 JUDGE McCAFFERY: Just for
20 clarification, this is nothing more or nothing
21 less than enabling legislation. It will enable
22 our court to take some action that we feel is
23 necessary to help strengthen and expand on an
24 already proven commodity; that is, a court
25 that's helping out the neighborhoods.

1 You have to understand something. If
2 we decide to go forward and the police
3 department -- or I should say the Municipal
4 Court, if the monies aren't there and we need
5 additional funding, that's why we have a mayor.

6 If the Mayor wants to make this thing
7 work -- and he just proved it by giving us
8 \$125,000 to pay for some of our volunteers. If
9 the Mayor really wants to make this concept
10 work, through your legislation -- through your
11 enabling legislation, we can make it work.

12 And then if we have it on board and
13 it's allowed, then if the Mayor really wants to
14 make it happen in the communities, then all he
15 has to do is come up with some additional
16 funding or some federal grant money to pay for
17 any additional costs.

18 Like I mentioned earlier, when you
19 have thousands of summary citations that nolle
20 pros twice a year, we're losing money. And
21 without the enforcement side of it and without
22 the ability to go after people civilly as well
23 as criminally, we're losing money.

24 So I just think that through the
25 enabling legislation it will give us the power

1 we need to go forward. And then the Mayor,
2 it'll be his court. He can say yes or he can
3 say no. And if he wants to make it happen, he
4 can fund it.

5 CHAIRPERSON CLARK: I guess, Judge,
6 while you're here maybe I'll ask you the
7 question that I asked the deputy police
8 commissioner about collecting these fines.

9 Do you see a higher rate of
10 collections when they're brought before you on
11 Saturday night or something like that or how do
12 you proceed then to collect that money? Or do
13 they just sort of disappear into the
14 woodwork --

15 JUDGE McCAFFERY: Keep in mind that
16 when they do not come in front of a judge, when
17 they have these bench warrants, these failures
18 to appear, you collect nothing. It's gone. It
19 just goes into this big, black hole and you
20 never see it.

21 At least here now when the
22 adjudication is made in front of the bar of the
23 court a fine imposed. If the monies are not
24 paid, the City then has already in place an
25 apparatus to go after them civilly. They can

1 then go after their credit records. They can
2 impose -- there's different ways to go after
3 them.

4 By the way, we've collected, I
5 believe -- I really don't keep track of it
6 because one of the problems with the volunteer
7 court is I can't then say to my volunteers, Do
8 me a favor, go track all this data. But I
9 believe we've collected over \$44,000 in monies
10 from our night court program already.

11 Now, is that the total amount? No.
12 But what we're finding is as we go back into
13 the neighborhoods, for example, last week at
14 Harbison Levick, we brought in warrants for
15 those folks that didn't pay from the last time
16 out. So the police were able to go out and
17 pick them up and bring them back in.

18 So, you know, we don't have the
19 warrant unit now in place to go out and collect
20 it. But, again, if the mayor wants to make it
21 work, you know, these are things that we can
22 polish up and these are things that we can go
23 and basically look at and say these are quality
24 of life issues.

25 Everybody wants to make a positive

1 impact. Maybe we can get the federal funds.
2 They just came up with over \$4 million in
3 Federal grants. There's no reason why we can't
4 come up with some more money to go out and put
5 that enforcement and that collection.

6 And if the monies are collected, think
7 of all the hundreds of thousands of dollars
8 we're saving in tax dollars. And also, one
9 thing you have to understand about the summary
10 program and I think a lot of us are not looking
11 at it right now, every time somebody under the
12 current system is scheduled for trial, the
13 police officer has to go down to court.

14 It's either costing the department
15 overtime money or lost manpower. And if the
16 bench warrant is issued and the person is
17 rearrested a second time, those officers are
18 once again subpoenaed back to court.

19 So it's a revolving door where police
20 officers are now every time somebody's locked
21 up for a summary, they're released, a new date
22 is scheduled, the officer is once again
23 subpoenaed to come back down to the Justice
24 Center. So how many thousands of dollars are
25 you saving in your overtime or lost manpower?

1 CHAIRPERSON CLARK: Thank you. Any
2 additional questions?

3 (No audible response.)

4 CHAIRPERSON CLARK: We want to thank
5 you very much for your testimony and answering
6 the questions.

7 MR. ZAPPILE: Thank you.

8 CHAIRPERSON CLARK: The next
9 individual to present testimony before the
10 Committee is Bail Commissioner Timothy O'Brien.

11 MR. O'BRIEN: Timothy O'Brien, O,
12 apostrophe, B-R-I-E-N, Bail Commissioner,
13 Philadelphia Municipal Court. I believe it's
14 Representative Clark?

15 CHAIRPERSON CLARK: Yes, it is.

16 MR. O'BRIEN: Good morning,
17 Representative Clark. Thank you for giving me
18 the opportunity to address the panel and thanks
19 to the majority leader, John Perzel, for
20 inviting me here today.

21 I came to testify I guess from a
22 unique viewpoint. I come as a member of the
23 Minor Judiciary here in the State of
24 Pennsylvania, and I'm sitting minor judiciary
25 member in Philadelphia. I also come here as a

1 concerned citizen.

2 This is actually my neighborhood. I'm
3 raising three children here; so I'm coming on a
4 professional standpoint and I'm coming as a
5 concerned father for what's happening to these
6 neighborhoods and these communities where some
7 day, God willing, I'm going to leave my
8 children.

9 And I really don't know from what I'm
10 seeing both in my job and when I'm off the job,
11 I don't know what's going to be left, what kind
12 of a life they're going to have.

13 I come to explain to you what I'm
14 seeing day in and day out, and more likely
15 night in and night out because the bail
16 commissioners sit 24 hours a day, seven days a
17 week as it comes to crime in general in the
18 City of Philadelphia.

19 Neighborhood nuisances, neighborhood
20 hooligans, the night court -- fabulous idea. I
21 urge the delegation to go forth with House Bill
22 1897. I applaud Representative George Kenney
23 for having the political will to bring it this
24 far, to Municipal Judge Seamus McCaffery for
25 bringing the idea about.

1 It's definitely a -- it must be
2 implemented because not only does it address
3 the problems that these hooligans, as I said
4 before, are causing in the neighborhoods, it
5 also makes the people feel better.

6 It makes the people feel as though
7 there's something there that they can hang
8 their hat on, that there's someone that's going
9 to address the problem as opposed to taking a
10 person and bringing them into a police
11 district; signing papers; waiting for mom to
12 pick 'em up, if mom ever picks them; and
13 releasing them.

14 We need to put them in front of some
15 kind of judicial authority. I believe
16 though -- I'm afraid that I don't want to see
17 the City of Philadelphia become a place where
18 we're going to whack over the head the graffiti
19 man and we're going to bang the guy that's
20 standing on the corner making noise.

21 Definitely should start there; don't
22 get me wrong. But what are we going to do?
23 Are we going to have the car thief looking in
24 the window here at the hearing or we going to
25 have the person who gets the \$153 fine leave

1 the building and steal a car and then have that
2 person come before the bail commissioner and
3 have them be forced to be released?

4 You know, I looked around the room
5 today; and I don't think there's anybody in
6 here who is not well intentioned. I don't
7 think we're going to hear from anybody who's
8 going to say don't do night court and let's
9 keep crime going in Philadelphia. I'll be
10 surprised if you do.

11 But what amazes me is this week, this
12 very week as all these distinguished members
13 from Harrisburg are here this week, we have
14 attorneys for prisoners' rights who are going
15 to appear before a U.S. district judge and
16 they're going to urge that the bail
17 commissioners in the City of Philadelphia be
18 forced, be forced, to file a pretrial release
19 guidelines.

20 For example, when you're arrested in
21 the City of Philadelphia for a stolen auto and
22 it's your tenth time that you've done it,
23 you've got three other ones pending, and the
24 guidelines recommended say, Release this person
25 on their signature -- no money, just release

1 them on their signature -- the bail
2 commissioners are going to be forced to follow
3 that.

4 Now, that's disturbing to me and it's
5 going to give me a lot more gray hairs than I
6 already have. And to be honest with you, I
7 brang (sic) an example to the delegation here
8 just to give them a little taste of what we're
9 facing in Philadelphia. I'm not going to use
10 any names.

11 We had a gentleman who was charged
12 with breaking into a car at the 300 block of
13 South Front. Now, for those who are not from
14 Philadelphia, 308 South Front is a area that is
15 some fine restaurants are in, it's an area
16 where tourists would probably frequent if they
17 wanted to go have a good meal, or a family in
18 Philadelphia may want to go down to Old City
19 for the night.

20 We have a gentleman who breaks the
21 window of a car while the people are dining in
22 one of the restaurants, rips out the car phone,
23 is foot pursued by officers, tackled with the
24 car phone in their possession -- you're talking
25 about strength of the case -- take the phone

1 off and lock him up.

2 At the time he does this, he
3 has -- bear with me here -- he has three prior
4 convictions for the same thing -- breaking into
5 cars -- he uses an alias name; he has a total
6 of ten prior arrests for breaking into cars,
7 some of which I hate to use the word he beat,
8 maybe. Maybe he was not guilty. Who knows;
9 and he has two prior juvenile arrests for the
10 same thing.

11 At the time he's being booked by the
12 police department detective division, he
13 states -- and I quote -- I do this all the
14 time. I'll be out in two hours. I'll go right
15 back out and break into another car and there
16 isn't -- and this is not my language -- there
17 isn't a fucking thing you can do about it.
18 That's what he told the police.

19 That's what we're facing in the City
20 of Philadelphia. We can hit the graffiti
21 artist, we can hit the neighborhood punk all we
22 want -- and we should, we should -- but we have
23 to come bipartisan together: Democrat,
24 Republican. We must take the power that we
25 have to address this issue which is coming up

1 this week.

2 Now, here's the bottom line: The
3 defendant in question was recommended to be
4 released on his signature. Not only for the
5 nature of the offense, but after making that
6 comment to the Philadelphia Police Department
7 detectives, after making that comment, the
8 recommendation was to release him on Special
9 Conditions Type 2, which means let him sign a
10 subpoena -- I call it a glorified
11 ROR -- special condition where he has to show
12 up in court.

13 But a week before court, he must show
14 up at pretrial services and check in. Point
15 is, is what's he going to do prior to that
16 showing up -- which I submit he's not going to
17 show up -- what's going to happen before that?

18 Now, this week in federal court, if
19 the decision goes the wrong way as far as I'm
20 concerned, I would have had to release that
21 person into the community. It's just absurd as
22 far as I'm concerned.

23 And so I came here today to urge
24 passage of House Bill 1897 by Representative
25 Kenney because it's a good start. But we must

1 address the bigger problem in Philadelphia when
2 it comes to crimes of misdemeanors and
3 felonies. And that's my statement. Thank you.

4 CHAIRPERSON CLARK: You can correct me
5 if I'm wrong, Mr. O'Brien; but it's the problem
6 with not enough prison space to put this -- if
7 you set bail for this fellow, he can't make it,
8 then you're going to put him in jail. The
9 problem is you don't have that space available,
10 do you?

11 MR. O'BRIEN: Well, we have space
12 available. It's limited. In fact, on that
13 decision, I put \$15,000 bail. I thought that
14 was an egregious statement to make, not to
15 mention his record, which is relevant to bail,
16 prior arrest record.

17 I set \$15,000 bail. I'm sure he
18 didn't make it. He goes up to the prison. And
19 I believe there's a practice -- and I'm not
20 saying it happened in this case; but I'd like
21 to research it -- where the City after a week
22 or two in prison goes up there, a deputy
23 managing director, and looks at a list of
24 people, comes to them and says, You're out of
25 here.

1 Nobody posted the bail. They just let
2 them out to relieve the overcrowding. I think
3 that the powers that be in Harrisburg should
4 look at a possible solution of getting some
5 kind of a structure -- not building anything.
6 I know that money is a problem. But something
7 that's existing in a geographical area where
8 there isn't too many residences and restructure
9 it and make it a pretrial detention facility.
10 Strictly pretrial, not mixed in with sentences,
11 not mixed in with anything else. A pretrial
12 detention facility where if you don't make bail
13 that's where you go.

14 And I believe that it doesn't have to
15 be enormous. It has to be a good-sized place,
16 but we have to have something that's simply for
17 pretrial. And once that message hits the
18 criminal community, you're not going to get
19 these special releases, you're not going to get
20 let out after a week because you're
21 uncomfortable, I believe we'll see reduced
22 crime in Philadelphia.

23 CHAIRPERSON CLARK: Thank you.
24 Representative Kenney.

25 REPRESENTATIVE KENNEY: Thank you,

1 Mr. Chairman. And thank you, Commissioner
2 O'Brien. If I understand you, in your opening
3 comments you mentioned you were a member of the
4 Minor Judiciary of Pennsylvania. And I guess
5 that is equal or consistent with the district
6 justice, say, in every other county. I believe
7 they have --

8 MR. O'BRIEN: For informational -- for
9 the other members not from Philadelphia,
10 there's six bail commissioners in Philadelphia.
11 Bail Commissioner Act was done in Harrisburg
12 in, I believe, the '80's, early '80's.

13 There's six sitting commissioners.
14 What we do is we conduct preliminary
15 arraignments, we issue search and seizure
16 warrants, we issue arrest warrants, we issue
17 court orders as far as if the defendant can't
18 make bail under maybe a mental health problem,
19 we send an order to prison to provide for the
20 medicine they may need.

21 We do everything in a judicial role
22 that a district justice does. In fact, if you
23 look at the Bail Commissioner Act, the pay
24 scale says it should be commensurate to an
25 associate judge at traffic court. I only say

1 that because it's on the same minor judiciary
2 line. They just -- someone decided years ago
3 to call it bail commissioner.

4 But it's a minor judiciary. You have
5 to be certified in Chambersburg, Pennsylvania,
6 in order to be eligible for the job. You must
7 go through a course which, I submit here,
8 lawyers have failed. No disrespect to any
9 members of the bar, but there's been attorneys
10 who have failed the course who wanted the bail
11 commissioner job.

12 Currently right now, there's six
13 commissioners. One's a lawyer, and he's
14 leaving next week; the other five are
15 nonlawyers. And I believe, it's not a fact, I
16 think that the one leaving, the lawyer that's
17 leaving will probably, key word "probably," be
18 replaced by a nonlawyer with a wealth of
19 experience in the court system.

20 REPRESENTATIVE KENNEY: But in
21 relationship to this legislation, I believe
22 your comment is that you don't have to be a
23 lawyer but you must be a certified member of
24 the minor judiciary?

25 MR. O'BRIEN: To be a bail --

1 REPRESENTATIVE KENNEY: Well, to be --

2 MR. O'BRIEN: A district justice.

3 REPRESENTATIVE KENNEY: -- to qualify
4 under this legislation to sit in neighborhood
5 courts.

6 MR. O'BRIEN: Right. But the only
7 thing that I think -- didn't Judge McCaffery
8 say something about attorneys going to the --

9 REPRESENTATIVE KENNEY: No. No --

10 MR. O'BRIEN: You don't have to be an
11 attorney is what --

12 REPRESENTATIVE KENNEY: Right. Well,
13 my point is, right, you don't have to be an
14 attorney. You're saying anyone that qualifies
15 and is certified under the Minor Judiciary
16 should be able to sit as a pro tempore?

17 MR. O'BRIEN: I believe they should --

18 REPRESENTATIVE KENNEY: And that's
19 your testimony and I agree with that and I just
20 wanted to make sure that was your --

21 MR. O'BRIEN: Throughout the state you
22 have district justices who hear misdemeanors,
23 they take guilty pleas, and I believe that a
24 majority of them are nonlawyers.

25 REPRESENTATIVE KENNEY: And that's the

1 point I thought you were making and I have no
2 problem with that.

3 CHAIRPERSON CLARK: And that is a
4 common occurrence that they're nonlawyer
5 district justices.

6 MR. O'BRIEN: It's a high percentage.

7 CHAIRPERSON CLARK: Very high.

8 REPRESENTATIVE CALTAGIRONE: Very
9 high.

10 MR. O'BRIEN: Any other questions?
11 Questions? Thank you for your time.

12 CHAIRPERSON CLARK: Thank you for your
13 time and testimony.

14 MR. O'BRIEN: I appreciate it.

15 CHAIRPERSON CLARK: The next
16 individual to supply testimony to the Committee
17 is Mr. Vincent Fenerty. Mr. Fenerty.

18 MR. FENERTY: Good morning,
19 Representative Clark. My name is Vincent
20 Fenerty, F-E-N-E-R-T-Y, and I am the Republican
21 Ward Leader of the 31st Ward, which is located
22 in sections of Port Richmond, Fishtown, and
23 Kensington, one of the rougher areas of the
24 City of Philadelphia.

25 It's within the 177th Legislative

1 District, and my state representative is John
2 Taylor. And I was invited here today by both
3 John Taylor, House Majority Leader Perzel, and
4 State Representative Kenney to testify in
5 support of this bill.

6 And my testimony is, is basically is
7 being in support of this bill but with a
8 possible amendment to the bill. I have done
9 some research after looking over the bill,
10 which a copy of it was given to me by State
11 Representative Kenney.

12 And I'm going to refer back to the
13 person who brought me into politics some 25
14 years ago who's now deceased, and that was
15 Magistrate Posarena (phonetic), the old
16 magistrate system in Philadelphia.

17 And for those who are not old enough
18 or don't recall, the magistrates were elected
19 prior to Municipal Court judges. They were a
20 member of the Minor Judiciary, and they sat in
21 district court such as Municipal Court judges
22 do now. They basically were from the community
23 where they serve.

24 They did rotate around, but they were
25 from the community where they served. Many

1 good magistrates came out of the magistrate
2 system: Magistrate Cox, Magistrate Mirada
3 (phonetic), Clark, Cabotti (phonetic), Posarena
4 (phonetic), Marker. Some of these gentlemen
5 are still around, and Judge Cox is still
6 serving in the capacity of a senior judge in
7 traffic court.

8 And it would be my belief that we
9 should have this court. And I applaud Judge
10 McCaffery's ideas for starting it. But I think
11 placing lawyers who are not from the community
12 and who do not handle quality-of-life issues in
13 these courts who don't basically see the
14 graffiti that's on the wall, the hookers that
15 are walking the street, and the rowdies that
16 load the corners and the police who have their
17 hands tied because they bring them in, their
18 parents take them down, if there's not night
19 court sitting, they sign a summary offense,
20 they go back to the same corner sometimes
21 within a short period of 45 minutes and they
22 laugh at the police officer.

23 We need night court. And what we need
24 night court for is so they can be heard. And
25 if they're found guilty of the crime -- if

1 you're found guilty of the crime, you must pay
2 the fine. And it's on the books, as Judge
3 McCaffery says, and it's a collectible fine.

4 We need to put some teeth into the
5 system so our police officers in Philadelphia
6 are not laughed at. One thing I did bring here
7 is an idea. Since a cost factor was mentioned
8 by several of my predecessors here testifying
9 in front of this Committee, is a suggestion.

10 If the bail commissioners, who are
11 members of the Minor Judiciary, and the traffic
12 court judges, who are members of the Minor
13 Judiciary, all of whom are esteemed members of
14 their communities -- and it's no secret Bail
15 Commissioner O'Brien is a friend of mine and
16 came out of my ward, okay. State representative
17 has another member of the minor judiciary,
18 Judge Kelley, who came from his chief of staff;
19 and both are credits to their area -- that we
20 should be able to empower or the legislators
21 should be able to empower the Municipal Court
22 with the same type of qualified individuals to
23 sit within their communities.

24 And I looked at some figures before I
25 came here today. A suggestion on the payment

1 scale would be if they were members of the
2 Minor Judiciary, a senior member of the Minor
3 Judiciary such as a district justice or a
4 senior traffic court judge makes a pro diem
5 (sic), I think it's called, of \$153.62 cents
6 per sitting -- if anybody didn't catch that,
7 it's 15362 per sitting -- it's raised each year
8 based on a cost of living.

9 So maybe in 1997 they would be making
10 \$165. I think this should be seriously looked
11 at. I don't feel it takes a lawyer who may
12 come out of another section of the city and be
13 assigned to Front and Westmoreland Street who
14 has no idea what the type of crime there is or
15 what type of city services are neglected.

16 I've spent many a day over the last
17 fourteen years in State Representative Taylor's
18 office; and the major type of complaints that
19 his staff handles are quality-of-life issues:
20 Graffiti, crime, and services, okay.

21 We need people from the community, not
22 a highly-educated lawyer. And for those
23 members who are here and Judge McCaffery, I am
24 not knocking lawyers.

25 We need people from the community who

1 live there, okay, and who know what corners are
2 bad and people who will sit there and be able
3 to judge the crime, not someone who will come
4 from -- and I'll give an example -- the 58th
5 Ward in the far northeast to judge crime in
6 Port Richmond or someone from the far northeast
7 to go to East Mount Airy to judge crime or
8 someone from East Mount Airy to go to the
9 northeast.

10 We would need people from the
11 community such as the magistrates who are
12 people who have the intestinal fortitude to
13 believe in what they're doing and give a good
14 speech as well as a good fine if someone is
15 guilty.

16 Members of the Minor Judiciary who are
17 educated and pass that course in Chambersburg
18 would be empowered under the law to hear these
19 type of cases.

20 CHAIRPERSON CLARK: I thank you very
21 much. Any questions of Mr. Fenerty?
22 Representative Taylor.

23 REPRESENTATIVE TAYLOR: Thank you for
24 your testimony, Mr. Fenerty. Just to, I think,
25 clarify for members of the Committee what

1 Mr. Fenerty's talking about, if you were
2 sitting in this type of court and somebody said
3 that you were seen loitering at G and Ontario,
4 that would mean very much a different thing to
5 a neighborhood person than if you were seen
6 loitering on Aramingo Avenue, meaning that
7 somebody from the community would know that
8 that is a very notorious drug corner where
9 there is a host of illegal activities going on
10 as opposed to a different type of loitering or
11 a different type of misbehavior.

12 So I think there's some merit in
13 trying to get to the point where we have people
14 from the community at these hearings who have
15 some knowledge of what's going on in that
16 community.

17 CHAIRPERSON CLARK: Thank you.
18 Representative Kenney? Representative
19 Manderino?

20 REPRESENTATIVE MANDERINO: Thank you,
21 and thank you for your testimony. And
22 Mr. O'Brien, I'm not sure this is a question
23 for you. Maybe it's more appropriate for
24 Representative Kenney. I think we're all kind
25 of looking ahead to what something could be

1 perhaps in the future.

2 I just want to be clear that what we
3 would be empowering in 1897 is limited to an
4 ability to take guilty pleas and fines that are
5 already set for that particular offense. Am I
6 misunderstanding something? Is that correct?

7 REPRESENTATIVE KENNEY: That is
8 correct.

9 REPRESENTATIVE MANDERINO: Okay. So
10 at least at this point, whoever is sitting,
11 whether it's a judge or a decision to expand it
12 to anybody who's a member of the Minor
13 Judiciary, you're not sitting in judgment, per
14 se.

15 If somebody wants an actual judgment
16 and isn't going to make a plea, they would go
17 through the normal process of Municipal Court?

18 REPRESENTATIVE KENNEY: Right. And
19 those -- Representative, those -- the rules
20 will be set by the Municipal Court. And that's
21 one issue we did not want to get into because
22 Municipal Court said, Can we have this
23 additional tool to go out and contract with
24 these pro tempore?

25 We did not want to get into the issue

1 of saying, Here's how much you're going to pay.
2 You know, we're saying we'll give you that
3 authority; but you set the rules of conduct:
4 Who can be hired; who cannot be hired.

5 I think legislatively we may have
6 to -- we have to say members of the Minor
7 Judiciary can be hired. I think that's
8 language we must put into the legislation.

9 The only other issue that Judge
10 McCaffery mentioned is that costs collected, he
11 mentioned right now they would go to the
12 general fund. This would say, I guess, he
13 mentioned creating a separate account, I guess,
14 within the court -- within Municipal Court to
15 allow these fees to stay there. I think that's
16 something we have to look at.

17 But who -- I mean, the Rules of Appeal
18 and those rules shall all be set -- it's
19 mentioned in page 2 of the legislation -- the
20 procedures for appealing decisions shall
21 be -- those rules shall be made by the
22 Philadelphia Municipal Courts. So the rules
23 will be laid out, if that answers your
24 question.

25 REPRESENTATIVE MANDERINO: Yes. Thank

1 you.

2 CHAIRPERSON CLARK: All right. I want
3 to thank you very much for presenting your
4 views today, and we appreciate your time in
5 assisting the Committee.

6 MR. O'BRIEN: Representative Clark, if
7 I may just say one thing to Representative
8 Kenney. I'm not here today looking for a job.
9 I have a very good job which I am very happy
10 with.

11 But if it is changed to members of the
12 Minor Judiciary, I would be most willing to go
13 to Chambersburg, be educated, and hopefully
14 pass the course and you can add my name to
15 working for free for a period of whatever you
16 would designate to get this pilot program off
17 the ground.

18 REPRESENTATIVE KENNEY: Just to
19 follow-up, I think that's exactly what will
20 happen throughout communities and neighborhoods
21 throughout the city that people who care and
22 want to make a difference will do that, will go
23 take the course and qualify to be a pro
24 tempore.

25 But legislatively, I think we must add

1 that language. And I think that's what
2 Commissioner O'Brien was saying, really add
3 district justice language to the bill saying if
4 you are certified under this minor judiciary
5 you qualify to hear these summary cases, these
6 minor offenses throughout any neighborhood in
7 Philadelphia.

8 CHAIRPERSON CLARK: And I think what
9 you said is pass the minor judiciary course, be
10 from the community, and you don't need to be --

11 MR. O'BRIEN: Yes, sir. Thank you.

12 CHAIRPERSON CLARK: Thank you. Next
13 we're currently waiting for the Honorable James
14 Kenney -- oh, he's here. We're going to hold
15 him in abey here a minute. And I guess the
16 first thing I want to do is welcome
17 Representative Chris Wogan, who I did see here.
18 He might still -- yeah, he's hidden from me.

19 Representative Chris Wogan is here
20 with us today. How are you?

21 REPRESENTATIVE WOGAN: I'm fine. How
22 are you?

23 CHAIRPERSON CLARK: Glad to be here. /
24 And we'd like to have testify Glen McDevitt,
25 Mary Jane Hazel, and Kay McGuire. And if you

1 could give us your position and who you
2 represent, I'd appreciate that. And I think
3 Mr. McDevitt I've seen him once before here
4 back at the end of June.

5 MR. McDEVITT: That's correct, at the
6 Community College.

7 CHAIRPERSON CLARK: Yes. Nice to see
8 you again.

9 MS. HAZEL: Ladies before gentlemen,
10 correct?

11 CHAIRPERSON CLARK: That's fine.

12 MS. HAZEL: My name is Mary Jane
13 Hazel. I'm president of the Somerton Civic
14 Association. I've been a community leader for
15 32 years. I want to thank State Representative
16 George Kenney. Thank God he's from my
17 district, and I think he's tired of hearing me
18 complain about lack of protection.

19 I think that whatever form we follow
20 here, whatever format we follow, whether it be
21 the Minor Judiciary or we use attorneys, the
22 bottom line is we need safety in the Northeast.
23 I love Philadelphia; I will not leave
24 Philadelphia; but my main concern is the
25 northeast.

1 And we are petrified to go out in the
2 evening. We are petrified to go to a shopping
3 center because of losing our car. Some parts
4 of the City it doesn't matter whether you lose
5 a car. There's a public transportation on
6 every corner that can take you north, south,
7 east, and west.

8 You get to the far northeast, public
9 transportation is a figment of SEPTA's
10 imagination. We don't have it; so we must have
11 a car to go to a store, to go to a doctor, to
12 go to work, to go to a hospital, whatever. So
13 that becomes devastating to us.

14 I have spent numerous Friday nights
15 right here in this district at night court. I
16 have sat in front of Seamus and I've sat in
17 front of Harry Schwartz, and I think they do a
18 fantastic job; and I have seen the difference.
19 I have seen the difference.

20 When we talk about money, what price
21 do we put on quality of life? If we want to
22 really make the economy roll over and we have
23 safe communities in which we could go out at
24 night, first of all, hopefully, hopefully some
25 of our insurance companies will drop their

1 prices because we won't have as many stolen
2 cars.

3 Then you would have people that have a
4 little bit of extra money that can go out and
5 go shopping at night because they're not
6 afraid. So there, you're making the economy
7 work in Philadelphia. This is not only
8 essential; this should have been done
9 yesterday.

10 Sometimes old is better. I'm a
11 perfect example of it. Go back to the
12 magistrates if need be. They had to answer to
13 their neighborhood -- all their neighbors if
14 they did something that was incorrect.

15 I wasn't really for magistrates; but
16 at this point if this is what's going to help,
17 if this is going to deter crime, so be it. As
18 I sat in this courtroom on Friday nights and I
19 seen parents come in with their children -- and
20 these are children. They were under 18 years
21 old, 14, 15 years old; and they were drunk.

22 The parents were completely and
23 totally embarrassed. Good. That takes back to
24 the parent responsibility. Then to be hit with
25 a fine on top of it, that's double. Somebody

1 I'm sure had a wet backside and a sore backside
2 when they got home. If they didn't, then their
3 patients deserve what they get.

4 This is a must. This is a must. We
5 do not have enough policemen that go on every
6 corner. But if you just have -- they don't
7 know when -- I one time blocked off Byberry
8 Road. And the secret was don't let the
9 travellers know when you're going to block it
10 off.

11 I maybe blocked it off at 7:00 in the
12 morning; I may have blocked it off at 4:00 in
13 the afternoon. They didn't know what day; they
14 didn't know what hour. So we caught them off
15 guard.

16 And that's exactly what this does.
17 This catches the juveniles off guard. They
18 don't know when there's going to be a roundup.
19 And when they're brought in here and they're
20 brought without laces in their shoes and they
21 look really like down, humble, well, maybe
22 that's the answer.

23 But whatever it takes, I'm asking that
24 this be passed. Then let the City of
25 Philadelphia decide this is what they want.

1 Then we'll go down and we'll bombard the
2 Mayor's office if need be. Whatever has to be
3 done. But it has to start here with this
4 legislation. And I'm asking you please,
5 please, please pass this bill. Thank you.

6 CHAIRPERSON CLARK: I might ask you if
7 what you saw when you came to these night court
8 situations with Judge McCaffery were the fact
9 that there was swift punishment and the people
10 were held accountable. Are those the things
11 that we --

12 MS. HAZEL: Parents were held
13 accountable. The young hoods, as I call them,
14 themselves (sic) were scared. Judge McCaffery is
15 a very tough judge and so is Judge Schwartz. I
16 watched the two of them, and I just think
17 they're an asset.

18 And if they can -- I don't care who
19 they get. You know, in our area we have a
20 number of youth aide panel representatives in
21 our -- right in my ward in the Somerton Civic,
22 we have people that are on Youth Aide. And so
23 this is important.

24 I don't care where they come from. I
25 don't care if they're a lawyer in my

1 neighborhood. I don't care if they're a
2 magistrate. But the bottom line is we need
3 it and we needed it yesterday.

4 CHAIRPERSON CLARK: Thank you very
5 much. Kay McGuire.

6 MS. MCGUIRE: My name is Kay McGuire,
7 M-C-G-U-I-R-E. I belong to the Philadelphians
8 Against Graffiti Community Group in the City of
9 Philadelphia and -- Civic. I also work with
10 Judge McCaffery at night volunteering with the
11 program.

12 I'd like to give you some input of
13 what actually happened. Here in the 15th
14 district, our captain tells us approximately
15 about a 20 percent decrease in juvenile crime
16 and our residents are much happier knowing that
17 it's not going to be a nightmare every Friday
18 and Saturday night.

19 Also, someone mentioned about the
20 first-time offenders and are we doing anything
21 with them. I have to tell you as me taking out
22 these juveniles to help do their community
23 service, they're not happy, particularly when
24 we take them in the neighborhood and they have
25 to paint in front of their own friends, they're

1 not happy and see what they're doing.

2 The idea being that we have to get the
3 message across, particularly with the graffiti
4 issue, that that's your property; that's my
5 property. Would you like your 49er's jacket
6 and your Nike sneakers spray painted? That's
7 your property and you wouldn't like that. And
8 we'll do it to them if we have to to get the
9 message across.

10 So the night court definitely is
11 working in this area. We're definitely getting
12 the message across to the children and the
13 parents and absolutely the first-time
14 offenders.

15 I would say every one of those are
16 going back. And we want them to tell their
17 friends and they are telling their friends, Oh,
18 my God, you wouldn't believe the trouble I got
19 into last night now. Now I've got to pay \$195
20 and now I have to do that community service.
21 And we do get on them for that.

22 Also I think we've found too -- I
23 don't have any specific stats -- but we know
24 with petty crime when we take in 25 kids or not
25 just kids or 18-year-olds or 20-year-olds, that

1 night, guess what, our other crimes went down.

2 Do you know how many -- we had 80 car
3 thefts in that first two weeks in November in
4 the 15th District alone. On a night that
5 there's been a night court, where there's been
6 some effective police work out there, all of a
7 sudden there hasn't been any car thefts or
8 very -- or less car thefts.

9 So the whole ripple effect, it's a big
10 issue. That's the issue that I believe New
11 York's seen also that, what do we have, the
12 criminals in the system right now maybe about
13 95 percent of them all did graffiti, all stole
14 a car, all did this. So you're taking someone
15 off the street.

16 I understand this program also will
17 enable now that they won't have to go to the
18 CJC. And won't that absolutely serve us a lot
19 better that that's going to free up a lot more
20 issues down there, timely issue.

21 And as a grass roots person, as one of
22 the people that are out there with these kids
23 giving them the community service, we resent
24 sometimes that the parents aren't out there
25 with us.

1 When I go to pick somebody up at 7:00
2 in the morning, I don't like the fact that
3 their parents are in bed and I'm not and I'm
4 taking them out painting.

5 This night court is hitting the
6 parents in the face too and saying, Hey, wait a
7 minute. I've been really inconvenienced now.
8 And a judge has already -- now we have in place
9 the law that says the parent can be fined for
10 not participating. And boy, that's been
11 working too. We need this bill.

12 CHAIRPERSON CLARK: Thank you very
13 much. Mr. McDevitt.

14 MR. McDEVITT: Thank you, and I
15 appreciate the opportunity to be able to speak
16 in front of you today. I want to take a little
17 different twist. I think the Judge did an
18 eloquent job on talking about the dynamics of
19 the program.

20 I want to talk about it from the
21 impact it's had from community and volunteers,
22 something that we really don't measure much.
23 Sitting here -- this is one of my mentors -- as
24 a community leader, we're always in competition
25 for volunteers.

1 We've had town watches under our
2 operation. And when a crisis occurs, people
3 get involved and they sign up. What happens is
4 they take a look at the system, they see what's
5 happening to the system, they realize the
6 system doesn't work.

7 And when they realize the system,
8 they're giving up their Fridays and Saturday
9 nights till 2:00 in the morning, 3:00 in the
10 morning and they see this individual commit a
11 crime and they get the police officer to make
12 the arrest, then they don't hear anything about
13 it.

14 The person gets a trial. And if
15 you're involved, well, then you find out, well,
16 you got to go to court. So you're going to
17 have to miss a day's work to go down there.
18 And then they go down there and they find out
19 that it's continued. And what happens is it
20 becomes very discouraging.

21 I mean, I don't want to tell you how
22 many times we wind up losing volunteers. And I
23 think what this program has done and Judge
24 McCaffery, it has instilled hope in the
25 volunteers in the community because we're able

1 to see firsthand justice being served.

2 I mean, we're not looking at twenty
3 years in prison. We're not even -- even though
4 the bill says 90 days. But what's happening
5 is, is that individual is getting in front,
6 it's swift, it's immediate, it's specific, and
7 they're experiencing that the law does work and
8 the criminal justice system does work.

9 Been working with Representative
10 Kenney and Representative Taylor and Perzel on
11 the "gang of five's" going around to the
12 different neighborhoods with the town meetings
13 looking at public safety. And it's amazing.

14 And I think George will tell you is
15 that what we're hearing here in the northeast,
16 we went last night over to West Oak Lane; same
17 thing. I mean, they're victims. Victims come
18 in every culture and race and gender. This
19 city's got to change.

20 I think what this program does is it
21 allows us to think outside the box. One of my
22 statements is, is that we've got 1990 crime and
23 we're trying to fight it with 1950 technology.
24 It doesn't work. We need to change, and I
25 think this is an excellent action to change it.

1 It's a part of the strategy.

2 What they're doing with the policy is
3 another part of the comprehensive plan. It's a
4 win/win solution here. And I commend the
5 judges that have been giving their time. Not
6 only them, but the court clerks and the
7 volunteers from the community that have been
8 working on here, yes, we have seen.

9 It's given the community leaders hope
10 that we can go back and say, We got to win.
11 Yeah, the good guys are on our side here.
12 They're helping us. And I see it inspiring
13 people in the neighborhood. Well, you know
14 what, maybe I'll get involved.

15 Maybe I'll join that town watch.
16 Maybe I'll join that home and school. Maybe
17 I'm going to stay in Philadelphia and not put
18 the "for sale" sign up. Because they believe.
19 Most people when you talk to them, they love
20 Philadelphia. Their roots are here.

21 We have so many wonderful things about
22 this city that we take for granted, and we
23 don't realize it until we move outside. Then
24 you realize the things that we took for granted
25 aren't out there.

1 But, unfortunately, when it comes to
2 the quality of life for you and your family and
3 you feel that the system doesn't work for you
4 anymore, then that's the decision that I know
5 my wife and I we've discussed and many of my
6 friends discussed.

7 Where's that threshold?

8 Unfortunately, the way that we vote in
9 Philadelphia is that we put the "for sale"
10 sign. We give up. And this is a program that
11 has been driven by the community, the
12 government officials have supported it, the
13 court system has supported it, and now it's
14 time to institutionalize it.

15 It's time to let the criminal element
16 out there know that we're for real. It's no
17 longer going to be a pilot. I know when the
18 Judge was talking it was talked about the terms
19 and conditions of the social ills. Senator
20 Cohen, I believe you brought it up about that.

21 My wife and I and Mary Jane, I think,
22 were up here and Kay was up here and there was
23 two young girls 12-years old that came in.
24 Drunk. They couldn't even stand. They had to
25 hold them in the holding cell for an hour to

1 sober up a little bit so they could stand in
2 front of -- I think it was Judge Schwartz,
3 wasn't it?

4 What we found out was a year before
5 that their father gave them both a kiss
6 good-bye, went downstairs, and shot himself in
7 the head. The mother was in tears. Our hearts
8 were broken when we saw this. 12 years olds.
9 Your right to social skills (sic).

10 Unfortunately, a lot of them are being
11 lost through the cracks. We're picking them up
12 somewhere down -- incarceration, addiction,
13 somewhere. We have an opportunity to really do
14 something, catch them at an early stage,
15 because a lot of these crimes we're talking
16 about are gateway.

17 We know as community leaders that it
18 starts with vandalism, graffiti, car theft,
19 drug deal. How do we redirect them? There was
20 a pastor in West Philadelphia that said that
21 it's cheaper to build a man than to repair an
22 adult.

23 And this is a program that's addressed
24 that, that we'll look at -- say, Look, yeah,
25 we're meeting here. But you know what? We

1 want to get you out of the system. We don't
2 want you to develop a professional crime.

3 Like what Timmy O'Brien was talking
4 about. He's right. They get to that level
5 there, it's really -- it's going to take big
6 bucks to change them. Let's change them.
7 Let's change them early. This is a system that
8 will pick them out, that will show them; and
9 it's also the visual deterrent.

10 So I'm asking you to support and
11 endorse this wonderful bill. I know from a
12 community perspective we're all excited about
13 it and we're all supportive. And when you took
14 a look at cost -- as my last statement here is,
15 When you look at costs, what is the cost to the
16 City and the state when that person moves out?

17 We could talk about dollars and cents
18 and police officers, distribution and overtime.
19 But what is the real cost? Right now we're
20 losing somewhere around 1200 people a month out
21 of the city, somewhere in that area. One-third
22 of our City is receiving some form of public
23 assistance.

24 Well, it's time for action; and I
25 commend you for coming up and showing the

1 leadership with this bill. Thank you very
2 much.

3 CHAIRPERSON CLARK: I think what we'll
4 do now is maybe give our stenographer a
5 5-minute break. But I want to tell you three
6 and Vincent that if I listen to you for about
7 five more minutes, I'm going to sign up for
8 that judiciary court in Chambersburg and come
9 down and help you out.

10 MR. McDEVITT: We supply coffee and
11 doughnuts too.

12 CHAIRPERSON CLARK: I was a former
13 District Attorney, so I think I might be able
14 to pass the course. We're going to take a
15 5-minute break.

16 REPRESENTATIVE KENNEY: Mr. Chairman,
17 I want to thank each of you for your leadership
18 in the communities. And this is part of safe
19 neighborhoods, safe city strategy, and it's a
20 piece of the puzzle; and we continually welcome
21 your input into this process. Thank you.

22 (At which time, a brief break was taken.)

23 CHAIRPERSON CLARK: The next
24 individual that will testify before the
25 Committee is the Honorable James Kenney,

1 At-Large Philadelphia City Councilman, and Rick
2 Mariano, who is also a City Councilman of
3 Philadelphia.

4 Mr. Kenney wasn't here earlier, but he
5 might want to discuss his heritage after what
6 Judge McCaffery indicated with the other
7 Mr. Kenney.

8 MR. KENNEY: I won't even ask what he
9 said.

10 MR. MARIANO: You can guess.

11 MR. KENNEY: Good morning Chairman
12 Clark and members of the Committee. My name is
13 James Kenney, K-E-N-N-E-Y. I'm a Philadelphia
14 City Council Member At-Large, and I've been in
15 Council now for six years. With me, as was
16 said, is Councilman Rick Mariano. That's
17 M-A-R-I-A-N-O. He is, I believe, the council
18 member of this district, parts of this district
19 here.

20 And let me give you -- I know Seamus
21 McCaffery gave you an idea as to what it was we
22 did with this court system and how we put it
23 into place and how effective it's been and
24 you've heard from representatives of the
25 community how effective it's been; but let me

1 give you a little personalized situation with
2 my own life.

3 I'm 39 years old. I've lived in
4 Philadelphia for my entire life in a,
5 basically, a blue collar, kind of a
6 hard-scrabble neighborhood -- Mummers area down
7 in South Philadelphia -- and grew up hanging
8 out on the corners and doing things sometimes
9 we shouldn't have done.

10 But what we had was a parental
11 mechanism, a parental system that kept us in
12 check. Everybody in the neighborhood knew who
13 we were, knew where we lived, and knew who our
14 parents were. And our parents responded in
15 kind when we did things we -- or said things or
16 were in places we shouldn't have been.

17 The problem has happened over the
18 years as it evolved or dissolved into a
19 situation where parents really don't take
20 responsibility for their children the way they
21 used to.

22 And in many ways, this court system
23 that we have in place, both night court and Vet
24 Court, now the prostitution court, is taking
25 the place of what parents used to do,

1 especially the night court.

2 We began that program in the 4th
3 Police District in South Philadelphia, which is
4 largest request in the 4th District for police
5 service are for disorderly crowds on the
6 corner.

7 It's not for robberies and murders and
8 rapes. It's for people on the corner at night
9 during the week and on the weekends drinking
10 beer, making noise, using foul language,
11 urinating in public, blasting their car radios,
12 and basically disturbing the peace of the
13 community.

14 There are at least ten of my friends
15 who I went to grade school with at Our Lady of
16 Mt. Carmel Grade School, went to high school
17 with who got married about the same time and
18 are raising kids about the same time.

19 Those ten friends live in the suburbs
20 of New Jersey now, and they moved because in
21 many ways of the quality of life in their
22 community. Many of them have the ability to
23 come home at night after work and to contend
24 with young people on the corner who are
25 disruptive or out of hand, but they don't want

1 to have to do that every night.

2 You want to come home from work, open
3 up your windows, have dinner, watch your
4 television, and not hear the profanity, not
5 hear the loud noise, and not have to go out and
6 confront young people.

7 When I went on the corner as a
8 youngster, a teenager, and was told to move by
9 the police officer or by a neighbor, we usually
10 moved without any back talk. People
11 today -- young people today feel it is
12 necessary to say what is on their mind; and
13 many times their parents back that up.

14 And the thing that I found most
15 effective about night court here in
16 Philadelphia and the police districts is that
17 people are held immediately accountable for
18 their actions and they are before the bar of
19 the court, they are before a man or woman in
20 black robes who have the authority to sentence
21 them to fines and/or jail time.

22 They have the requirement of having
23 parents come in out of bed. We've had a
24 situation I think in South Philadelphia with
25 Judge McCaffery where a young woman who was 14

1 years old with a backpack full of beer at 1:00
2 in the morning on a Friday night, Saturday
3 morning whose father was required to come in
4 and to explain the actions of his daughter and
5 why he allowed her to be out there at that
6 particular time at that age with that kind of
7 contraband.

8 And he was annoyed at Judge McCaffery
9 for getting him out of bed and disturbing his
10 peace. He was sleeping. The rest of the
11 neighbors in the area where his daughter was
12 hanging wasn't sleeping, but he was sleeping.

13 So the Judge imposed, I think,
14 appropriate fines and sanctions on the parent
15 for their inability to control their children.

16 So what has happened over the years is
17 that these summary offenses as they've been
18 issued have basically been laughed at. And
19 that's the same thing of Vet Court.

20 If you are evicted from the stadium or
21 ejected from the stadium for foul language or
22 urinating in the concourse or any kind of
23 miscreant behavior, you received a summary
24 citation which required you to appear in court
25 at a certain date.

1 You didn't come, nobody came after
2 you. No one finds you. No one came and
3 questioned why you weren't there. Nobody
4 picked you up.

5 And what I look to do -- and I know
6 Councilman Mariano feels the same way and he
7 can speak for himself when I'm through -- is
8 that I believe the same standard of behavior
9 that's acceptable in the suburbs and the rural
10 areas should be accepted in the city.

11 For some reason or another, the
12 nineteen people out of twenty people arrested
13 at our first Vet Court were suburbanites, were
14 people from outside of the city. I was happy
15 about that because it wasn't our own citizens
16 doing it.

17 But in many ways, people feel that
18 because you live in an urban area you have some
19 extra right to misbehave, to act up, to come in
20 and sow your wild oats whether you come in to
21 South Street or you come in to the Greek picnic
22 or you come in to the Vet Stadium or you come
23 into anyplace, you have a right to get drunk;
24 you have a right to be disorderly; you have a
25 right to disrupt other peoples' lives and

1 business and other peoples' peace of mind
2 without paying a price for that.

3 And what we're looking to do is to
4 stabilize that relationship and that comparison
5 that our residents make between the city and
6 the suburbs that make them decide to move out
7 of our city.

8 And you look at the numbers that
9 we've -- they're frightening numbers. In the
10 last six years, we've lost a hundred thousand
11 people. That's after Rendell -- Ed Rendell and
12 the Rendell Renaissance and our fiscal sobriety
13 that we've imposed upon ourselves and all the
14 things that we tried to do to make the city a
15 better place to deliver services better and to
16 live within our fiscal means.

17 And that's something that the
18 Legislature has insisted that we do for years
19 and we've been trying to do that. We still
20 lost a hundred thousand people. And that is
21 because of a number of issues: The schools and
22 the quality our schools and the quality of our
23 lives in our neighborhoods.

24 And we need to insist that we have
25 civility, that we have order. We can't live in

1 an urban area without civility and order
2 because it will degenerate into chaos. And
3 that's what we're also looking to do.

4 One of the other things that we hope
5 to do with the prostitution court is to have
6 these women -- and to be gender fair, there are
7 many men out there who are also prostitutes and
8 soliciting prostitution out on the highway in
9 Kensington and Frankford Avenues in South
10 Philadelphia and on 52nd Street and other areas
11 of our city. So there's men and women that are
12 out there -- to get them in there, to get them
13 fingerprinted, to get them photographed so we
14 have a record of who they are, how many times
15 they've been arrested and what their problems
16 are.

17 I mean, I will be the first to admit
18 that many of these men and women are out on the
19 street because of drug abuse, drug addiction,
20 disjointed families, abuse in the family unit.
21 And they're out there for lots of reasons.

22 I don't justify their being out there
23 for that reason and I don't want them in my
24 neighborhood out there for that reason; but
25 getting them into a criminal justice system,

1 having they fingerprinted and photographed and
2 finding out what it is their problems are will
3 better enable us to treat their particular
4 problem.

5 So all of these things seem to be
6 common sensical, seem to be things that we
7 should have been doing for many, many years.
8 And sad to say, we haven't done it.

9 I think that Judge McCaffery and many
10 other judges who agreed to volunteer their time
11 at night, on weekends, and now in the morning
12 when we have this morning-after court with the
13 prostitutes are really doing their best to make
14 things better in our city.

15 And one thing I'd like to convey to
16 the nonPhiladelphia members of the Legislature
17 who are here: There's been a lot of discussion
18 about whether or not the Legislature should be
19 stepping -- putting their big noses into our
20 business, stepping out of their bounds and
21 telling us how we should live.

22 They all live here too. They all live
23 in neighborhoods throughout our city. They all
24 represent the same people that I represent,
25 that Rick represents.

1 And I, for one, as a council member do
2 not, do not take their involvement as anything
3 other than trying to help our city become a
4 better place to live because their families
5 live here, their children are raised here,
6 their children go to school here; and I admire
7 and appreciate their involvement in helping us
8 solve our problems because it's all of our
9 problems.

10 So with that, I'd like to end. I
11 could go on and on. And I don't have prepared
12 testimony, I apologize, because we found out
13 about this hearing yesterday and you guys were
14 gracious enough to invite us here.

15 And we appreciate you coming into
16 Philadelphia, hearing what our problems are,
17 and trying to do your best to help us solve
18 them. Thank you very much.

19 CHAIRPERSON CLARK: Thank you.
20 Councilman Mariano.

21 MR. MARIANO: Mr. Chairman, delegates,
22 Committee members, thank you for letting me be
23 here. As Councilman Kenney said, I'm a
24 district councilman; and I represent a district
25 that is 11 miles long.

1 Our district begins at Gerard Avenue
2 and comes up to Grant Avenue. So for those
3 nonPhiladelphians on the Committee, that's 11
4 miles; and it's a diverse district. At the
5 bottom -- and I hate to use this phrase -- it's
6 called the "badlands."

7 It's mainly where people come to buy
8 drugs -- heroin, cocaine, crack cocaine -- and
9 a lot of the people that come in don't live in
10 our city. There's a lot of people coming from
11 out of state, out of city to buy drugs there,
12 solicit prostitutes, commit crimes, and leave.

13 For the time first time since I've
14 been a councilman -- I've been a councilman for
15 two years and I worked for Councilman Kenney
16 for three years prior to that as an assistant
17 to him -- I feel that the City of Philadelphia
18 and the residents, especially in my district,
19 the 165,000 people that I represent, feel that
20 there's a glimmer of hope at the end of the
21 tunnel.

22 Representative Taylor is a neighbor of
23 mine, and a lot of our district are composed of
24 the same district: Kensington, Juniata,
25 Frankford. Under the "L," we have a

1 transportation system much like in Chicago. If
2 any of you have been to Chicago, it's elevated.
3 A lot of the prostitution and the
4 quality-of-life crimes start there.

5 We've been concentrating with the
6 night courts, the prostitution court that's
7 coming; and it's so important to the people
8 that there's a win on the horizon and they can
9 see the difference. Something good's
10 happening. And I, for one, thank you for
11 coming here and bringing your attention to this
12 matter.

13 And I see Representative Perzel, we've
14 talked about this before, it's a win for the
15 people in the City of Philadelphia, which has
16 encompassed the state. It's a win for the
17 State of Pennsylvania because a lot of these
18 issues that the Councilman and I spoke about
19 are issues that seem like common sense.

20 People are busy. I come from a blue
21 collar background. I grew up in Juniata Park,
22 went to Catholic grade school, Catholic high
23 school, went into the building trades, became
24 an electrician, worked out of the building
25 trades for twenty years, decided to become a

1 councilman.

2 People want to go do their job; they
3 want to come home; they don't want any
4 problems. They don't want to worry about
5 people standing on the corner on Friday nights.
6 I grew up across the street from a playground,
7 McCauley Playground in Juniata Park that
8 Representative Taylor and I represent.

9 There was always guys that hung out
10 there. I think Councilman Kenney might have
11 hung out there once in a while. But when my
12 father came home from work and it got late, 10,
13 11:00 Friday night, they looked over and they
14 got the message. They left. They didn't want
15 to deal with a guy that was in the Navy for
16 twenty years.

17 They left because he knew who they
18 were. The Councilman's exactly right. It's
19 different now. There's a lot more information
20 for these young people. Everybody's sue crazy.
21 You touch someone, it's, I'm going to sue you;
22 I'm going to sue you. So they feel now people
23 are scared. They stay in their houses.

24 People in their fifties, sixties want
25 to be able to set on their steps in

1 Philadelphia, especially in my district in the
2 summer. They want to be able to do that. They
3 can't do that if we don't keep changing things
4 the way we are. So thank you for letting me be
5 here.

6 The message is there is hope at the
7 end of the tunnel and a lot of it is common
8 sense approach, but it's grass roots community
9 approach. I'd like to thank all yous (sic) for
10 coming.

11 I'd like to thank Judge McCaffery who
12 spoke before us. It's important. I've been to
13 many of his night courts. And I think it's
14 great to pull some father out of bed 11:00 at
15 night because I have two sons, one's 17 and
16 one's 13.

17 And God forbid if they ever get me out
18 of bed on Saturday night, they're going to be
19 in big trouble. And I'm not afraid to say
20 that. The first bill that I helped write was
21 a parental responsibility bill, and Judge
22 McCaffery's been one of the judges who's been
23 using it.

24 And basically it's what it says. We
25 increased the fine for curfew violations. We

1 can only increase them up to \$300, and that's
2 something else the State legislators might want
3 to talk about. But parents are directly
4 responsible for the action of your kids.

5 Now, it's not a punishment for any
6 poor people or their kids. It's up to the
7 judge. If he wants somebody to paint walls
8 because they were graffiti or were throwing
9 eggs, it's up to him. If he thinks their
10 family has money and they can shell out \$300,
11 he might want the father and mother out there
12 painting walls.

13 We leave that up to the judiciary
14 system to figure that out, but that's what we
15 need. So again, thank you for letting us be
16 here.

17 CHAIRPERSON CLARK: We thank both of
18 you for being a part. Representative Kenney.

19 REPRESENTATIVE MANDERINO: We're not
20 related, by the way.

21 CHAIRPERSON CLARK: We understand
22 that.

23 REPRESENTATIVE KENNEY: I'm much
24 younger than the Councilman.

25 CHAIRPERSON CLARK: I was going to say

1 looks are deceiving.

2 REPRESENTATIVE KENNEY: No, I just
3 wanted to thank both Councilman Kenney and
4 Councilman Mariano for their leadership on this
5 issue and addressing the quality-of-life crimes
6 throughout Philadelphia.

7 And it is a partnership, as Councilman
8 Kenney said. We're not here to attack. We're
9 here to make our neighborhoods better, which
10 will make our city better. I thank you for
11 your support of this legislation and look
12 forward to working with you in the future.

13 REPRESENTATIVE MANDERINO: Thanks,
14 George. Thank you.

15 CHAIRPERSON CLARK: Okay. We thank
16 you. You're quite welcome. The next
17 individual to present testimony on House Bill
18 1897 is Dominick Freda from the American Civil
19 Liberties Union of Pennsylvania. And along
20 with him I believe is Larry Frankel, who is
21 their Executive Director. And we welcome both
22 of you this morning.

23 MR. FRANKEL: Thank you, Chairman
24 Clark and the other members of the Committee
25 who have persisted in remaining to this hour.

1 My name is Larry Frankel. I'm the Executive
2 Director of the American Civil Liberties Union
3 of Pennsylvania.

4 And with me is Dominick Freda, who is
5 a third-year law student who's been
6 participating in a legislative clinical program
7 at the University of Pennsylvania law school.
8 And he'll be presenting some written remarks
9 that he prepared.

10 But before I turn the microphone over
11 to him, having listened to testimony here this
12 morning, I'd like to set forth our position
13 explicitly on this particular bill.

14 To the extent that this legislation
15 empowers certain designated and trained
16 individuals to discharge what are really
17 ministerial duties -- accepting guilty pleas
18 and imposing fines that are preset pretty much
19 in the law what those fines would be, not
20 imposing jail time but taking the guilty plea,
21 setting the fine, advising the defendants what
22 rights they are giving up because guilty pleas
23 should be accompanied with an express
24 understanding of what rights they are giving
25 up -- we don't have a problem with a bill like

1 that.

2 And we've heard, I think, some pretty
3 compelling testimony about some cost savings
4 that may occur to the City, better use of
5 police forces, and not this frustration the
6 citizens feel with bench warrants that are
7 relatively meaningless.

8 I think the legislation might need to
9 be amended to clarify some of those points; but
10 we would not oppose legislation that really
11 empowers trained, designated officials to
12 discharge some of the ministerial duties that
13 you don't need to bring in a judge to do.

14 With that, I'm now going to turn the
15 microphone over to Mr. Freda, who has some
16 other comments to make today.

17 MR. FREDA: Thank you. Good
18 afternoon. My name is Dominick Freda. I'm a
19 third-year law student at the University of
20 Pennsylvania. I'm here on behalf of the
21 American Civil Liberties Union of Pennsylvania.
22 I'd first like to thank you for this
23 opportunity to appear before you.

24 House Bill 1897 gives the president
25 judge of the Philadelphia Municipal Court the

1 power to appoint attorneys as judges pro
2 tempore who would preside over summary
3 offenses.

4 On its face, House Bill 1897 provides
5 an opportunity to expand the Municipal Court
6 system by increasing the number of cases
7 processed and the overall efficiency of the
8 process.

9 However, it's my understanding and
10 from being here all this morning that the
11 appointment of additional judges is primarily
12 seen as a means for building on the work of
13 Judge Seamus McCaffery through night courts the
14 focus on quality-of-life crimes.

15 Since the ACLU of Pennsylvania, as
16 Mr. Frankel has already expressed, has had no
17 involvement with Judge McCaffery's night court
18 and we have no official position on the night
19 court, I'm unable to present information on our
20 firsthand experience with Philadelphia's
21 municipal courts and quality-of-life crimes.

22 Instead, my testimony today will
23 concentrate on describing to you an innovative
24 and highly successful quality-of-life approach
25 taken by New York City's Midtown Community

1 Court.

2 If I may add, Judge McCaffery has
3 already mentioned this. And I think while a
4 number of you may have alluded to this in
5 request for what type of social services are
6 offered in the night court.

7 By focusing on quality-of-life crimes,
8 imposing sentences that emphasize community
9 service, providing immediate assessment of an
10 offender's social problems that may lead to
11 criminal behavior, and making available various
12 social services aimed at helping offenders deal
13 with these problems -- not just find out that
14 they're there; but helping with social services
15 to deal with these problems -- the Midtown
16 Community Court is an example of an approach to
17 quality-of-life concerns that deals with the
18 causes of crime as well as the crime itself.

19 The Midtown Community Court was
20 established in October of 1993. It's an
21 official branch of New York's criminal justice
22 system handling cases from the Times Square
23 area. The court is aimed at petty crimes that
24 many may consider or perceive to be a very low
25 quality of life.

1 And these include prostitution,
2 shoplifting, subway fare beating, graffiti,
3 minor drug possession, and illegal peddling.
4 The Court has three objectives when dealing
5 with these crimes:

6 Send a message to the defendant that
7 even summary offenses have consequences; send a
8 message to the community that it will be repaid
9 through community service for the damage it has
10 sustained; and provide the defendant the
11 opportunity to get help through drug treatment,
12 counseling, job training, and assistance with
13 entitlements in housing if one is homeless,
14 English as a second language and G.E.D.
15 classes, and health services including HIV and
16 TB testing.

17 To date, this approach has been
18 successful on most fronts. According to a 1997
19 summary of a report by the National Center for
20 State Courts, 69 percent of offenders are
21 sentenced to community service. Of those
22 sentenced to community service, 75 percent
23 complied -- the highest compliance rate in New
24 York City.

25 Similarly, only 2 percent of offenders

1 are sentenced only to time served where the
2 arraignment process is the sole punishment.
3 The Court's average arrest-to-arraignment time
4 is eighteen hours. This is compared to
5 Manhattan's centralized courthouse's average of
6 more than thirty hours.

7 Arrests for prostitution dropped by 50
8 percent. Arrests for illegal vending dropped
9 by 24 percent. In the first two years,
10 community service sentences produced more than
11 \$370,000 worth of labor.

12 And finally, the Court was awarded the
13 National Association of Court Managers Justice
14 Achievement Award for 1994. The coordination
15 of social services and community work projects
16 on-site is the most effective aspect of the
17 Midtown Community Court. It also is the most
18 difficult and expensive aspect of the project
19 to administer.

20 And if I could deviate from my written
21 testimony for a moment, although the statistics
22 I just cited are impressive, statistics alone
23 do not illuminate the success of this court.
24 The court also helps offenders turn around
25 their lives.

1 And if I could just tell you a brief
2 story about a woman who was brought to the
3 Community Court in New York, she was a slender
4 blond woman, 20-year-old. She sat at the
5 Midtown Community Court late in the afternoon.
6 3 in the morning she had been arrested for
7 offering oral sex to an undercover officer.

8 She was sentenced to immediately
9 attend the Court's health education class for
10 prostitutes. The arresting officer had called
11 ahead to court counselors. She was new. She
12 didn't have a pimp yet. The officer thought
13 that she could be helped.

14 They spent hours talking to her
15 listening to her bitter story of sexual abuse
16 by her stepfather and denial from her mother.
17 They got me to call my father, she said. I'm
18 going home to Massachusetts tomorrow. Next
19 day, the woman stopped by the court with her
20 bags in hand and thanked them. She then went
21 home. She was off the street.

22 This is the way that the Midtown
23 Community Court acts. The Court is aimed at
24 petty crimes that create -- I'm sorry -- I'm
25 missing a page. The court provides an offender

1 first with an interview by a case manager
2 before the offender appears before the judge.

3 The case manager makes an assessment
4 of possible problems -- here they saw that the
5 woman possibly could be attune to
6 counseling -- and will recommend available
7 resources. Also on hand are staff personnel
8 who would immediately coordinate the community
9 service auditor with local businesses and
10 community groups.

11 If the Court orders a defendant to
12 attend treatment or counseling, as this was the
13 case, the clinical director ensures that the
14 defendant completes the program and everything
15 is done on site.

16 An article in New York Magazine dated
17 December 5th, 1994, estimates the yearly cost
18 of the Court's social services to be \$1.3
19 million. So before you were fishing for a
20 figure. This is a figure: \$1.3 million.

21 Thirty-two local corporations and
22 foundations helped fund the court in addition
23 to federal and city grants. I realize that
24 this hearing may not provide the most
25 appropriate forum to discuss the City of

1 Philadelphia's crime and prevention policies;
2 however, House Bill 1897's concern with
3 quality-of-life issues directly implicates
4 these policies.

5 The City of Philadelphia has recently
6 been awarded a \$5 million federal grant aimed
7 at quality-of-life offenses. Expanding the
8 scope of the Municipal Court through the
9 appointment of extra judges takes a step
10 towards processing more quality-of-life crimes.

11 However, the best lesson learned from
12 New York's experience is that the approach to
13 processing these crimes matters more than the
14 numbers processed.

15 Based on my research, I believe that
16 New York City initiated the Midtown Community
17 Court plan without requiring statutory
18 authority from the state legislature.

19 Likewise, although the Pennsylvania
20 General Assembly has the power to pass House
21 Bill 1897 permitting the appointment of judges
22 pro tempore, implementing a plan in
23 Philadelphia's Municipal Court system would
24 have to be achieved at the local level.

25 This Committee could, however, begin

1 the shift in approach by recommending to the
2 City of Philadelphia that it consider
3 implementing a plan similar to the Midtown
4 Court's approach.

5 We suggest that you use this
6 legislation authorizing the appointment of
7 judges pro tempore as an opportunity to
8 increase support services in community service
9 sentences. Moreover, if you are concerned with
10 quality-of-life crimes within your home
11 districts, perhaps you will consider advocating
12 for similar programs for your own local courts.

13 If so or if you are at all curious
14 about the Midtown Community Court or wish to
15 learn more for yourself, I recommend that you
16 visit their website on the Internet at WWW,
17 dot, Community Courts, dot, org.

18 Once again, I'd like to thank you for
19 this opportunity to appear before you and will
20 be available for questions.

21 MR. FRANKEL: One additional comment:
22 We contacted the New York City affiliate of the
23 American Civil Liberties Union to find out
24 their experience with community courts, and
25 what they found is that more communities want

1 them.

2 There isn't a perception that peoples'
3 civil liberties are being violated; but people
4 are really being helped, neighborhoods are
5 being helped. And that's what they have found
6 in New York so far. And if anybody has any
7 questions, I'll be happy to at least attempt to
8 answer them.

9 CHAIRPERSON CLARK: We thank both of
10 you. Are there -- Representative Kenney.

11 REPRESENTATIVE KENNEY: Thank you.
12 And thank you, Dominick and Larry. Just, the
13 \$5 million grant given to the city, I believe
14 Judge McCaffery mentioned earlier today in his
15 testimony that about 125,000 of that would go
16 to this night court and quality-of-life court.
17 Do you know where the other monies went?

18 MR. FRED A: I think that might be a
19 question appropriate for the city council of
20 Philadelphia. I have an article from the
21 Philadelphia Inquirer that might have the
22 information within it.

23 REPRESENTATIVE KENNEY: Because I
24 think you're right, Mr. Freda, the concept of
25 community court is where we should be headed.

1 And I think Judge McCaffery mentioned he'd like
2 to see one of those in every section of the
3 city.

4 I don't think you could do it in every
5 police station, but at least in -- probably the
6 northeast district and northwest. And it
7 addresses Representative Joseph's comments
8 about if you see this, whether it be a
9 prostitute or a kid, for the fifth time come in
10 for underage drinking, there's a problem.

11 And if the services are available
12 within this community where that person can get
13 help --

14 MR. FREDA: I also think an important
15 aspect of it is the use of community service,
16 the concentration on that. There are many
17 quotes from the articles I've read of
18 individuals who were caught.

19 One kid was caught fare beating on the
20 subway and they forced him to clean a shop
21 front of graffiti. And as he was standing in
22 front of the shop, he said, You know, this is
23 going to be covered with graffiti tomorrow.

24 But if my friends come by and they
25 want to paint it, I'm not going to let them

1 paint it now because I'm not doing all this
2 hard work for nothing. I think that's
3 something you can concentrate on without, I
4 think, the additional funds.

5 REPRESENTATIVE KENNEY: And I agree
6 with you. I think this legislation is simply
7 giving the Municipal Court more players to go
8 out there and sit in the police districts and
9 sit in the neighborhoods to, you know, hear
10 these minor cases and set penalty.

11 And I think what we need to do further
12 is if we get the dollar figures, if community
13 service is part of the sanction and the
14 penalty, someone's out there in the system
15 making sure that community service is done.

16 I mean, what I think's happening now
17 from what you hear is I may give someone twenty
18 hours of community service but there's never
19 any follow-up so the penalty was never
20 implemented. So was justice served? Probably
21 not.

22 But I think what we're trying to do is
23 saying we're going to be in every neighborhood
24 working to see that justice is served and I
25 think further developing your concept of the

1 community court concept.

2 But Judge McCaffery, I think he may be
3 more familiar with my initial question, the \$5
4 million grant that Mr. Freda related to us.

5 CHAIRPERSON CLARK: Go ahead, Judge
6 McCaffery.

7 JUDGE McCAFFERY: Just two things:
8 One, to address what Mr. Frankel had discussed
9 or commented on earlier, prior to anyone being
10 brought in front of the court and giving a plea
11 of guilty or not guilty, they are advised of
12 their right to have counsel and they're given
13 two options:

14 Option No. 1 is if they want an
15 attorney, the case will be continued downtown
16 to the Criminal Justice Center to afford them
17 the time to have their counsel present; (2), if
18 they want the case to go forward directly, it's
19 done and then we allow them to plead guilty or
20 not guilty; last but not least, all their
21 appellate rights and warnings are explained to
22 them and a copy of those appellate rights are
23 attached to the document so that they can take
24 the necessary steps that they feel.

25 If, in fact, they want to appeal, they

1 are notified that they have thirty days to
2 appeal. And it is a trial de nova right; so we
3 have ensured that those individuals are walking
4 in there -- it's not just a cattle court where
5 they're being brought right in and rushed to
6 justice. That's not what this is about.

7 We're here to guarantee and afford
8 everybody their rights. No one's trying to
9 stamp on them at all. As a matter of fact,
10 even after we have explained these rights to
11 them, they still go on with the case.

12 And as a matter of fact, copies of
13 what we're doing have been faxed over to the
14 public defender's office and I've spoken
15 directly to Mr. Stewart Shuman (phonetic), the
16 head of the MC unit over there.

17 And the only comment he made was that
18 what we should do in some of our areas is to
19 put the appellate rights in Spanish, and which
20 is something we're going to do. We didn't have
21 that before that.

22 The second issue as to the
23 monies -- and so both of you gentlemen know, I
24 firmly, strongly believe in that community
25 court concept. I've personally given out over

1 150,000 hours of community service since I've
2 been doing what I'm doing right now. And
3 that's not in the night court program.

4 This area right now where you're all
5 sitting, this police district you're sitting in
6 right now, every single weekend for the entire
7 month of December we'll have young adults in
8 here from my night court just from last week
9 cleaning up this district house.

10 For those individuals -- and, again,
11 it's not a hammer court. Don't think that
12 we're in there just to bang people. If you
13 cannot afford the penalties -- and quite
14 honestly, for a lot of especially the younger
15 adults we allow the parents to opt to paying a
16 fine if they're found guilty or giving them
17 community service.

18 We implement a lot of community
19 service in this program. And personally, I
20 have very strong feelings about community
21 service because I think that works even better
22 than imposing a fine because, quite honestly,
23 mommy and daddy put their hand in their pockets
24 and come up with 100, 200, or \$300, it's not
25 going to have the impact on that young adult

1 that we want.

2 So this station house and the cells
3 and the streets around us are being cleaned
4 every single weekend by young adults through
5 this area, and we're doing that throughout the
6 city. That's one of our -- a big component
7 part our whole program is community service.

8 And the community court, as this young
9 gentleman to my left mentioned, the cost
10 connected to the social services, they're
11 pretty significant; but we're trying right now
12 through a lot of other avenues to get the
13 federal monies to implement a community court.

14 But not just as I mentioned earlier, a
15 center city community court, a community court
16 that's going to go overall throughout the city.
17 And we're not looking to decriminalize; but
18 we're looking to focus on the retail theft
19 cases, the smaller graffiti cases, the cases
20 that we see are just cluttering up the courts
21 that we could really get a better impact, a
22 bang for our buck, if you will, by giving
23 community service and by giving the kind of
24 social support to those people that need it.
25 So we are working on that.

1 And by the way, one of the reasons of
2 being able to implement the pro tempore
3 program, it would free up our judges from doing
4 the night work court to then get into the
5 community court concept.

6 Starting tomorrow, the Board of Judges
7 will be meeting for the next two days; and on
8 our agenda is just that, the community court
9 concept. So we're real big on it. We're
10 really buying into it. Our whole court is in
11 support of it.

12 And as I mentioned earlier, our ideas
13 for the Municipal Court is Philadelphia's
14 community court. We just want to expand it to
15 citywide and make it work. Thank you.

16 MR. FRANKEL: While the Judge is here,
17 I should also note that at least up until today
18 we have not received any complaints in our
19 office about the night courts. Now, since
20 there's a TV camera here, I undoubtedly will
21 have to retract that.

22 And it doesn't mean anything happened,
23 but somebody's going to call and make a
24 complaint because I just said we haven't
25 received any. But I want the panel to know

1 that we have not been in our office receiving
2 complaints about how the night court has been
3 working.

4 And I do believe it's because you have
5 people being advised of their rights. And it's
6 their own willingness to give up for whatever
7 reason because they know they're guilty or
8 because they don't want the trouble of going
9 downtown.

10 And if community service sentences are
11 being imposed, we think that's very good. But
12 I should note for the record it's not only the
13 New York Civil Liberties Union which has not
14 heard problems, but neither has the
15 Philadelphia office heard about problems so far
16 with regard to what this jurist has been doing.

17 CHAIRPERSON CLARK: Representative
18 Josephs.

19 REPRESENTATIVE JOSEPHS: Thank you. I
20 have mostly a comment. Representative Don
21 Walko and I had an opportunity before
22 Thanksgiving to see a similar setup in Camden.

23 Its orientation is more towards people
24 who have substance abuse problems; and, indeed,
25 they call it drug court. But it is a working

1 together of the public defenders and other
2 defense attorneys, prosecutors, social service
3 organizations, community groups, the Board of
4 Probation and Parole. And it's very
5 interesting.

6 I would be very happy or
7 Representative Walko would be very happy also
8 to give you -- anybody information who wants to
9 find out more about it, how it's funded, how it
10 works.

11 But again, I think it's an approach
12 that combines some of the things that we're
13 talking about here. It brings people -- it
14 helps victims because a lot of these people
15 after they've gotten out of the rehabilitation
16 phase are in a job and they're paying back
17 their victims, they're paying back the
18 community that they victimized, and it helps
19 everybody.

20 CHAIRPERSON CLARK: Thank you. Any
21 additional comments or questions?

22 (No audible response.)

23 CHAIRPERSON CLARK: Okay. I thank
24 both of you gentlemen. And this concludes our
25 Judiciary Committee Subcommittee on Courts


1 hearing on House Bill 1897. Once again, I'd
2 like to thank everyone for coming and providing
3 us with insight into this matter. Thank you
4 very much.

5 (At or about 12:35 p.m., the hearing was
6 adjourned.)

7 C E R T I F I C A T E
8

9 I, Deirdre J. Meyer, Reporter, Notary
10 Public, duly commissioned and qualified in and
11 for the County of Lancaster, Commonwealth of
12 Pennsylvania, hereby certify that the foregoing
13 is a true and accurate transcript of my
14 stenotype notes taken by me and subsequently
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24 Deirdre J. Meyer Reporter,
25 Notary Public. My commission
expires August 10, 1997.