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PENNSYLVANIA HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
INFORMATIONAL MEETING

- - - - -
FRIDAY, APRIL 20, 2007
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BEFORE: HON. BABETTE JOSEPHS, CHAIRLADY
HON. THOMAS R. CALTAGIRONE, CHAIRMAN
HON. BRYAN R. LENTZ, MEMBER
HON. JAMES R. ROEBUCK, MEMBER
HON. TONY PAYTON, JR., MEMBER
HON. DWIGHT EVANS, MEMBER

Held at City Hall, City Council Chambers,
Broad and Market Streets, Philadelphia, Pennsylvania,
commencing at 10:00 a.m., on the above date, before
Virginia Jones-Alleyne, Professional Court Reporter and
Notary Public.

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PHILADELPHIA

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DISTRICT CHAIR, PHILADELPHIA CITY COUNCIL
PUBLIC SAFETY COMMITTEE

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PAUL VALLAS, CHIEF EXECUTIVE OFFICER, SCHOOL
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10 JOSEPH LaBAR, ASSISTANT DISTRICT ATTORNEY,
GUN VIOLENCE TASK FORCE, PHILADELPHIA DISTRICT
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1 P R O C E E D I N G S

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3 THE CHAIRLADY: House members,
4 Representative Lentz, I know that we're waiting for
5 Councilwoman Donna Reed Miller, but I'm wondering -- if
6 this is all right with the Judiciary Chair, if there is
7 another witness here that we could get started. If it's
8 all right with Mr. Caltagirone, I would like to say
9 something in opening and perhaps he would like to as
10 well.

11 THE CHAIRMAN: This is one of the
12 numerous hearings that we have had in Philadelphia over
13 the last several weeks and we are going to continue
14 pressing forward with this issue.

15 The last hearing is going to be held
16 next Thursday, in Harrisburg, at which time we will
17 probably be there for the full day taking testimony from
18 all groups. And hopefully, at the conclusion of this we
19 will be able to sit down with the members of the House
20 Judiciary Committee to see what exactly we might be able
21 to do to arrest these epidemics of shootings.

22 We had another one last night in
23 Reading, by the way. So it's not just Philadelphia. We
24 were up in Allentown yesterday having hearings and there

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1 were several shootings up there that the Mayor testified
2 to. We were out in Pittsburgh, Erie, Wilkes Barre,
3 Chester -- the City of Chester. There is no area of
4 this state that has been immune from this problem and I
5 am trying to get help from the sportsmen's groups and
6 the NRA and the others that are involved in the pro-gun
7 to let them know that we need their input, we need their
8 help in trying to address this problem.

9 We are not trying to take anybody's guns
10 away from them. There are legitimate gun owners and
11 hunters, and we recognize that fact, but we do have a
12 serious problem and we're hoping to come up with some of
13 the solutions with the legislation that has been
14 proposed and we're trying to listen to everybody to see
15 how we can best come to a census of opinion.

16 With that, I will turn it back over to
17 Chairlady Josephs.

18 THE CHAIRLADY: Thank you very much, Mr.
19 Chairman. I want to thank you for facilitating these
20 hearings. I want to also thank Representative Evans,
21 who I am sure will be back, for his leadership on this
22 issue, which has been superb.

23 I want to also thank City Council for
24 the use of their beautiful Chambers. I want to thank

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1 all of the testifiers, we have many, and the people who
2 are in the audience because this is a long-standing,
3 very difficult problem that we are facing across the
4 state, across the country, having to do not only with
5 responsible gun control, but employment, education
6 healthcare, improvements to the criminal justice system,
7 adult mentoring, after school programs, youth
8 recreation. It is a very big complex multifaceted and
9 series problem that we face. I think we all know that.

10 I say that not in an attempt to
11 discourage anybody from attacking this problem, but in a
12 sense of optimism and encouragement because I am sensing
13 that people are beginning to bring to the surface of
14 their mind and into their actions an idea that this is a
15 complex problem and must be attacked on many, many
16 different levels and that everybody has to participate.

17 And I believe we are coming to another
18 height in community awareness and community activism,
19 which is making me very optimist, and I am looking
20 forward to addressing the many facets of this problem of
21 violence and crime.

22 I want to say a couple of housekeeping
23 things. I'm not the only person in charge here, I know,
24 but I will take, at least, part of the prerogative of

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1 the Chair and after I finish, I will ask Representative
2 Evans to make whatever statement he would like to make,
3 but I really want to keep this hearing moving along. I
4 will require that the witnesses speak to us. Don't read
5 every word. Please give us whatever you have that is
6 written. Although the press doesn't think we are
7 intelligent enough to read, we really can, and we really
8 will.

9 I would like to keep the witnesses to
10 seven minutes, and I'm going to ask one of my colleagues
11 here to make a signal, because I want us to have a
12 chance to ask the witnesses questions also, and I want
13 to give us about seven minutes to do that. I am not
14 going to ask any of the witnesses because I know that
15 they will be respectful of the people who are at the
16 very end of our sheet here. We do have to move along or
17 we're not going to be able to hear from everybody within
18 the time allotted.

19 I, myself, am going to have to leave at
20 some point, no matter what is going on, and so will many
21 of the other State Reps.

22 Mr. Appropriations Chair, I'd happy if
23 there is something would you like to say to us.

24 MEMBER EVANS: I would like, one, to

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1 thank you for hosting this particular hearing. I would
2 like to thank the Chairman of the Judiciary Committee,
3 Representative Tom Caltagirone, who -- Tom, this is
4 which number?

5 MEMBER CALTAGIRONE: I think it's about
6 11.

7 MEMBER EVANS: Number 11. We have been
8 traveling, and I know this week you were in Allentown.

9 And the purpose of these hearings is to
10 do two purposes. Obviously, to rally up the support of
11 citizens themselves first, and secondly, as we try to
12 build momentum to deal with Harrisburg. This is the
13 first time, and I thank again the Chairman of the
14 Judiciary Committee for having these hearings moving
15 around all throughout the state urban, rural and
16 suburban Pennsylvania.

17 I think this is important. This is
18 probably -- not probably, it is the number one issue
19 facing the City of Philadelphia, the number of homicides
20 last year, where we are this year, number of increase in
21 shootings, what are the strategies. I know we have Dr.
22 Fink coming up with the Blueprint for a Safer
23 Philadelphia; Paul Vallas and schools; Walter Phillips;
24 Mark Schweiker and others, just to have these kinds of

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1 conversations I look forward to.

2 Again, I would like to thank
3 Representative Babette Josephs since this is her
4 legislative district and she is the chairperson, too,
5 for hosting this hearing. Thank you.

6 THE CHAIRLADY: Thank you.

7 We have another State Rep. If you will
8 introduce yourself, and I think Dr. Fink will go ahead
9 unless Donna Reed Miller -- it's dim in here, my
10 eyesight fades. I don't see her, but when she comes in,
11 I'm sure we will be very happy to have her testimony.

12 MEMBER LENTZ: Brian Lentz from Delaware
13 County.

14 THE CHAIRLADY: Thank you.

15 Dr. Fink.

16 MR. FINK: Good morning, Representative
17 Caltagirone and all members of the Panel. Thank you for
18 giving me the privilege of reporting to you and to your
19 committee about youth violence and youth murder in the
20 City of Philadelphia.

21 I'm Dr. Paul Fink, a psychiatrist and
22 Director of the Blueprint for Safer Philadelphia. I
23 have chaired the Youth Homicide Committee for the last
24 13 1/2 years, and I'm a consultant to the School

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1 District of Philadelphia.

2 THE CHAIRLADY: Sir, will you speak to
3 us, please, and not read your testimony, as I asked?

4 MR. FINK: I'm not sure of that.

5 We have a serious problem of crime and
6 delinquency in the City. We're up to 115 murders now,
7 however, we have not seen a rise in the 0 to 18 year
8 olds for a number of reasons, which I'll outline:
9 Obviously, the biggest problem we have is with guns and
10 the ease with which young people can get illegal guns.

11 There was a recent focus group done,
12 through the Blueprint, of 16 year olds and when they
13 were asked how do you get a gun, they said very quickly,
14 Oh, it's easy. We just ask the old heads.

15 In all of the programs that we do, we
16 have paid very little attention to the folks 20 to 30
17 years of age, the old heads, who supply the guns to the
18 younger kids, recruit them into the drug trade. So we
19 see a lot of this kind of straw purchasing going on.

20 In order to decrease or eliminate youth
21 violence, we have to have a responsible community that's
22 going to help City officials create and maintain safe,
23 violent-free streets where families can live in peace
24 and children can thrive.

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1 The Blueprint for a Safer Philadelphia,
2 created by Representative Dwight Evans, is the most
3 far-reaching comprehensive effort to do just that, to
4 make neighborhoods into safe communities in this City.
5 The secret of a Blueprint is that it is a comprehensive
6 program, starting with parenting education, support and
7 support good, qualified day-care for infants, pre-school
8 for all 3 and 4 year olds, opportunities for grade
9 school children to feel safe in their homes, on the
10 streets and in schools.

11 Right now there are many children in the
12 City who do not feel safe in the streets, in their homes
13 or in the schools. We must eliminate bullying and if
14 you're hearing -- which, I guess you can't hear anything
15 else but about Choe and Virginia Tech, he was severely
16 bullied as a young man and he became alienated and very,
17 very depressed, in addition to other psychotic features
18 that we're hearing about on the television. So bulling
19 is a major problem.

20 In 1995, 26 percent of all the children
21 between 0 and 20 that were killed, were killed from 3
22 p.m. to 7 p.m. 5 years later, in the Year 2000, it was
23 down to 5 percent, from 26 percent to 5 percent. I
24 attribute that to the creation of 400 after school

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1 programs, in those five years, that gave these children
2 structure and some supervision after school.

3 The Blueprint for a Safer Philadelphia
4 has a great number of programs for adolescence and young
5 adults, and the plan calls for jobs and creations of new
6 business and commerce in ten communities.

7 We have to provide resources to expand
8 YVRP, the Youth Violence Reduction Partnership, which I
9 take a lot of credit for spawning when it began eight
10 years ago. YVRP reduces the number of murders in a
11 community. We are currently in five police districts.
12 And the key to it is that the probation officers have 20
13 cases. Juvenile probation officers have 50 to 70 cases,
14 adult probation officers have 150 cases. 20 cases, the
15 kids have to be seen three times a week. Each probation
16 officer has a street worker who works with them.

17 And so the kids are seen three times a
18 week, the families are seen once a week. There are
19 drive arounds by police and probation officers five
20 nights a week. Let me just give you the statistics: In
21 eight years we have had over 2400 youth partners. Of
22 those numbers, only 12 have been murdered. I hate to
23 use the word "only," but only 12 have been murdered. In
24 the same geography, in the same 14 to 24 years old, in

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1 the same eight years, we have lost over 300 kids to
2 murder in the same geography. 12 over 300. So it's
3 working.

4 It has to be rolled out and paid for in
5 every major crime area in this city. Every police
6 district that has a murder problem has to have help with
7 that.

8 One of the most important missing pieces
9 in Philadelphia is a comprehensive mentoring program.
10 We're going to do mentoring in the Blueprint, but it's
11 very fragmented. United Way of Southeastern
12 Pennsylvania is trying to create a comprehensive
13 program, but ladies and gentlemen, there is just not
14 enough African American men coming forward to mentor the
15 thousands of kids who don't have any man in their life,
16 who have no direction and who've never been out of their
17 neighborhood. And some how we have got to change this
18 idea.

19 Furthermore, mentoring for six months is
20 not mentoring. You have to stay at it for two years,
21 three years. I'm in my 15th year of mentoring a kid.
22 He is no longer a kid, but the whole point is that
23 you've got to stick with somebody and help them into the
24 next stage of their life.

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1 Ultimately, the availability of jobs is
2 the real bottom line. Every program that we work with
3 for adolescence the cry is, We don't have jobs. We
4 don't have good training. We don't have places where
5 these kids can get trained as mechanics, as engineers.
6 We don't have a set-up. Our mind is not there. Every
7 kid doesn't have to go to college, but kids must have
8 jobs and we have to start with apprenticeships.

9 We have to start with ways in which we
10 can help these children grow, and I think that's part of
11 what we're trying to do, but every program you go to,
12 but we don't have any jobs for the kids. It's beginning
13 to start. The E3 Centers, there are five E3 Centers in
14 Philadelphia, they are really working to get jobs for
15 kids, but it's very fragmented.

16 THE CHAIRLADY: I'm sorry, tell us what
17 that center is.

18 MR. FINK: I'm trying to think of what
19 the three E's stand for.

20 THE CHAIRLADY: Oh, I'm sorry.

21 MR. FINK: No. It's Employment,
22 Education, Enterprise -- I'm not quite sure.

23 Cultural values often support the
24 cultural of violence which we see thriving in the most

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1 down-trodden sections of the City. The Blueprint for a
2 Safer Philadelphia is working on the promulgation of a
3 positive code of the streets. We must change attitudes.

4 This whole thing about dissing makes me
5 crazy, a psychiatrist shouldn't say that, but it just
6 makes me very uncomfortable that people will kill
7 because they have been dissed, and I don't understand
8 it. But the self-esteem of these kids is so fragile
9 that if anybody insults them, if they feel humiliated in
10 any way, they turn around and they go home and they get
11 a gun and they kill somebody.

12 It will take a Herculean effort to help
13 parents understand child development, to help children
14 learn and to be empathetic and non-violent and to find
15 other ways than hitting, beating and brutalizing their
16 children to help them understand the consequences of bad
17 behavior. One of our biggest issues in this City is
18 abuse, trauma and neglect of children, it's rampant. We
19 have too many, hundreds, maybe thousands of children who
20 are abused, and it leaves scars on them for the rest of
21 their life emotionally, physical, sexual abuse.

22 The other thing is witnessing violence
23 is very, very traumatic for children. There are 2 1/2
24 million to 3 million women who are beaten by their

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1 husbands every year in American and every kid who hears
2 his mother screaming, sees her with a black eye, sees it
3 him or herself is traumatized. We have got to find a
4 way to turn around these attitudes so that the changes
5 that take place make it a better community, a safer
6 community, some place that people want to live.

7 It may sound like I'm straying off the
8 mark, but the most important primary prevention for
9 youth violence and youth murder is eliminating the
10 trauma and abuse of children, stop children from getting
11 beaten and stop children from getting hurt. Children
12 who are hit by someone three times their size go to the
13 school yard and hit somebody smaller than them.

14 I mentioned earlier in my talk, bullying
15 is one of the major markers for getting killed or
16 killing someone and we have got to stop it. We have to
17 stop saying oh, that's the way kids are. We have to
18 stop allowing it in our schools, in our school yards, on
19 the street and we have to stop parents from saying, go
20 out there and get them, don't let him hurt you. A kid
21 whose parent says that usually takes the very longest
22 route back to school known to mankind. They don't go
23 out there and fight the bully. It's really for you to
24 help us do this. It takes money, it takes energy.

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1 Finally, there are hundreds the
2 dedicated citizens working in scores of agencies
3 attempting to address the problems of youth violence.
4 The problem is it's all fragmented. We have a lot going
5 on, it's all fragmented. It has to be comprehensive, it
6 has got to be coordinated. We have to reduce the
7 fragmentation.

8 Thank you very much for listening.

9 THE CHAIRLADY: Thank you, Dr. Fink.

10 We have been joined by Representative
11 Payton from Philadelphia County.

12 I will start to the left, do we have any
13 questions?

14 Representative Lentz.

15 MEMBER LENTZ: Thank you.

16 Doctor, you mentioned, in the beginning
17 of your testimony, about the comments of juveniles with
18 the ease with which they can purchase firearms. Is
19 there any data on the sources of the firearms that are
20 being used in these homicides?

21 MR. FINK: Well, the data is that these
22 kids are not old enough to own guns, and we know that
23 they're getting them from somewhere, usually, from
24 illegal. Kids tell us they that can easily pay 50 bucks

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1 for a gun that's been used in another crime. So they
2 don't have a problem getting them. One of the biggest
3 problems is the straw market. When kids go to -- when
4 somebody who can buy a gun, buys 30 or 40 of them and
5 goes and sells them out of a garage someplace in the
6 ghetto, that's bad news.

7 One Gun a Month would be remarkably
8 important. I can't figure out who needs 12 guns a year,
9 but I'm not a gun person, but I just don't understand
10 why we can't regulate the sell so that we can get
11 control over the straw market.

12 MEMBER LENTZ: Thank you.

13 THE CHAIRLADY: Mr. Chairman
14 Caltagirone, and before you start, Sir, I want to note
15 that we are being joined by a number of young people
16 who, I am told, are from my native city, New York. So
17 welcome.

18 (Applause)

19 THE CHAIRLADY: And certainly these
20 kinds of problems that we're talking about are present
21 in every city in this country and many other cities
22 across the world. So every thing that you learn here,
23 young people, you take back to New York.

24 THE CHAIRMAN: I just wanted to share

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1 with the doctor and members and those that are present
2 here today that one of the gentlemen that is sitting
3 here at this table was ahead of the curve, and that was
4 Representative Chairman Dwight Evans who, for years, has
5 been promoting the various activities that you alluded
6 to in your testimony.

7 He has taken a wholistic approach to
8 looking at the problems that we're dealing with. And
9 Dwight has been on the point leading the charge to make
10 a lot of these changes that you have highlighted in your
11 testimony here today.

12 MR. FINK: Well, the Blueprint is his
13 baby.

14 THE CHAIRMAN: Exactly. That's where I
15 was just heading, because he, I think, hit it very early
16 on that you have to have a wholistic approach. And like
17 you were saying, the Herculean task that lays before us
18 is not going to be an easy road, but Dwight has taken on
19 that challenge, he has looked at these issues, whether
20 it was education, the crime in the City here and many of
21 the economic development issues, and he has been a real
22 leader, not just in Harrisburg, but I think he really
23 does a tremendous job for the City of Philadelphia. And
24 many times he is not given the credit for what he has

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1 accomplished and I just wanted to make sure that we got
2 that on the record. Thank you.

3 THE CHAIRLADY: Thank you, Mr. Chairman.
4 Mr. Appropriations Chairman.

5 MEMBER EVANS: Thank you, Madam
6 Chairperson.

7 Dr. Fink, if you could, just take maybe
8 a few minutes, if you could tell us what do you think it
9 takes to get people to really understand this long term
10 strategy of reversing behavior around public health? I
11 know one of the questions that is always asked of us all
12 as elected officials, is there a single solution? What
13 does it take, as I always like to describe, to get
14 people to understand in their DNA, policy makers and
15 people themselves, that there needs to be a new
16 approach?

17 And you know you and I have talked about
18 the public health perspective. Where do you think we
19 are, as a city, in fully understanding that? And I do
20 agree with you that the fragmentation -- we have a plan
21 of the week, all of us. I don't care if it's Democrat,
22 Republican, City Hall, Harrisburg, but I do totally
23 agree on the perspective of public health. What do you
24 think it takes to get people to understand that really,

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1 from a public health perspective, that is ultimately the
2 way we need to go?

3 MR. FINK: Well, there are some
4 attitudes that have to be changed. We are a punishment
5 -- we have a punishment mentality. In the schools, in
6 the courts, I mean there is not a sense that it doesn't
7 work. We know punishment doesn't work, per se, unless
8 it's matched with something else. The successful
9 programs like YVRP, Don't Fall Down in the Hood, and a
10 variety of other programs in town, are programs where
11 the child is engaged, where somebody cares about them,
12 where somebody gives them some sense that they are
13 valued.

14 And we need to begin to think, change
15 our method of thinking so that it's not just we're going
16 to get an eye for an eye or a tooth for a tooth. Don't
17 get me wrong, I'm not opposed to discipline, I'm not
18 opposed to consequences, but I think children have to
19 have some sense that somebody cares and the remarkable
20 thing is that we see the best results.

21 Don't Fall Down in the Hood is a
22 post-adjudication program for first time gun offenders
23 with a recidivism rate of 3 to 7 percent, the lowest of
24 any program. It's a lovefest. These kids really feels

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1 somebody cares about them. They feel somebody is going
2 to be there for them. You know, it's never too late.
3 These kids are 13 to 17 years of age. It's just never
4 too late. So that's one of the key factors.

5 The other factor here is we have to find
6 a way to help our parents learn about child development
7 and stop brutalizing their children. I know I keep
8 repeating myself, but that's a major factor in moving
9 towards the next generation, eliminating the next
10 generation of delinquents and young murderers is finding
11 a way to make them valued.

12 The thing about respect, as I said
13 before, and I was joking, it's really serious. It is
14 serious that they don't feel anybody listens to them,
15 that anybody respects them, that anybody cares about
16 them. So in the schools where some principal or
17 assistant principal shows the children respect, the
18 climate is fabulous. In the schools where, you know,
19 there is a lot of noise and chaos, the kids don't even
20 know whether they're there or not. I guess I'm saying
21 there is no one solution. That a lot of it depends on
22 adults changing the way they view these young people and
23 opening their minds and hearts to a different way of
24 looking at them, and we -- all of us, you and me, have

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1 seen kids change, turn around and go into the right
2 direction and that's what we need to do.

3 We don't think about what's the positive
4 result. All we think about is do something about this
5 child, he's causing trouble. I have begged everybody in
6 the School District, before you suspend somebody, just
7 ask them why they did what they did. 25 kids a week
8 come to school with a cutting instrument, 25 a week.
9 It's my contention that they come with a cutting
10 instrument because they are afraid to come without one.
11 Why should children be afraid to come to school unless
12 they are armed expecting to be hurt, expecting to be
13 violated, expecting to be bullied. They know they are
14 risking getting thrown out of their school, they know
15 they're risking going to an alternative school, they
16 know they are taking great risks. They can't help it.
17 25 kids a week.

18 We have a lot of kids in the City who
19 don't know anything but their fists. Maybe they don't
20 know how to talk, maybe they don't know how to argue,
21 but we have 184 major incidents a week in this School
22 District. On the average, 130 are assaults, and that's
23 not fights, that's worse than fights.

24 Why should we have so many kids using

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1 their fists against other kids, against teachers,
2 against principals, against police in the schools? Why?
3 Why is that their first and only response? It's a
4 learned response. You learn from somebody hitting you
5 to hit others, and I am begging everybody to rethink
6 this idea and let's see if we can't get kids to act more
7 acceptably in our society by reducing the amount of
8 violence. That's what we have to do. And they have got
9 to lead us in that effort.

10 I don't know if I've answered your
11 question.

12 THE CHAIRLADY: Representative Payton,
13 do you have a question? I would like to move on if we
14 can, but you are welcome.

15 This Representative is so good-natured.

16 Thank very much. We really do
17 appreciate your testimony. I am sorry that we have --
18 but I'm happy that we have so many people who want to
19 testify and I will attempt to keep moving people along,
20 but thank you very much.

21 MR. FINK: I'm glad I was first.

22 THE CHAIRLADY: Madam Councilwoman Donna
23 Reed Miller is here. I would like to ask her to come
24 and give her testimony. Thank you very much, Madam

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1 Councilwoman, also for the use of your chambers, we
2 appreciate it.

3 MS. REED MILLER: Good morning. I am
4 Councilwoman Donna Reed Miller, Councilwoman for 8th
5 Councilmatic District and Chairwoman of City Council's
6 Public Safety Committee.

7 I'm here today on behalf my constituents
8 and over 80 percent of all Philadelphians, and I want to
9 thank the House Judiciary Committee and those Committee
10 members who have taken an interest in this very
11 important issue. However, in the very near future I
12 would like be thanking you for taking action that would
13 push forward vital legislative measures that will
14 address the Committee's findings in the pressing matters
15 which bring you here today.

16 Having been officially and personally
17 part of the countless public hearings, forums, citywide
18 Blueprint hearings and meetings on this troubling
19 subject, I have no doubt what those findings will tell
20 you. As part of Pennsylvania's House Judiciary
21 Committee Public Hearing tour on gun violence issues,
22 you have heard and you will continue to hear from
23 citizens, over 70 percent, by all polling surveys over
24 recent years, all across the Commonwealth saying that

1 they will accept and urge you to enact reasonable
2 antigun violence legislation.

3 Gun violence, violent crime in general
4 and the unbridled illicit availability of certain types
5 of guns through straw sells of these weapons is due to
6 inadequate legislation. Here, in Philadelphia, we're
7 really pushing very hard on the City having the right to
8 enact it's own gun laws. I don't need to say, it was
9 said, I know you're heard it, Pennsylvania have some of
10 the weakest gun laws in this whole country, but what is
11 happening here in Pennsylvania is just not a
12 Pennsylvania problem, it's actually a problem across the
13 country. The issues of crime and violence and drugs and
14 guns are all intertwined.

15 Let me begin with the guns violence and
16 ultimately crime, a perfect of example of what is
17 happening took place at Virginia Tech this week. How
18 many more Columbine, Lancasters and Virginia Techs have
19 to occur before we take legislative action that makes
20 sense. How many more times, and as elected officials,
21 you know how you feel, I know how I feel when I wake up
22 in the morning and I hear another news report on another
23 killing. And I think as, not just elected officials,
24 but most citizens feel like the blood is on our hands.

1 What can we do?

2 I was asked a question recently that
3 said what do you think we should do to deal with the
4 violence, the issues of murders and homicides here in
5 the City and I said, Well, you know, if I really had a
6 real good answer to that, then I would be world renown
7 because this is an issue that has impacted so many
8 neighborhoods and so many communities across the entire
9 nation.

10 Philadelphia is a place that we wake up
11 and we expect to hear that someone has been murdered and
12 that's very, very unfortunate. Together, Councilman
13 Clarke and myself have introduced nine pieces of
14 legislation aimed at addressing the problems with
15 violence, specifically with guns. Again, we are urging
16 Pennsylvania lawmakers to wake up. If we do not address
17 the issue of guns then we will be crying over children
18 and other citizens may be innocently gunned down.

19 The murder rate in Philadelphia has
20 increased and increased and increased. We're already up
21 to 116, and that's 12 more murders than from this time
22 last year and this is an increase of 12 percent. So
23 does that mean we should expect about 50 more murders
24 for this year over and above the 406 that we've had last

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1 year?

2 The numbers are more troubling since in
3 2006 there were 2004 shooting, which did not materialize
4 into murders, but shows that the problem with violence
5 is big. This year we're all ready up to 482 shootings
6 and the number keeps rising. Last year we had 10,971
7 shooting and robberies, we also had 10,000 or more
8 aggravated assaults.

9 The legislation that we proposed we
10 don't believe impacts anyone's Second Amendment rights.
11 One Gun a Month bill still means you can buy a gun, and
12 I personally don't know why somebody needs 12 guns a
13 year, and certainly don't know why somebody needs more
14 than one gun. I mean if you have a gun, you have a gun.
15 I just don't understand why people need to have the
16 ability to go out and buy as many weapons as they choose
17 to buy. Responsible gun ownership is what we're looking
18 for, but unfortunately the State has the power to make
19 these laws and at this time you will not let us control,
20 "us" meaning Philadelphia, legislate our own gun laws.

21 Again, the purpose of these bills is not
22 to take away people's Second Amendment rights, but
23 rather to implement responsible gun ownership. We need
24 to do something now to stop the violence. I'm aware

1 that there is only so much that we, as elected
2 officials, can do, but together with the community side
3 by side with the elected officials we can make a
4 difference. And I know you care. That's why you're
5 here today. As you all know, we cannot legislate a
6 change, but it is a start. It's important to start with
7 why we are holding these hearings.

8 The current violence we are seeing every
9 day on the news did not start overnight and the solution
10 will not happen overnight. Philadelphia's murder rate
11 is an issue that has been ongoing for some time now.
12 Guns, drugs, crime, violence are only a part of what we
13 are here for today. We are here to show our young
14 people that they are not destined to a violent end. We
15 want to offer them other alternatives to lives and a way
16 of resolving disputes. We want to give them the options
17 for their futures. We want to let them know that there
18 is a bright future ahead for them and not one of doom
19 and gloom.

20 Our goal is to make Philadelphia a safer
21 place, a safer place to live in, a safer place to visit,
22 a place where drives to work are safe and, ultimately, a
23 place children can safely play in front of their houses
24 or go to school without fear of being senselessly shot

1 down.

2 The Faheem Childs killing happened at an
3 elementary school in my district and we were all very
4 stunned by that and when I got to the hospital, to the
5 emergency ward, I had a second shot. We were all there
6 and they had actually just finished treating the
7 crossing guard, and when they pulled the curtain back so
8 she can talk to some of us, lo and behold, it was one of
9 my childhood friends that I had no idea was even a
10 crossing guard. I mean I was so totally shocked, so
11 totally taken back, but she was very happy to see a
12 familiar face.

13 She is actually still unable to return
14 to work. She has permanent damage in her foot and we do
15 still communicate occasionally. This is real. When you
16 go to the funerals of these young children -- I use to
17 try to go to every funeral of most of the victims in my
18 district and I had to stop. I started having
19 nightmares. I just couldn't handle it anymore.

20 Certainly, those from reps here from
21 Philadelphia understand what I'm saying, and most of us
22 are focused. Most Council members are focused on the
23 violence and you guys at state level, but we really do
24 need to get a handle on our weapon laws, and I'm very

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1 pleased. I think there is a glimmer of hope, because
2 you're here today, of getting some of these laws passed,
3 One Gun a Month, giving Philadelphia a right to create
4 its own gun laws, dealing with straw purchasing more
5 aggressively, but I believe there is a glimmer of hope,
6 you're here today. And I want to personally thank you
7 again for coming out today to hear from us.

8 I skipped over many pages. Certainly,
9 you asked me not to read to just kind of talk to you,
10 but I do plan to turn in a copy of the testimony for the
11 record. Thank you for inviting me.

12 THE CHAIRLADY: Thank you, Madam
13 Councilwoman, and we all are cautiously optimistic as
14 well that we have come to a new point here.

15 Representative Payton, any questions?

16 MEMBER PAYTON: No, ma'am.

17 THE CHAIRLADY: Mr. Appropriations
18 Chair? Anybody else?

19 MEMBER EVANS: I just want to compliment
20 the City Council Chairperson on her leadership, Madam
21 Chair, along with Councilwoman Marian Tasco. They did
22 joint hearings around the Blueprint, I think they did as
23 many as ten hearings in the City of Philadelphia. So I
24 see the combination of Councilwoman Donna Reed Miller's

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1 leadership, your leadership and Chairman of the
2 Judiciary, Caltagirone, that I see new sense, and I know
3 that people sometimes are not as optimistic about
4 Harrisburg, but I share with you, through your
5 leadership locally, we have been paying attention.

6 Representative Caltagirone is from
7 Reading and he can tell you about the Reading experience
8 the other week. This week I was with the Mayor of
9 Allentown, and they were in Allentown on Thursday, and
10 the Mayor of Allentown is taking a very aggressive lead.
11 So the Mayors across Pennsylvania are all very much
12 taking leads. That is Councilwoman, that's something
13 I've never seen before and the Chairman of the Judiciary
14 Committee has been in there longer than I have been in
15 there, so you didn't think anybody can be there as long
16 as I have been there --

17 THE CHAIRLADY: You're a young man.

18 MEMBER EVANS: And I'm a young man,
19 thank you Chairlady Josephs. I just share with you, I
20 just sense it's a different mood and under his
21 leadership, you know what the Chairperson means, and
22 Caltagirone is the chairperson of this Committee.

23 MS. REED MILLER: Okay.

24 THE CHAIRLADY: I agree.

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1 Mr. Chairman? Mr. Lentz?

2 We all share a certain optimism and we
3 thank you very much. Your testimony was very heart-felt
4 and I participated in your nightmares when you were
5 talking about them, I did.

6 Mr. Vallas.

7 I have been asking witnesses to talk to
8 us rather than read to us, if you can, Sir. And I am
9 going to be much stricter with time than I was with
10 Madam Councilwoman since she is a chairwoman and an
11 elected official.

12 MR. VALLAS: Well, I continuously upset
13 my staff because if I don't have a prepared testimony I
14 get really angry and when I get to the prepared
15 testimony I never use it. So thank you.

16 Let me just, first of all, thank you,
17 thank the legislature and thank Dwight Evans for his
18 leadership. I don't think there has been an issue that
19 has impacted our schools in a positive way that Dwight
20 hasn't been involved in. Particularly on the issue of
21 youth violence, on the issue of parental training, on
22 the issue of getting adequate funding. I mean, Dwight
23 has always lead. And from the first day we walked in
24 and is really in many ways one of the architects of the

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1 current reform movement.

2 And regardless of what people say, there
3 is an undeniable, concrete and empirical evidence that
4 the reforms has produced some significant achievements,
5 in terms of school choice, in terms of rising test
6 scores. I don't think there is a district in the
7 country that has had stronger test score growth than us.
8 It would not have been possible without the leadership
9 of a number of individuals, but at the legislative
10 level, because this was a legislative driven initiative,
11 it would not have been possible without the leadership
12 of Dwight Evans, and I just want to personally thank
13 him.

14 First of all, let me talk about the
15 conventional things. Three things: I want to break up
16 my 15 minutes of testimony by talking about three
17 things: First of all, the conventional things that
18 we're doing, kind of the best practice is second, the
19 next step is third, what the real underlying issues are
20 that we're going to have to address if we're going to
21 solve this problem.

22 So I'm going to kind of race through
23 these things and hopefully it will stimulate some more
24 pointed questions. First of all, conventionally, I

1 downgraded through the hearing process or are downgraded
2 at the local level because the determination is made
3 that the offense is not as serious as initially
4 reported. Although, we're trying to take that
5 discretion away in light of some of the more well
6 publicized incidents of the past few months.

7 Look, over the last five years I have
8 had half the nation's persistently dangerous schools,
9 under No Child Left Behind, half the nation's. L.A. had
10 none, Chicago had none, Illinois had none, New York had
11 two, either they are doing a great job or I'm
12 over-reporting or whatever. I would like to think that
13 we are trying to comply with the law as opposed to other
14 entities.

15 Also, let me put out that the number of
16 incidents tied to actually arrests in the schools is 4
17 to 1. The ratio in Allegheny County is 95 to 1. The
18 ratio in some of the surrounding counties is 15 to 115
19 to 1. And you remember Dale Hardy's article in the
20 Inquirer about chronic under-reporting statewide. So
21 the bottom line is I think we can get aggressive. We
22 can get better and we can get more aggressive, but I
23 think we're trying to move to do the conventional
24 things.

1 And even on the firearms front, as you
2 know, besides the metal detectors and all those things,
3 we confiscate more -- I don't want to say I like to
4 joke, but I sometimes comment that we're finding more
5 firearm outside the schools than we're finding in the
6 schools where we confiscate maybe a dozen a year.

7 Just the other day outside, about two
8 blocks away from one of our high schools, we found an
9 automatic weapon. Students will bring weapons to
10 school, but it's not always because they need a weapon
11 in the school rather than they feel they may need a
12 weapon on their way to and from school. So I just want
13 to point that out.

14 We have to expand school-based community
15 policing, another initiative that was started by
16 Representative Evans to, in effect, bring
17 community-based organizations and faith-based
18 organizations in the schools. We have had some dramatic
19 reductions in serious incidents in some of our more
20 controversial schools, like Olney and Kensington and
21 it's because of the expanded school-based community
22 police initiative.

23 We have got to take our school-based
24 behavioral health services teams to scale, and Paul has

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1 been one of the architects of that. That means getting
2 coordinators, mental health coordinators in the schools
3 who can coordinate support services, that means having
4 behavioral support teams in the schools that can deal
5 with problems.

6 And finally, we have got to dramatically
7 expand work studies so we're putting kids to work. If I
8 walk down a hall in any high school and I shout the word
9 Job, I will have 40 kids surrounding me. And the most
10 often question asked of me or request asked of me of a
11 student is not, Well, can you get me into a safer
12 school, because we have 84 high school options for
13 children in this City where we used to have half as
14 many. So there are a lot of school choices, but the
15 most often asked question is can you find me a job. Can
16 you get me an internship. Heck, that's the most often
17 asked question of my three teenaged boys, Dad, can you
18 help me find work?

19 Let me say this, ultimately, we have to
20 attack the issue of the rising dropout rates, and I want
21 to point you to Project Turn-Around, the youth
22 collaborative dropout study that was co-authored by us
23 and the youth collaborative, and look at the specific
24 recommendations, because if we can get kids in school we

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1 can get kids attending school better, if we can reduce
2 the number of dropouts, we can obviously solve a lot of
3 problems.

4 80 percent of the victims and 80 percent
5 of the victimizers in this City, I saw a statistic a
6 while back, are high school dropouts. So clearly, I
7 think there is a direct correlation.

8 I will say one thing, though, that
9 ultimately -- because I'm racing through this. Just
10 indulge me for a couple of minutes -- the three highest
11 number of dropouts is the following: Incarcerated
12 youth, pregnant teens -- incarcerated youth, 90 percent
13 plus, pregnant teens 70 percent plus,
14 overaged-underachievers about 70 percent plus, and why
15 overaged-underachievers? We still have that law that
16 says you don't have to enroll your kid into school until
17 they are 8 years old. And up until a few years ago,
18 about 3,000 obeyed the law and didn't enroll their kids
19 until they were seven or eight years old. So you have
20 this phenomena of overaged-underachieving kids, 14, 15,
21 16 year old middle grade kids and that's a disaster.
22 That percentage has begun to drop significantly because
23 of our expanded early childhood programs, but we still
24 have a large overage population.

1 Now there are initiatives that can
2 address all three, alternative schools for the
3 incarcerated kids. We need to expand alternative school
4 slots. Programs like Cradle to the Classroom and then
5 the Home program can get a hold of the pregnant teens,
6 make sure the babies are put in day-care and counsel and
7 teach the pregnant teens basic parenting skills. Those
8 programs produce a four-fold increase in the graduation
9 rate for pregnant teens who have gone through those
10 programs. And then, of course, kids are getting an
11 early childhood.

12 And for the overaged underachievers, we
13 have got to bring our transition schools to scale.
14 Those are schools for overaged underachievers. So we
15 can pull the 14, 15, 16 year old middle grade student
16 out and the 17 year old freshman and we can get them
17 into transition schools where they are age-appropriate.
18 They are with their peers, they're very small schools,
19 they are much more focused schools, they are more
20 wrap-around services. We have about four such schools
21 that we're piloting. And the kids in those schools, we
22 have no discipline problems, and the attendance rates
23 are over 85 percent. And the bottom line here is those
24 schools are successful. So there are things that we

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1 need to do to bring to scale.

2 You have allowed me to go over that one
3 minute warning. I appreciate that and I will be more
4 than happy to take any questions you have.

5 THE CHAIRLADY: Do we have any questions
6 on the Panel?

7 Mr. Evans.

8 MEMBER EVANS: Thank you, Madam Chair.

9 CEO Paul Vallas, I think you, obviously,
10 make some very good points and I guess the point that I
11 would like to focus on for a little bit, I was
12 piggy-backing with Dr. Fink about trying to drive in
13 people's DNA what would it take to look at this issue as
14 a public health problem versus -- I would mention a
15 couple of schools, not because I'm trying to pick on
16 them, West Philly, Olney, you can even mention King or
17 whatever. I think West Philly has like 1400 kids in the
18 school.

19 MR. VALLAS: Yes.

20 MR. EVANS: The incidents that tend to
21 occur, what are the numbers, less than 100? Because I
22 think -- I will ask you a question, do you think some
23 times as these stories are described, and not that
24 you're trying to hide anything, is that it has a way of

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1 painting a brush on the entire school, when the reality
2 of it is, specifically, and you can use West Philly or
3 King or whatever --

4 MR. VALLAS: Yes, there does seem to be
5 one or two schools.

6 MEMBER EVANS: -- isn't it really less
7 than 25? If you have 1400 kids what's the number?

8 MR. VALLAS: First of all, let me point
9 out that overaged-underachieving kids comprise the vast
10 majority of these serious incidents and yet they
11 constitute, I would say, about 10 percent of the student
12 population.

13 MEMBER EVANS: That's the entire
14 district?

15 MR. VALLAS: Yes.

16 MEMBER EVANS: Of how many kids?

17 MR. VALLAS: Remember, we report primary
18 grades, too, and 26 percent of our serious incidents are
19 primary grades. Like the teacher assaults included
20 reports of 24 assaults among kindergartners. Now, trust
21 me when I say there are some schools that are not
22 reporting kindergarten assaults, so I just want to put
23 it into perspective. That said and done, though, we do
24 have serious issues and those serious issues need to be

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1 addressed, but 5 percent of the kids get into trouble.

2 MEMBER EVANS: 5 percent out of what?

3 MR. VALLAS: 5 percent of the kids out
4 of the 175,000 because a lot of the kids who get into
5 trouble get into trouble again and again and again.

6 I will tell you, Dwight, though, there
7 are 8,000 kids in this district that need to be put in
8 alternative placement either in disciplinary schools or
9 transition schools. And let me tell you, you have not
10 just your Level Two offenders, but your Level One
11 offenders, the chronically non-attenders. The
12 chronically disruptive, the bullying, the badly behaved
13 kids.

14 And if we get those kids into
15 alternative settings, if we can get the kid out of the
16 classroom, the 8th grader into a transition school who's
17 at 8th grade, but he or she is two years older than his
18 or her classmates and they are reading at the third and
19 fourth grade reading level, because you can retain them,
20 not when they're already 16 years old. If we can get
21 them into a transition program then leave the at-age
22 kids who may be behind, for the teacher and support
23 staff to cope with, you're going to see an even more
24 dramatic transformation.

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1 Because some of these kids -- you know
2 when you have 17 year old freshmen that are nowhere near
3 where they should be, they lose interest and they become
4 hall walkers and they become chronic non-attenders and
5 they have a tenancy to be the ones who get into trouble.

6 MEMBER EVANS: So the point is with
7 close to 197,000 kids, I will use West Philly and
8 Overbrook, it is really very minute in terms of the
9 targeted group we're looking at?

10 MR. VALLAS: Yes. I would say that
11 there is about 10 percent of the student population that
12 gets in trouble. I will say that there is about 5
13 percent of the kids who are chronic offenders, but
14 that's a lot. Percentage-wise there are about 8,000
15 kids who need to be put in alternative placement.

16 MEMBER EVANS: Okay. No problem.
17 Then, let's talk about guns, which is
18 the topic you have talked about and you said that you
19 find probably more guns outside the school than you do
20 in school. Would you say, as you look at your five
21 years, do you have that information, or even the last
22 year, how many guns do you think you actually have
23 caught individuals with guns within the schools?

24 MR. VALLAS: It's usually in the teens.

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1 It's usually in the low teens.

2 MEMBER EVANS: Is it yearly or
3 throughout your five years?

4 MR. VALLAS: No, yearly.

5 MEMBER EVANS: Yearly about what?

6 MR. VALLAS: I would say 12, 13, 14.

7 MEMBER EVANS: How do you generally
8 sense that these individuals get access to these guns?

9 MR. VALLAS: Well, there was an
10 individual at Turner who had an automatic weapon, this
11 is a middle school, in the locker, because our middle
12 schools have metal detectors, some, and they all have
13 handheld detectors, but we have more guns being brought
14 to the primary grade and middle schools than we have the
15 high schools because they are inundated with metal
16 detectors, and he brought it from home.

17 MEMBER EVANS: He brought it from home?

18 MR. VALLAS: Yes. It's not like he
19 picked it up. I would say probably more than half of
20 the cases, and I'll try to verify this, but in more than
21 half the cases, it's a gun that's in the house that the
22 student brings, not something that they're buying --

23 MEMBER EVANS: Excuse me. In other
24 words, the student gets access to a gun from a parent in

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1 the household?

2 MR. VALLAS: Yes.

3 MEMBER EVANS: In terms of the straw
4 purchasing issue, and you know that's when someone buys
5 a lot of guns, put them in the trunk of the car and go
6 out and sell them somewhere.

7 MR. VALLAS: Right.

8 MEMBER EVANS: Do you have any sense of
9 things that you have heard information in your five
10 years about --

11 MR. VALLAS: Our kids always seem --
12 it's not so much that they are straw purchasing the gun.
13 They're getting the gun from either an adult sometimes
14 from the house or they are getting it from another kid.

15 So it's almost as if adults are
16 purchasing the gun and then they are giving the gun to
17 one kid who gives the gun to another kid.

18 MEMBER EVANS: Oh, okay.

19 MR. VALLAS: Because a lot of times,
20 when you can track the gun, it's been through two or
21 three hands. So it's not like they are going to an area
22 of a City and they are purchasing it out of a van or a
23 flatbed of a truck. It's being given to them by someone
24 else.

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1 Usually, the vast majority of the cases
2 it begins with an adult, plus the partnership with the
3 U.S. Attorney's Office to go in and prosecute those
4 adults.

5 MEMBER EVANS: Do you find that when you
6 talk to a parent or kids that generally, particularly
7 the kids, they generally know where the guns are in
8 their household? Do you find kids generally do know
9 where the guns are?

10 MR. VALLAS: Yes. I couldn't make a
11 definitive statement on that.

12 Jim Golden could probably -- who is our
13 Director of Safety and Security, and conducts and
14 supervises all these interviews personally, could
15 probably respond to that.

16 MEMBER EVANS: -- where exactly they can
17 find the guns?

18 MR. VALLAS: Exactly. And we try to
19 track where the guns came from so we can certainly give
20 you something more definitive on how the kids are
21 getting their hands on the guns.

22 I don't want to make a declarative
23 statement, but generally, I would say half the time the
24 kids are getting the gun or they have access in the

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1 house, and the other half they're getting it from
2 someone else, another student. And we have had a kid a
3 few years ago some kids -- and we got the intel that
4 there was a weapon and one of the students led us out to
5 the park, and there was an oozy buried in the park. It
6 didn't have any bullets, the bullets were in the school
7 and the oozy was outside the school, and these were 7th
8 graders who lead us to the weapon.

9 I don't remember what the ultimate
10 tracking point was, where that weapon was picked up, but
11 clearly there are guns floating -- you remember that
12 officer was -- that tragedy involving the shooting of a
13 Philadelphia officer, and they did these searches, and
14 every other vehicle they were searching had a weapon in
15 it. They were just amazed at the number of weapons they
16 found as they were almost doing that dragnet type
17 search, looking for the shooter and obviously looking
18 for the weapon that the shooter used. They came across
19 all sorts of weapons.

20 It was just amazing how many people had
21 access to firearms. When you have firearms floating
22 around in the house, kids are going to get at them. My
23 wife was police officer, and I remember a number of
24 years ago in Chicago, when we were very young, my

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1 kindergartner or first grader got into the closet and
2 got the box with the lock that had the firearm in it.
3 Now, obviously, the firearm was secure and she had the
4 trigger lock and all those things, but she then decided
5 to store her things outside the house because here was a
6 kindergartner or first grader who was able to get access
7 to a firearm. Of course, my wife was a police officer,
8 but that just goes to show you that kids and guns -- if
9 there is a gun in the house and it's not secure and it
10 doesn't have a trigger lock, you really run the risk
11 that the child is going to get access to it.

12 MEMBER EVANS: Thank you, Madam Chair.

13 THE CHAIRLADY: We have been joined by
14 Representative Jim Roebuck, the Chairman of the
15 Education Committee in the House, Chairman Roebuck, do
16 you have any questions?

17 MEMBER ROEBUCK: No. I'll pass.

18 THE CHAIRLADY: Thank you. Any other
19 questions?

20 Thank you very much.

21 MR. VALLAS: My pleasure. Thank you.

22 THE CHAIRLADY: Joseph LaBar.

23 Again, I will do my best. I'm too
24 kind-hearted here, but your testimonies are all very

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1 compelling, so I would like you to help me out and try
2 to talk to us and try to keep this to 7, 8 minutes if
3 you possibly can.

4 MR. LaBAR: Madam Chairperson, I will do
5 just that. I have been a prosecutor for 23 years.
6 Early in my career I tried cases in front of a Judge who
7 insist that I get to the point pretty quickly, and now I
8 work for her and so it's become a habit.

9 With that in mind, let me thank the
10 members of this Committee for their time. Again, I have
11 been a prosecutor for 23 years but I have never had the
12 opportunity to actually tell a body such as this what it
13 is that I need, what it is that we need to do our jobs
14 better.

15 I'm a member of the Gun Violence Task
16 Force in the District Attorney's Office. We have been
17 in business since December of 2006. Before that I was
18 assigned by the District Attorney's Office to take gun
19 cases into Federal Court for approximately four years,
20 and prior to that the bulk of my career was spent
21 investigation and prosecuting murder cases. So I have
22 seen a lot of the problems that we're talking about here
23 firsthand.

24 Madam Chairperson, when I say that I

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1 will be able to stick to my time, partially that is
2 because the speakers that went before me have done a lot
3 of my work for me. What we just heard about, the access
4 the juveniles have to guns is certainly something that's
5 disturbing to us and disturbing to the DA's Offices as
6 well. And I have some recommendations as to how to deal
7 with that.

8 Other speakers have alluded to straw
9 purchases and that is my primary concern as I speak to
10 you today. Let me just take one minute, and I do mean
11 one minute, at the most, to give you a thumbnail sketch
12 of a straw purchase. Because when we talk about dealing
13 with the problem we kind of need to know what it is.
14 Everybody understands that a straw purchase happens when
15 a person who is eligible to purchase a firearm, who we
16 refer to as the straw, goes to a gun shop and gets one,
17 usually for some fellow who is not eligible to purchase
18 or obtain a firearm.

19 We refer to him as the principle in our
20 discussions. He doesn't always have to be barred
21 lawfully for possessing a firearm, but usually he is,
22 but what a straw purchase actually is, to those of us
23 who investigate them and those of us who prosecute them
24 is a series of false statements. There is no statute,

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1 in either State or Federal Court that specifically says
2 you cannot "straw purchase" a firearm. Obviously, we
3 all know that that's a slang expression.

4 The crime that we actual investigate and
5 the crimes that we actually prosecute during the course
6 of a straw purchase investigations are crimes dealing
7 with the making of false statements, and I know you're
8 going to review these materials, so I will not beat them
9 to death. There are four -- at least four separate
10 parts of the Pennsylvania code that deal with the kinds
11 of lies that a straw purchaser has to tell.

12 Three of those four -- and again, it's
13 in the materials. I won't belabor the point. Three of
14 those four, quite frankly, are graded somewhere in the
15 realm of misdemeanors of the second degree or
16 misdemeanors of the third degree, which means that if
17 the special agents I work with bring me a good case
18 against somebody who does this crime, which we refer to,
19 by the way, as lying and buying and I can go ahead and
20 prove the lying, and they're convicted of doing the
21 lying, neither state nor federal law prevents them from
22 going out and getting another gun because I have only
23 succeeded in proving a misdemeanor of the second degree
24 or a misdemeanor of the third degree.

1 There is only one part of the
2 Pennsylvania code that you can violate during a straw
3 purchase that is graded, in my humble, respectful
4 opinion, appropriately as a felony.

5 So we're suggesting to this group that
6 you consider changing the grading of Sections 4904, 4906
7 and 4911 to make them, first of all, to make them
8 sufficient deterrents, and more importantly, to see to
9 that if somebody is convicted of committing these crimes
10 in the course of a gun purchase, for heaven's sake, at
11 least they can't go out get another gun.

12 Another statute that we deal with quite
13 comprehensively and quite often is Section 6105 and, as
14 I'm sure you know, Section 6105 of the Crimes Code is a
15 list of the various conditions or the various prior
16 convictions that would prevent any of us, if we were
17 foolish enough to get those convictions, from lawfully
18 possessing a firearm.

19 You may be surprised to learn, although
20 Pennsylvania has a Uniform Firearms Act, which makes a
21 number of things that you do with guns into crimes, you
22 can violate large segments of the Uniform Firearms Act
23 and not be prevented from going out and getting another
24 gun. They're not listed in Section 6105.

1 So we have the irony of a criminal
2 defendant who can violate the Uniform Firearms Act,
3 having demonstrated very clearly that he is the last
4 person in the world we want to trust with a firearm, but
5 there is nothing in our Pennsylvania Code that prevents
6 him from having another firearm. In fact, ladies and
7 gentlemen -- or Madam Chairperson and gentlemen, that
8 even includes people who are caught unlawfully and
9 illegally carrying a concealed firearm on the streets.
10 Nothing in Pennsylvania's law, anyway, in Section 6105
11 prevents them from getting another gun.

12 THE CHAIRLADY: We'll work on fixing
13 that.

14 MR. LaBAR: Thank you.

15 Additionally, we are concerned with the
16 fact that Section 6105 limits its reach to people who
17 have been convicted of disabling offenses. Let me be
18 very clear about this, we all understand, respect and
19 live by the presumption of innocence, but we have a
20 situation under this particular statute where an
21 individual could be caught red-handed, if you will,
22 caught in the act, disarmed by a police officer who
23 draws a weapon and says drop that gun you're holding,
24 taken into custody, arrested and charged for a violent

0055

1 crime and nothing in Section 6105 says that while he is
2 awaiting trial, he can't go out and rearm himself, he
3 can't possess yet another firearm.

4 I don't think it's asking too much of
5 that defendant or of our law to say to him that during
6 the period of time when you are awaiting trial for this
7 violent crime, we would like you not to have a gun. And
8 if it turns out that you are vindicated in court, as
9 happens, and the system works, then by golly you get
10 your gun rights back, but in the meantime, keep your
11 hands off the guns. That's not too much for the law to
12 ask.

13 Now, in a typical straw purchase, in
14 addition to the lies we see told, very frequently the
15 straw who, understandably, is a little bit concerned
16 about the fact that every single gun that comes out of
17 the gun shop has a serial number, and usually as a straw
18 purchaser, you have been required to actually leave a
19 copy of your driver's license and your personal
20 identification that goes on a piece of paper with the
21 serial number, usually they're a bit concerned because
22 at some point it dawns on the typical straw purchaser,
23 because that the fellow they have bought the gun for
24 just really shouldn't be trusted with that gun, he's

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1 there are inconsistent gradings for the violation of
2 Section 6105 depending on your prior conviction. That
3 is to say, if I'm a person who has sustained a prior
4 conviction, and by virtue of that conviction, I can't
5 possess a firearm, funny thing, if the prior conviction
6 was sustained before I reached my adulthood then a
7 violation of Section 6105 is graded in one fashion,
8 misdemeanor, but if my prior conviction was sustained
9 once I had already become an adult that same crime is a
10 felony of the Second Degree, we would suggest to you
11 that that should be remedied as well and that the
12 grading should be consistent.

13 You also heard today some discussion
14 about the issue of kids with guns and that's one that
15 bothers all of us, as well it should. As presently
16 written, the Uniform Firearms Act contains a provision
17 at Section 6110 that talks about the possession of a
18 firearm by a minor, and if you excuse me, I have to use
19 scare quotes around the term "firearm." Because the
20 fire that's referenced in that particular Section is
21 defined in Section 6102, I know you know this already,
22 what it actually boils down to is a handgun.

23 And I would certainly agree,
24 wholeheartedly, that I would prefer for juveniles not to

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1 have handguns very deeply, deeply wish they never touch
2 one. The statute makes it a felony for an adult to give
3 such a weapon, such a handgun to a juvenile, but by
4 virtue of that description in section 6102, it limits
5 it's reach to handguns, which means that under
6 Pennsylvania law as presently written, while you are not
7 legally permitted -- or more accurately, I should say,
8 while you can be punished for providing a handgun to a
9 juvenile, a six-shot revolver, for instance, you do not
10 violate Section 6110 if you provide an AK-47 to a
11 juvenile, because an AK-47, for instance, and I just
12 take that as an example, because we're all familiar what
13 they are, an AK-47 does not fall within the definition
14 of a firearm in Section 6102.

15 So again, I suggest to you very strongly
16 that there is something really wrong when it's a serious
17 felony to give a six-shot revolver to a teenager and not
18 a serious felony to provide an AK-47, with a 30-round
19 magazine, for instance to a juvenile.

20 And finally, let me also invite your
21 attention to what happens to a gun between the time,
22 let's say that the straw purchaser lies and buys and the
23 time perhaps that it winds up into the hands of some
24 kid, hopefully, who has not been taken to the Medical

1 Examiner's Office. In order for the gun to be
2 transferred, a firearm, as it is defined in Section
3 6102, basically a handgun, in order to be lawfully
4 transferred in the State of Pennsylvania, a handgun must
5 be taken either to a licensed dealer or to the county
6 Sheriff's office. I believe, in Philadelphia, it might
7 be the Commissioner's office. But in any event, if a
8 straw purchaser goes into a gun shop, purchases the gun
9 for the guy that's actually paying for the gun, lies and
10 buys, she has to or he has to give the gun to the guy
11 that's paying the bills. Obviously, a straw purchaser
12 is not going to do that at a gun shop or at the County
13 Sheriff's Office because they'll go to jail really fast.

14 That would make my job wonderfully easy,
15 but as that crime now is graded in Pennsylvania -- and I
16 hear the alarm going off -- as that crime is now graded
17 in Pennsylvania, it's a misdemeanor of the Second Degree
18 to do a back alley gun deal, which means a conviction
19 for that crime will not prevent that person from getting
20 another gun.

21 In closing, I thank you again, for this
22 opportunity to tell you the tools that we, in law
23 enforcement, would like to have to take care of this
24 problem. And I would be delighted to entertain any

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1 questions that you may have.

2 THE CHAIRLADY: Mr. Evans.

3 MEMBER EVANS: Thank you, Madam Chair.

4 Assistant District Attorney, the Gun
5 Task Force, that you are a part of, is that a part of
6 the \$5 million initiative that we put up with the
7 Attorney General's Office?

8 MR. LaBAR: Yes, Sir it is. For which
9 we're very grateful. We're doing great work.

10 MEMBER EVANS: To the members of the
11 Committee, that's the initiative that all of us was a
12 part of the \$5 million initiative that we did with the
13 Attorney General who, in return, from the state formed
14 an alliance with the District Attorney. So I want you
15 all to be aware. And this task force is specifically
16 for the purpose, as the Assistant DA is describing for
17 us, on the aspect of enforcement for those who claim
18 that the only thing we need to do is enforce the current
19 laws.

20 What I think the Assistant DA has done
21 is a very good job of really showing us where the gaps
22 are, and we obviously need to look at those gaps, you
23 know, to help people like himself and the law
24 enforcement people to do a better job because I'm

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1 impressed with what he has just said to us and Chairman
2 Caltagirone, when we were in Pittsburgh we also heard, I
3 think Police Officers and others who really gave us some
4 good information.

5 Because, obviously, when this Uniform
6 Gun Code was done, it was done in a different era and a
7 different time. And you're describing correctly that at
8 the time -- I don't know how old oozies are versus Six,
9 you know, obviously, there are some things we just need
10 to tighten up.

11 One question I keep hearing, at least I
12 heard this from our staff, is how gun charges are given
13 up for trade-offs. Now, we have heard this criticism on
14 a regular basis, kind of left in the lap of district
15 attorneys. You know at one time we passed, I think it
16 was under the Thornburg Administration, we passed the
17 mandatory sentencing of five years for a gun and we just
18 raised it, I think last year, to seven years, but we
19 constantly hear, at least I hear, of how gun charges are
20 given up for the trade-off to something else.

21 To your knowledge, and I know you may
22 sit in a different role, do you want to speak to that
23 particular issue, because that's what get the members
24 upset, you pass a law and I understand the DA is trying

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1 to get the bad guy, but they say sometimes these charges
2 are traded off in terms of gun charges.

3 MR. LaBAR: Whoever is saying it doesn't
4 come from Philadelphia.

5 MEMBER EVANS: Okay.

6 MR. LaBAR: Quite frankly, the District
7 Attorney's Office takes gun charges very seriously. And
8 you're not going to see that sort of thing happening
9 here. I don't know what city does that but it's not the
10 one I live in.

11 MEMBER EVANS: Okay. I just wanted to
12 check because we hear, kind of, police officers
13 sometimes say to us that we have this law on the books
14 and then we turn around and it's given up to trade off
15 for something else.

16 THE CHAIRLADY: I want to note that we
17 have been joined by Councilman Wilson Goode, Jr. Thank
18 you.

19 Any other questions?

20 Mr. Chairman Roebuck.

21 MEMBER ROEBUCK: Thank you, Madam
22 Chairperson.

23 This morning I spent some time going
24 through my e-mails and today is not an atypical day.

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1 There were a series of e-mails that dealt with the issue
2 of the kinds of things you're suggesting that would
3 tighten regulation of guns and gun possession. And
4 systematically those efforts are denounced as being
5 socialistic, communistic, infringement of basic
6 constitutional rights and this is not something that is
7 unusual. It's the kind of thing I get all the time and
8 I'm sure my colleagues get all the time that any that
9 anything that infringes upon Second Amendment rights is
10 somehow ungodly.

11 How do we respond to that? How do we
12 overcome that perception that somehow what we're doing
13 is an infringement upon what is essential to American
14 Liberty, if you will?

15 MR. LaBAR: Well, I don't know about how
16 you would respond to that generally, Sir, but I can tell
17 you specifically, at least with regard to the changes
18 that we're proposing, there is nothing about punishing
19 people for crimes of deception that infringes upon the
20 Constitution. There is nothing that infringes upon the
21 Constitution when we choose to punish people for not
22 following rules and laws that have been enacted by their
23 elected legislatures. And that's really what I'm
24 talking about.

1 We're certainly mindful of the Second
2 Amendment. There is no, for instance, Second Amendment
3 right to lying and buying. There is no Second Amendment
4 right to walk into a back alley, violate the law and
5 sell an illegal handgun. There is no Second Amendment
6 right to arming a juvenile either with an AK-47 or with
7 a handgun. None of these things have anything to do
8 with the behavior of a lawful gun owner.

9 MEMBER ROEBUCK: I think the argument
10 that I get is that it is a direct attack upon that
11 Constitutional right, that anything that in any way
12 infringes or limits the right to own a gun is an
13 infringement upon a Constitutional right.

14 MR. LaBAR: Well, at the risk of
15 sounding like I'm drifting into one of those midnight
16 conversations, I suppose you can respond to those people
17 by saying that the enactment of any law infringes on
18 some right that they may well believe that they have.
19 They could, if they chose, simply say that incarceration
20 is actually a glorified version of kidnapping, depending
21 on how far they want to take the argument.

22 THE CHAIRLADY: Thank you.

23 Mr. Chairman Caltagirone.

24 THE CHAIRMAN: Thank you.

1 Representative Lentz asked me to ask, if
2 you could provide us any statistics on the incidents of
3 the gun issues and the gun problems that you have in the
4 DA's Office here in Philadelphia, he would like to see
5 some statistics if you'd have that available. And you
6 could provide them to the Chair.

7 MR. LaBAR: I would be glad to get
8 anything the Representative wants. Who would I
9 communicate with to find out exactly --

10 THE CHAIRLADY: We'll talk later. I
11 think I'll put you in touch with the representative.
12 Whatever you have if you'll give to me we'll distribute.

13 MR. LaBAR: Exactly.

14 THE CHAIRLADY: I found that very
15 enlightening.

16 I would like to move on. I believe Mr.
17 Phillips, Walter Phillips is here. Please again, I hope
18 that you can just talk to us. I'm sure you have one or
19 two really important points that you want to get through
20 and make sure that we understand. I will, although we
21 are old friends, keep you if I am able to, to a
22 schedule. Please proceed.

23 MR. PHILLIPS: Thank you, Representative
24 Caltagirone and Members of the House Judiciary Committee

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1 for inviting me to speak here today. Thank you
2 Representative Josephs for hosting this hearing and
3 thank you Representative Evans for everything you've
4 done in leadership on this issue.

5 In light of the fact that time seems to
6 be of the essence, I have prepared remarks that I have
7 delivered 25 copies of to the Committee. I would like
8 to therefore, to shorten things, jump to Page 3. I'm
9 here, of course, as Chairman of the Pennsylvania
10 Commission on Crime and Delinquency. I'm also here as a
11 former State and Federal prosecutor for close to ten
12 years. I'm here primarily to advocate and to urge the
13 legislature to pass gun control legislation, which I
14 understand and know will spark enormous opposition from
15 certain sportsmen's organizations.

16 The NRA wields tremendous power in the
17 halls of Harrisburg and Washington, but at some point
18 commonsense, not the NRA has to prevail, if anything
19 meaningful is to be done about the level of gun violence
20 we are experiencing in Pennsylvania. If this means
21 passing laws that will reduce the availability of
22 handguns to criminals without infringing on the right
23 and lives of law-abiding citizens, one piece of
24 legislation I would urge you to consider and to pass is

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1 legislation that would require gun owners to report lost
2 and stolen firearms within 24 hours or face consequences
3 if that gun is used in a crime.

4 This is pro-prosecution legislation.
5 Police Officers and prosecutors repeatedly said that
6 this legislation would give them a critical tool to lock
7 up straw purchasers. Those who illegally sell guns to
8 felons who then commit crimes with those guns and kill
9 people with those guns.

10 Right now when an illegal gun is used in
11 a crime and the police locate the straw purchaser who
12 bought and sold it, that straw purchaser simply claims
13 the gun was lost or stolen and he is not prosecuted
14 because there is no evidence to prove otherwise. Unless
15 the police can prove the owner is lying there is little
16 they can do about it.

17 If missing handguns had to be reported,
18 the police would have one more tool to hold accountable
19 straw purchasers who lie to them about their weapons
20 being stolen and who are directly responsible for much
21 of our gun violence.

22 I would also like to see Pennsylvania
23 pass a law giving cities the authority to enact stricter
24 firearms laws. Some states, including New York, allow

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1 cities to pass stronger firearms laws than those at the
2 state level, thus enabling those cities to respond to
3 the high levels of violence they face.

4 Pennsylvania goes the other way. We
5 have a law on the books that prohibits cities from
6 passing their own firearms laws. If Philadelphia
7 leaders believe that stricter gun laws can help curb the
8 violence here, why should they be prohibited from
9 passing them? It certainly would not infringe on any
10 rights that citizens in the rest of the state have.

11 I support legislation that would make it
12 a felony to pass a stolen firearm. It would be a felony
13 the first time and every time, no questions asked. Why
14 is this important? Because according to the Alcohol and
15 Tobacco and Firearms Agency, there are three primary
16 ways that guns, particularly handguns, end up on our
17 streets. One way is through straw purchases.

18 Another way is through thefts from gun
19 shops. At any given time, the Philadelphia ATF Office
20 is investigating 6 to 8 gun shop thefts that result in
21 dozens, sometimes hundreds, of firearms illegally
22 showing up on the streets.

23 And the third way is through thefts from
24 private residences. The impact of such legislation

1 reaches beyond the initial crime. Gun thieves not only
2 would face felony charges and hence felony jail time,
3 but this law would also make them ineligible to ever
4 legally purchase a gun again. Once someone has a felony
5 conviction on their record, he can never purchase a
6 firearm again.

7 Governor Rendell has talked about how,
8 in some cases, thieves face a harsher punishment for
9 stealing a television than they do for stealing a
10 firearm. This makes no sense. Today, it is only a
11 felony if the prosecutor proves that the person
12 acquiring a stolen gun is in the business of dealing in
13 stolen property, that is, he's a professional fence, or
14 if the value of the firearm is in excess of \$2000. Few
15 handguns on the street are worth that much.

16 In many cases, possessing a stolen
17 handgun is a Third Degree misdemeanor. Possession of
18 any stolen firearm in Pennsylvania should be a felony,
19 plain and simple.

20 In any discussion today about gun
21 violence and proposed gun control laws, we cannot ignore
22 the tragedy at Virginia Tech earlier this week. In
23 Pennsylvania, as in Virginia, such an event may not have
24 been preventable.

1 In the wake of that tragedy, pro gun
2 people have said that anybody and everybody should be
3 encouraged to have guns so that we can defend ourselves
4 from being the victim of a crazed shooter. In my view,
5 this would be highly dangerous and would take us back to
6 the lawlessness of the Wild West of the 1880s. Would
7 you want 20-year-olds carrying around guns, going to
8 beer parties, without any training on how to use them?
9 Does the Philadelphia Police Department send its
10 recruits out onto the streets carrying guns without any
11 training? Of course not.

12 At the other extreme, an absolute
13 prohibition on the possession or ownership of guns is
14 anathema to our way of thinking and to our liberties.
15 It is true that in countries, such as Great Britain and
16 Japan, to name two, the possession or ownership of
17 handguns is prohibited, and the homicide rate is
18 extremely low, indeed ridiculously low, compared to
19 America's homicide rate. But such a complete ban would
20 be unacceptable in America.

21 However, there are restrictions that are
22 reasonable and acceptable in our society and under our
23 laws. Whether the Second Amendment protects individual
24 ownership of guns or not, the Third Circuit of Appeals

1 says that it doesn't and the DC Court of Appeals
2 recently held that it does, reasonable restrictions on
3 the exercise of that right, just like reasonable
4 restrictions on the exercise of our First Amendment
5 rights, are acceptable when they provide an important
6 protection to the public, such as protecting our
7 citizens from violence.

8 One reasonable restriction on gun
9 ownership is what is known as One Handgun Per Month
10 legislation, permitting the purchase of no more than one
11 handgun per month. While such a law would not have
12 prevented the tragedy at Virginia Tech, since the
13 perpetrator of that shooting bought the two guns he used
14 in different months, it has been shown to be the most
15 effective way of keeping guns from finding their way
16 onto the streets through straw purchasers and into the
17 hands of violent predators.

18 A study published in the Journal of the
19 American Medical Association tracked the effects of One
20 Handgun A Month legislation that has been passed, and it
21 concluded that such laws are an effective means of
22 disrupting the illegal interstate transfer of firearms.

23 Prior to Virginia passing One Handgun A
24 Month legislation, in 1993, that state was a main source

1 of handguns used in crimes committed in a number of
2 northeastern states. Three years later guns recovered
3 in criminal investigations that were purchased in
4 Virginia decreased by 36 percent nationwide, by 66
5 percent across New York, New Jersey, Connecticut, Rhode
6 Island and Massachusetts, by 71 percent in New York
7 alone.

8 One Handgun A Month legislation does
9 reduce the number of illegal handguns that make their
10 way onto the streets and into the hands of criminals.

11 If the primary purpose of purchasing a
12 handgun is for protection or target shooting, are not 12
13 handguns a year enough? Twenty-four if you're married?
14 And remember, we're only talking about handguns. You
15 can still buy as many rifles and shotguns as you want.

16 So as not to infringe upon the rights of
17 law-abiding citizens, Governor Rendell and I, and many
18 others, support exemptions for gun collectors or others
19 who would have a legal reason for purchasing more than
20 12 handguns a year.

21 Those who oppose One Handgun A Month
22 legislation offer spurious reasons to oppose it. For
23 example, they say it is not a panacea and that we should
24 enforce the laws we have. Of course it is not a

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1 panacea, nothing in life is a panacea. Chemotherapy is
2 not a panacea for cancer, but has anybody suggested it
3 be discontinued for that reason?

4 As to lack of enforcement, that
5 assertion is an insult to all of the dedicated police
6 officers in Pennsylvania. There is nothing that members
7 of the Philadelphia Police Department would rather do
8 than lock up criminals, that's what they get paid to do,
9 but there is something known as the Fourth Amendment
10 that makes that task not so easy when it comes to gun
11 cases. When the limited data we have shows that one gun
12 a month works, it is worth trying because it just might
13 save a number of innocent lives.

14 Good public policy involves thoroughly
15 analyzing and addressing a problem. It involves
16 identifying and offering solutions to eliminate that
17 problem.

18 Pennsylvania's gun violence problem
19 epidemic cannot be solved with a piecemeal approach. It
20 requires a global approach and multiple solutions. Yes,
21 enacting tougher laws, that is, mandatory minimum
22 sentences, could be helpful, but it should be combined
23 with One Gun A Month legislation as well as legislation
24 making it a crime not to report lost or stolen guns and

0075

1 Do we have questions from the panel?

2 MEMBER EVANS: You have been relentless,
3 determined, dogmatic --

4 MR. PHILLIPS: There is nothing to give
5 up for.

6 MEMBER EVANS: Mr. Phillips, let me
7 finish. Let me give you your credit due.

8 MR. PHILLIPS: But why would I give up?

9 MEMBER EVANS: No, on a personal note, I
10 want to say to all of the members of the Committee, I
11 have known Wally Phillips a long time and I thank him
12 for being as dogmatic and determined as he is and as
13 strident in his language as he is because I think that
14 someone needs to say what he is saying.

15 I think you're a good back drop to the
16 Assistant DA, who was just here, who just kind of dealt
17 on the technical side, but also I think someone needs to
18 say what you're saying because I do think that it is
19 high time that we have had enough in what is happening,
20 not just in this city.

21 I was with the Mayor of Allentown the
22 other day up in Allentown, I was spending some time with
23 him, and he too and Tom Caltagirone, you know, is from
24 Reading and you know about the challenges of Reading,

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1 Erie, you know, you name it, it's like all across the
2 state. You know in your days from being a district
3 attorney, especially, I mean, it used to be just one of
4 those dirty secrets we didn't talk about. Now it's not
5 just locked in neighborhoods with people of color, it is
6 spreading throughout this Commonwealth, so I thank you.
7 I just wanted to say that on a personal note.

8 MR. PHILLIPS: Thank you,
9 Representative.

10 THE CHAIRLADY: And I'd like to say, you
11 might not have been here, I am very optimistic, we are
12 all very optimistic under the leadership of Mr. Chairman
13 Caltagirone and Mr. Evans, we will tackle some, if not
14 all of these bills before this session is over in the
15 House of Representatives and I am quite confident that
16 we will pass a good number of them. So thank you for
17 your encouragement. Keep up the pressure.

18 And if there are no more questions we
19 will -- Mr. Payton.

20 MEMBER PAYTON: Mr. Phillips, thank you
21 for your testimony.

22 The one question I had is that you
23 mentioned the data with Virginia with them being the
24 number one source state and how that was reduced by 36

0077

1 percent. Do you have any data currently as to where we
2 rank as far as source states goes?

3 MR. PHILLIPS: No. And I'll tell you
4 why, after that data came out about Virginia, in 1996,
5 the NRA got to work down in Washington and they lobbied
6 Congress and persuaded Congress to past a law that
7 prohibits ATF from disseminating that data anymore. So
8 you can't get that data except for law enforcement
9 agencies. ATF is allowed only to release that data to
10 Police Departments so it's not available to researchers
11 who compiled the data to give the figures that I have
12 quoted here.

13 MEMBER PAYTON: Interesting. Thank you
14 very much.

15 MR. PHILLIPS: Can I just take a moment
16 to answer -- Representative Roebuck raised a very
17 interesting question with the previous speaker about
18 infringement of the rights and the Second Amendment.
19 The District Court of Appeals opinion that I mentioned
20 that upheld the right of the individuals as opposed to
21 the state malitia, under the Second Amendment, in the
22 majority opinion, which I thought was brilliantly
23 written, by the way, and that actually persuaded me. I
24 was not persuaded before that the Second Amendment

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1 applies to personal rights, but I am now, but in that
2 opinion, and I want to quote from it, Judge Silberger
3 said, "The United States Supreme Court has observed that
4 prohibiting the carrying of concealed weapons does not
5 offend the Second Amendment."

6 Similarly, the Court also appears to
7 have held that convicted felons may be deprived of their
8 right to keep and bear arms. These regulations promote
9 the Government's interest in public safety consistent
10 with our common law tradition. Just as importantly,
11 however, they do not impair the core conduct upon which
12 the right was premised. This is the judge who wrote
13 that the Second Amendment does apply to individuals. So
14 it's just like the First Amendment, it is not absolute.
15 Your freedom of speech, you cannot stand up in a movie
16 theater and yell fire. You cannot traffic in child
17 pornography and claim defense of the First Amendment.
18 None of these rights are absolute.

19 And when you pass laws such as waiting
20 periods, licenses, the like, One Gun A Month, these are
21 reasonable restrictions on a right under the Second
22 Amendment, in my view.

23 THE CHAIRLADY: Thank you. Thank you
24 very much.

1 Our next witness, Executive Director,
2 Town Watch Integrated Services. And again, if you will
3 speak to us and try to be -- I am sure there are two or
4 three really important points that you need to get
5 across and that you can do that succinctly. I'm
6 positive of that.

7 Thank you.

8 MR. MURPHY: First let me say good
9 morning. And I appreciate the opportunity to address
10 this panel.

11 First let me say a little bit about what
12 I do, as the Executive Director of Town Watch Integrated
13 Services, we work in the neighborhoods, of the City of
14 Philadelphia, organizing residents to empower them to
15 participate in the policing of their community. We are
16 an intricate part of community policing.

17 We also address intervention problems
18 inside of the public schools, both high school and
19 elementary school and we also address incidents of
20 violence in the neighborhoods, by working with the
21 neighborhoods in organizing them, not just to do Town
22 Watch, but to impact on their quality of life.

23 I think one of the crucial things is
24 that we must remember that it is the citizen, the

0080

1 average citizen everyday who has to be empowered to make
2 some decisions about how he and she lives. Yes, there
3 are some points. I actually sat down and put this
4 together.

5 Violence in Philadelphia, as violence in
6 America, needs to be viewed as a public health issue.
7 It can no longer be viewed just as crime and as an
8 entity that does not impact on the lives of everyone.
9 We have taken opportunity, throughout the history of
10 America, to defeat Polio. We have defeated
11 tuberculosis. We save endangered species that we
12 determine, but yet we do not stem the tide of violence
13 in our cities.

14 The subculture, in our country, takes
15 violence and use it as a tool to measure the measure of
16 a man or a woman. If you are more violent, if you have
17 something that I want, I take it, if I take it, I can
18 then be deemed a man. It is much like the time when you
19 were deemed a man or a woman based on your paycheck. So
20 what is extremely important here is we begin to look at
21 how these conditions exist.

22 These conditions do, however, exist
23 because we have not taken a wholistic approach to
24 addressing this problem and we must. We must look at

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1 education. One of the things we need to view is how
2 many children are left down in kindergarten, how many
3 children are retained in first grade and second grade.
4 So how is it that a 14-year-old who is in 4th and 5th
5 grade can be expected to be anything but a bully,
6 anything but violent and what other type of behavior
7 will he exhibit.

8 We also have to recognize that this
9 behavior is learned behavior. It's not genetic. It's
10 not because I am black that I am violent. It is not
11 because I am white that I am non-violent. But violence
12 is learned. It is learned in the homes. It is learned
13 because one, we do not have any hope in our cities. We
14 spoke of hopelessness. I say to this panel that our
15 government must become the vehicle to provide hope.
16 HOPE is Housing Opportunities, Programs and Education,
17 because these are the things that will tend to stem the
18 tide.

19 I also would like us to take the
20 opportunity to look at the conditions that exist where
21 education and hope work together, because in the last
22 few years our educational institutions, here in
23 Philadelphia, and throughout Pennsylvania, and including
24 Morehouse, has graduated their largest class in the

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1 history of those universities. So therefore, we
2 understand the keys, now what we must begin to do is
3 apply them.

4 I think we have to take prison from
5 being the largest growing industry in the nation and let
6 us begin to build the type of educational institutions
7 that will help us move forward. Our children must learn
8 to lead and our children must learn to read. They
9 cannot lead if they cannot read.

10 I think it is important also that as we
11 empower our communities, we do begin to address gun
12 laws. There are 30,000 legal guns in the city of
13 Philadelphia, 30,000 legal guns. We don't have 30,000
14 police officers. There was a question that was asked
15 earlier about young people and guns, they are not just
16 getting them from home, young people can buy them on the
17 street for \$50 and they have them for \$50. So we have
18 to begin to look at the gun issue and begin to challenge
19 the institutions that say we can't. Our children are
20 not only our future, they are today. And if we don't
21 wrap our arms around them today then our future will, of
22 course, be bleak.

23 In the City of Philadelphia, we have
24 over 740 Town Watch groups which involves over 20,000

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1 residents. Over 320 of those Town Watch groups patrol
2 their communities. Why is that significant? It is
3 saying to you that the citizens of Philadelphia care
4 about the violence and what we need is your help and
5 your support in addressing it and improving our
6 educational system. Thank you.

7 THE CHAIRLADY: Thank you, very much. I
8 will take the Chairwoman's prerogative to say that in
9 some ways this was the most valuable contribution
10 because we are not going to get anyplace without the
11 citizens. And I know the citizens are ahead of us in
12 terms of their activity, their commitment and their
13 absolute determination to solve this problem and I
14 really wish I could thank all of your volunteers,
15 because I know almost all of them are volunteers.

16 MR. MURPHY: Yes, Ma'am.

17 THE CHAIRLADY: And they are the busiest
18 people in the world and that's why they are volunteers
19 and that's why they are putting themselves in danger and
20 they are inconveniencing themselves to prevent what we
21 are seeing now and it would be much worse without them.
22 So I am very thankful to yourself and anybody you work
23 with.

24 If you have any statistics or anything

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1 more concrete about your assertion, which I believe is
2 correct that people and many people do and can just buy
3 guns on the street for practically no money, I would
4 appreciate having them at perhaps a later date and I
5 will circulate them.

6 MR. MURPHY: Thank you.

7 THE CHAIRLADY: Any questions from the
8 panel?

9 MR. MURPHY: Thank you.

10 THE CHAIRLADY: Thank you for your very
11 valuable participation in solving this problem.

12 Mark Schweiker. I did see him come in.
13 Please talk to us as much as you can.

14 MR. SCHWEIKER: Thank you.

15 And I understand your request and I
16 thank you, Mr. Chairman and Madam Representative and
17 all. Thank you so much for the opportunity to comment
18 and visit. I do feel honored and encouraged to follow
19 Mr. Murphy. He was outstanding. And I turned to one of
20 the folks with whom I work and I said that's a script
21 that's in the heart and that is important, as you
22 mentioned in your reaction as well. I feel the same way.

23 And perhaps I can in a synopsis,
24 parenthetically, you do have our prepared remarks so

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1 thank you for considering those and reviewing them. And
2 while I'm at it let me also acknowledge Representative
3 Evans. I know also for many years he has been a
4 determined commentator as far as what we can do to
5 reduce crime and violence in our communities in
6 Pennsylvania and certainly in Philadelphia, as he is to
7 be commended, as you are to be commended.

8 Perhaps what I can do is connect to Mr.
9 Murphy's observation about education, particularly what
10 we think is an experience that could really pay off for
11 young people in Philadelphia. I should tell you that I
12 represent an organization with 5,000 member businesses
13 who are concerned with this development and the everyday
14 stories about murders and the improper use of guns and
15 all of that that pangs us every night when we watch the
16 11:00 news or read the newspaper in the morning.

17 While we are not the government, our
18 belief is that the business community has an obligation
19 and a role to fill to help, but we provide a variety of
20 forms of assistance, but what I would like to do today,
21 if I may, Members of the Committee, is to talk about
22 working solutions. Which is our commitment, and
23 actually we're working on it now and I would like to
24 mention both what we would like to accomplish as well as

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1 the tax incentive that we believe could really encourage
2 other businesses to step forward, but to provide 1,000
3 employer-paid internships for young Philadelphians,
4 roughly, between the ages of 16 and 21, not necessary
5 those who are destined for college. Those who are
6 interested in a workplace experience, but 1,000
7 employer-paid internships through this working solutions
8 endeavor.

9 We're partnering with the Philadelphia
10 Youth Network, which does a superb job, and has for many
11 years, to offer internships. I know I'm in the company
12 of enlightened people who realize there is a powerful
13 connection between a workplace experience through an
14 internship, someone who coaches them a little bit and
15 someday aspiring to hold a good job and to earn a
16 paycheck and to pay a mortgage and to raise a family, as
17 Mr. Murphy has said, it is so important to the health
18 and the future of our kids.

19 So through Working Solutions, if I could
20 give you an update, I'm encouraged. At this point,
21 Madam Representative, I will tell you that we have a
22 number of companies at this point who have made
23 commitments to 600 of those 1,000 employer-paid
24 internships. We have 400 to go. I would love to report

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1 to you when we hit the last week of May in a matter of
2 weeks that these commitments are in place, because it
3 means that 1,000 young people will have the positive
4 opportunity to be in a workplace and learn what the work
5 world is all about. It's not the kind of experience
6 where in they go to the lunch room and they will sit
7 there for a couple of hours.

8 No, we expect full participation by the
9 company, full preparation so that this young person is
10 able to understand the ways of the work world and the
11 related demands. It will be a four-day on-the-job
12 experience and then the fifth day bring the 1,000
13 interns together and they're workshopped and can
14 encourage each other and console each other and learn
15 what it is that you have to improve and things that may
16 have to change, because they're going to go back to the
17 workplace on Monday.

18 So through Working Solutions it is an
19 opportunity to educate themselves about the ways and the
20 behaviors necessary in the work world and to experience
21 a paycheck, because there is a paycheck. And if I may,
22 as I talk about the financing piece of this, and I know
23 Representative Evans is quite conversant with this and
24 has expressed his support, and while I'm at it, let me

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1 also mention that two of your colleagues, Representative
2 Shapiro and Representative Taylor, have both taken up
3 the cause and we feel pretty confident about the
4 Senate's take on this. That we would like to put in
5 place a tax incentive for the businesses that choose to
6 do this.

7 We are talking about, you know, on
8 average \$1,600 expenditure to provide this internship,
9 and ideally, what is being talked about now and you and
10 I know it could change in terms of its elements, a 70
11 percent tax credit. The possibilities are high, the
12 reactions have been positive to this particular
13 dimension of activating Working Solutions, and I do
14 think it will help us race more quickly to that end of
15 having 1,000 employer-paid internships this summer.

16 Let me just back up and I'll move to a
17 finish, Madam Representative. The Philadelphia Youth
18 Network would tell you that last year they managed to
19 successfully place about 420 kids, but the waiting list
20 was just about the same. Put it another way there were
21 400 hungry kids, so to speak, that wanted the workplace
22 opportunity that didn't find a place in a business.
23 Well, we want to correct that. We want to work on
24 lowering the waiting list and that number.

1 In fact, if you do the math, we are at
2 650 already. So we have eaten into that. But what we
3 would like to do is double the placement even more than
4 that this particular summer. And I believe we're on our
5 way. So it would be nice, perhaps, in the month of
6 June, I know how busy you get out there and who knows if
7 the Governor can get around to signing a worthy bill.

8 It would be great to have this in place
9 and it would be an important development, perhaps in
10 June, to say to the employers and the City of
11 Philadelphia, as it relates to providing positive
12 options for kids, there are plenty of kids who are not
13 inclined to pull that trigger and resort to a negative
14 option. There are plenty of kids with positive
15 instincts and want to know the work world and we'd love
16 to have that incentive to entice them to come in the
17 door, so to speak, so we can place them in promising
18 internships.

19 So it wraps up this way, we're well on
20 our way, we have 600 locked in, we'd like to get to
21 1,000. With that, I will back off and say thank you so
22 much for the opportunity to be heard.

23 THE CHAIRLADY: Thank you. I'm going to
24 say something briefly and then something that's very

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1 pertinent, but not part of this hearing but very
2 pertinent. Aside from the legislative, I offer myself,
3 the passage of legislation and everybody here, without
4 even asking them, for any kind of publicity commending
5 the firms that have done it well and encouraging other
6 people. Whatever you can think of, we will be very
7 cooperative.

8 And at this point I have 11:58. I would
9 like to suspend the testimony, for just a few moments,
10 so we can rise at 12 noon. This is nationwide, I
11 believe or at least statewide, to pay our respect to
12 those people who lost their lives this week at Virginia
13 Tech and we will be joining all of our fellow
14 Pennsylvanians and our neighboring states to honor those
15 who were taken in just a horrible act of violence. I am
16 going to trust my own watch and let's all of us stand
17 and be quiet for a moment. Thank you.

18 (Whereupon, a moment of silence was
19 recognized.)

20 MR. SCHWEIKER: Then if I would finish,
21 it occurs to me it's a bit of an irony, as we lament
22 and literally pray, a moment ago, for 33 young people
23 who lost their lives at Virginia tech, The House Bill
24 number is 333, so thank you for having the opportunity

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1 to provide --

2 THE CHAIRLADY: Well, I haven't asked if
3 there are question.

4 Mr. Roebuck.

5 MEMBER ROEBUCK: Thank you, Madam
6 Chairlady.

7 I certainly want to commend you for the
8 initiative around internships, but if I listen to Mr.
9 Murphy's testimony and I think certainly in my own
10 experience, suggest the core of the problem goes much
11 deeper than that. The sense of hopelessness in my
12 community relates to the inability to translate
13 education into jobs. Unless we go beyond the idea of
14 addressing the needs of 1,000 students or 1,000 kids who
15 need summer employment, there has to be a commitment
16 from the business community to provide jobs for people
17 who want to work in this city.

18 I guess that's what I'm asking. Is
19 there a way that the Chamber and others can perhaps
20 accelerate their efforts to create jobs so that if you
21 come out of high school, you have that ability to get a
22 job so you know that that's an option. You don't have
23 to resort to alternative kinds of ways to survive.

24 MR. SCHWEIKER: That is a fair reaction

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1 and question and I do believe that businesses, whether
2 they have a city address or a regional address in
3 outlined counties are accelerating it to the best that
4 they can afford. Obviously, there are other
5 considerations, but I do hear you clearly that too many
6 young folks experience the whole K to 12 high school
7 experience, and I don't think they believe the payoff is
8 going to be there so they may resort to negative options
9 and that is troubling for all of us.

10 The Philadelphia School District is an
11 ally or ours in this endeavor and I assure you that no
12 one is under the impression that 1,000 is the magic
13 number. I mean, if we could -- this is our first
14 commitment and first year and first summer to activate
15 this. If we could do 5,000 at the snap of the finger, I
16 assure you, it would be done in the morning. It is not
17 for lack of interest or sensitivity or will power. It's
18 a matter of logistics right now and I do believe it's
19 going to grow.

20 And to your question, we need tight
21 connections with the guidance counselors in high
22 schools, with the teaching staff, the Teacher's Union
23 need to understand the virtue of this, and for that
24 matter, all of this, whether we're a resident to a

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1 business to a business person, have to champion the idea
2 of more connectivity than what goes on in those hall
3 ways and in the cafeteria and in those class rooms is an
4 important experience. They have to stay in school and
5 we have to, in response, provide the job opportunities.
6 Yet one connection, Mr. Representative, is as you well
7 know, is just the exposure to the work place. Too many
8 young people feel that it's not for them or they
9 couldn't come into to Center City because it's not for
10 them. This is a program for all, regardless of their
11 background or status. So to some extent, we have to
12 paint that picture and be the aggressor and get out to
13 the schools and say we welcome you.

14 So we need more connectivity with the
15 School District without question and for all of the fine
16 groups that are offering comment here. But we're not
17 going to stop at 1,000. I do think it's an achievement
18 to get us to this point, we think we're closer to 750.
19 Hopefully, we get this done soon, because in order to
20 have them in place by July 1, we have to get them
21 trained and grounded in June, and in May we have to
22 finish the identification.

23 There is some serious unacknowledged
24 effort that I'm not outlining here that helps us get to

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1 this point. But I think we're getting to this point.

2 I will wrap up with this, Lockheed
3 Martin is a big employer, probably an outfit you
4 recognize. They have places in King of Prussia, Bucks
5 County, Morristown, they hear you, so to speak. I can
6 tell you that they run a van back and forth. They pick
7 up kids with some really serious math and science
8 background in places like Mastbaum and one other votech
9 and they handle the transportation. In fact, we heard
10 from one man at a big gathering we held just weeks ago
11 and I do believe that he brings to mind the kind of
12 person that's on our proverbial mind.

13 He did a super job of saying, A, I just
14 needed a chance, someone to believe in me, and B, he
15 held up his end of the bargain and he's going to be
16 working for Lockheed Martin someday.

17 So the proof is that their promise is so
18 great we just need to help make the connections and pick
19 up the pace, which I think is your point, whether it's
20 just outright job offers to this figurative bridge that
21 this internships represent from their young age to what
22 life is like in the workplace. So the business
23 community, whether it's Lockheed Martin and others are
24 helping out in the ways that we can.

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1 To some extent our hands are tied
2 because we're not a government and we can't deploy a
3 police force, but we can help as far as these bridges.

4 THE CHAIRLADY: Mr. Evans.

5 MEMBER EVANS: President Schweiker, I
6 would like to thank you particularly for Joe and Pam who
7 always have been available to be supportive of us on
8 this issue and I think I want to also have you send a
9 message to Joe Flick, who's the Chairman, at this
10 particular point, for his comments at your last event of
11 raising the profile around what violence does to the
12 economy.

13 I think a lot of times from a business
14 perspective a lot of people tend not to speak to how
15 violence is an impediment to economic growth. And we
16 have a way of looking at violence from a social
17 behavioral standpoint and there is no question that it
18 is social and behavior, but it also impacts economics
19 when you think about it.

20 MR. SCHWEIKER: Yes.

21 MEMBER EVANS: It's a little tough to
22 have a business where your customers are going to be
23 interfered with in terms of your ability to access your
24 merchants. So there is a direct connection between

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1 pay, which is your point and we hear it loud and clear.
2 I will finish and say to all of you, I thank you for the
3 effort to come here. I do believe when we work together
4 we can assemble the means and the solutions that create
5 a safer neighborhood and a safer city.

6 THE CHAIRLADY: I would like to say, I
7 consider you the sort of business counter-part to Mr.
8 Murphy's effort, the more neighborhood level, and I
9 understand the planning and investment that it takes but
10 we know the stakes are very high for all of us. And I
11 would also look to the Chamber for leadership in other
12 areas which are a little bit less directly connected to
13 violence prevention but have to do with family sensitive
14 workplace policies, helping single parents with
15 childcare, after school program encouragement.

16 I know the businesses can play a very
17 large role in those kinds of paid sick days for people
18 who have responsibility in their families. All of that
19 is very important to people who are family workers, very
20 difficult problems to approach, but I think we need your
21 leadership, we need your leadership testifying when
22 we're trying to promote these kinds of policies, and we
23 need your leadership with the businesses in the city who
24 can be helped to see that their bottom line is going to

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1 be improved if their workforce is not distracted by some
2 problem at home and in the end we are all going to
3 benefit because the economy is going to take off.

4 MR. SCHWEIKER: Yes. The need for a
5 little workplace flexibility is a general point. And I
6 couldn't pass up the opportunity, I don't get a chance
7 every day to address important leaders like yourself,
8 you know, as it relates to helping folks earn a paycheck
9 and make the mortgage payment and raise kids and get to
10 the work place you think you know what's coming at us.
11 I mean SEPTA dedicated funding for transit systems
12 across the state, not just SEPTA.

13 I mean there is a direct connection
14 between mobility and the ability to land a job and hold
15 a job. And if you can't get from your home because of
16 lack of dependable transit, it hurts the economic
17 performance and it hurts that family and it hurts the
18 wage earner so I assure you over and above the workplace
19 flexibility interest we will be helping to run, I
20 believe, a pretty vociferous offense in the weeks to
21 come, particularly in June, to see to it that at least
22 in our region -- and I realize that Pittsburgh just laid
23 off a lot of people or at least made that announcement,
24 that's a big one for us, and somewhat indirectly linked

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1 to the whole idea of providing options, positive options
2 to young people and non-traditional workers.

3 THE CHAIRLADY: Absolutely. And I thank
4 you, as the only person in the general assembly that
5 doesn't use, drive, rent or lease a car.

6 MR. SCHWEIKER: Thank you.

7 THE CHAIRLADY: Any other questions?

8 Mr. Mirowitz, Southeastern Regional
9 Director of United Sportsmen of Pennsylvania.

10 You have been here listening to my plea,
11 I won't repeat it.

12 MR. MIROWITZ: Thank you.

13 This isn't my first time in front of the
14 Committee, and I want to thank the Committee for the
15 opportunity to be here again. And I also want to
16 express our sympathies, our care and our concern to the
17 victims in Virginia Tech and to their families and to
18 the Virginia Tech community. Their losses and their
19 pain diminish us all and I'm very conscious of that.

20 The Unified Sportsmen of Pennsylvania is
21 a sportsmen's group, it is a statewide organization. It
22 had a representative on the State Select Committee,
23 Fumos Gun Panel, if you would, Ryan Commission,
24 depending on which part of the state you are in. I

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1 wasn't that representative. I represented a different
2 group on that same committee that lead to Act 17, in the
3 mid '90s, rewriting Pennsylvania's Uniform Firearms Act,
4 and the reason I'm going into this -- I want to deviate
5 from my prepared statement, and I have handed that up
6 and I hope you're going to read that -- one of the hats
7 I wear is I lecture for the Pennsylvania Bar Institute
8 on Pennsylvania Gun laws, and I'm sure the errors were
9 inadvertent, but I want to make a few corrections.

10 One, obtaining firearms in Pennsylvania
11 by false statements is a felony, providing a firearm to
12 be used in crime in Pennsylvania is a felony. Being
13 charged with a pending criminal crime -- pending
14 criminal charges is a disabling factor, under the
15 Uniform Firearms Act. Your firearms are confiscated by
16 the police, you can't go into at gun shop and buy
17 anymore, you can't get past the background check.

18 Speaking about background checks, and
19 one of the things I want to bring out to the Panel, we
20 created or revamped the Uniform Firearms Act. It was
21 created back in the '30s, but we revamped it in the mid
22 '90s and it's a system that works.

23 Mr. Choe, in Virginia, because he had
24 been committed to outpatient care, would not have been

1 able to pass a Pennsylvania background check. The
2 mental health disabling criteria in Pennsylvania,
3 includes a Section 303 commitment. That's extended
4 care, inpatient or outpatient under the Mental Health
5 Procedures Act. So Mr. Choe couldn't have purchased
6 either one of those firearms that he had.

7 We also heard an AK-47 referred to as a
8 rifle. An AK-47 is a fully automatic weapon. It is
9 subject to the National Firearms Act and that is an area
10 of Federal law that preempted state law. It's not the
11 gun that you buy at the gun shop. It may look like an
12 AK-47, but it's a semi-auto version. The idea of giving
13 a firearm or passing a firearm or providing a firearm to
14 a minor, for an unlawful purpose, is a crime, it's a
15 felony. Kids aren't allowed to have guns, under the
16 Uniform Firearms Act, except in very limited
17 circumstances, safety training, hunting training,
18 competition.

19 A kid can't go out and walk into a gun
20 shop -- when I say a kid, someone under 21, can't go
21 into a gun shop and buy a handgun. Federal law stops
22 them, state law stops them. Be that as it may, some of
23 the things that we have that we're faced with here in
24 Philadelphia, the crime rate, the homicide rate, to

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1 address them requires something other than gun laws, in
2 fact, it requires something other than laws. The
3 Uniform Firearms Act is part of the Crimes Code. The
4 Crimes Code says you can't commit murder, that's a
5 crime, but people do it. Hopefully, they are
6 apprehended, and that's one of the things I want to talk
7 about.

8 What the system needs is manpower. When
9 Representative Perzel said Philadelphia, I will get you
10 the Police officers you say you need, he was told, it's
11 a budget buster, it's too expensive. Well, Philadelphia
12 has been short 1,000 to 1,500 police officers for over a
13 decade. We don't have enough probation officers, we
14 don't have enough corrections officers. Councilwoman,
15 Krajewski had hearings and we heard horror stories about
16 corrections facilities where you had a three-man post
17 and the only people who were there were names on a piece
18 of paper, because there wasn't the personnel. The money
19 wasn't there to put the bodies on the job.

20 If you want to do something about crime
21 in Pennsylvania, put the money in. Pay for the police.
22 Don't just shift them from one place to another because
23 who's covering where they were to begin with when
24 they're out on the Schuylkill? But hire the new cops,

1 get the corrections officers, get the probation
2 officers, create the court facilities and the judges so
3 that the trials can go on and do something about people
4 with long criminal records, repeat violent offenders
5 that are out there shooting each other and innocent
6 bystanders in the mean time.

7 You guys are the House of
8 Representatives, you control the purse strings. So when
9 you talk about, whoa, we have to do something about all
10 these gun laws. Well, you know something, some of the
11 gun laws actually work. Philadelphia is not a
12 second-class city. Philadelphians are not second-class
13 Pennsylvanians. If you move from Allegheny County to
14 Philadelphia, as I did over my lifetime, you don't lose
15 your rights. Undoing state preemption isn't an answer.
16 The idea of reasonable regulation, yes, you can
17 reasonably regulate and say you can't yell fire in a
18 crowded theater, but that's not prior restraint. You
19 can't create a restraint on the free exercise of the
20 right of free speech, just like you can't create a prior
21 restraint on the free exercise of Article 1 Section 21
22 rights under the Pennsylvania Constitution.

23 You can't discriminate against the free
24 exercise of a Constitutional right under Pennsylvania's

1 that have losses that they suffer, thefts, but they
2 don't pick it up until an annual inventory or an annual
3 catalog. These reporting requirements need to take into
4 consideration that you can't blame the victim. That
5 isn't right and just because somebody says, Oh, this is
6 how they do it, that we falsely report a theft, doesn't
7 mean that every theft is a false instance.

8 These quotas on one gun a month, when
9 you start talking about that, it shows that you don't
10 understand the gun community, the sportsmen community,
11 the competition shooters. You have some of these
12 competitions where you are required to use more than one
13 firearm, three-gun competitions, single action shooting
14 society, cowboy action shooting, you have multiple
15 firearms used. People go out and they purchase more
16 than one gun on a fairly regular basis.

17 And the idea that you're going to make
18 an exception to the One Gun a Month, if you can justify
19 why you need it is an outrage to the concept of a
20 Constitutional right. You don't have to justify why you
21 want to exercise your Constitutional right. The idea is
22 the state can't infringe upon that exercise unless it
23 has a significant, compelling, stated reason and the
24 infringement is narrowly tailored to meet that.

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1 The One Gun A Month does not work. It's
2 not where the problem is. We had a gun dealer, here in
3 Philadelphia, that had a break-in, they stole 125 guns,
4 they ended up on the street someplace. We had a Mayor
5 here who had two guns the City gave him that ended up on
6 the street. He didn't report them until after they were
7 discovered on the street. Are you going to penalize
8 him?

9 You're shaking your head yes.

10 Okay. Providing a gun for use in a
11 crime is a felony. When it happened, Representative, we
12 talked about it, when I appeared in front of this
13 Committee before, I've talked about it. You shake your
14 head yes, but now you want to go out and penalize the
15 victims, with these reporting requirements, with these
16 registration requirements. Registration, as a state
17 police, when it came in front of the State Select
18 Committee Coronal Blackburn said, point blank,
19 registration does not address any legitimate law
20 enforcement purpose.

21 Now, he was appointed by Governor Casey,
22 not exactly a gun-friendly situation. If it didn't
23 address a law enforcement purpose then, it won't now,
24 but you can't have One Gun A Month without registration.

0108

1 Now last fall we lost a very dear friend
2 of mine, Mr. Pierre. Mr. Pierre, would tell the story
3 about when he was a youth in Italy and Mussolini had gun
4 registration and then, in his village a German soldier
5 came in during World War Two, with a gun registration
6 and said, we want the guns, and he said, no, no, those
7 are all guns, they're gone, they're rusted, they're
8 destroyed. The next day here comes the German soldier,
9 only now has a squad, we want the guns, the Mayor comes
10 out and he says, no, no, we told you yesterday. And the
11 German officer then turned around and shot the Mayor and
12 just started shooting people until they got the guns.
13 Maybe not as bad now, but registration is the same
14 thing.

15 And I will remind the Panel that they
16 did it in New York. The program was called Knock and
17 Talk, with the registration programs that were mentioned
18 here earlier using New York as an example.

19 I realize you want to move on and I
20 guess I'm the poor guy because I came up at the end of
21 it.

22 THE CHAIRLADY: There are more, and you
23 have to turn over your page and that's why I would like
24 to end.

0109

1 MR. MIROWITZ: I understand that.

2 THE CHAIRLADY: And there is an extra
3 person and I would like to give everybody a chance.

4 MR. MIROWITZ: I understand that and I
5 realize I'm not exactly the guy that you want to hear.

6 THE CHAIRLADY: We want to hear
7 everybody, Sir.

8 MR. MIROWITZ: The point that I wanted
9 to make is on trigger locks. When I made a presentation
10 at Dickinson Law School, along with another member of
11 the Panel, Dan Seigal, there was a big push for trigger
12 locks. He made the point that if you got rid of every
13 gun ever made and the means and knowledge to replace
14 them, what you have left is not a peaceful society.
15 What you have left is brute force rules.

16 If you really want to do something about
17 crime, kids who graduate with high school diplomas
18 should be able to read and write and do basic math. I'm
19 tired of people coming to me and they want a job, but
20 they can't do basic math. They can't read. They can't
21 write. They can't communicate, and they have high
22 school diplomas.

23 If you want to have jobs, stop taxing
24 the businessman, the employer, out of existence. Drive

0110

1 down 2nd Street, here in Philadelphia, and look at all
2 the jobs that used to be there.

3 If you want to do something about crime,
4 take the guys that are the repeat violent offenders,
5 build the jail cells, when they're convicted, put them
6 away. Don't let them back out on the street as
7 probationers and there are no probation officers to
8 watch them.

9 You had one guy who had the ankle
10 bracelet and he was gone for a weekend or two weeks
11 before anybody noticed it because there was nobody
12 monitoring the ankle bracelet. You need to spend the
13 money. You have a system Uniform Firearms Act
14 Pennsylvania Crimes Code, they will work, but you need
15 to spend the money for the personnel, the physical plant
16 and the equipment they need for enforcement. Without
17 the money no law can be enforced.

18 And now I thank you.

19 THE CHAIRLADY: Thank you.

20 Do we have any questions from the Panel?

21 I think not.

22 Thank you very much.

23 I want to move on to Dr. Lawrence

24 Sherman, who is the Director of the Jerry Lee Center of

0111

1 Criminology, the Albert M. Greenfield Professor of Human
2 Relations, the Chair of -- well, you say it.

3 MR. SHERMAN: Thank you, Representative
4 Josephs, and thank everybody on the Panel for the
5 opportunity to speak. Thanks to the support of this
6 Committee and all four caucuses of the legislature and
7 the Governor's office, last year there was a designated
8 appropriation to the Pennsylvania Commission on Crime
9 and Delinquency for the University of Pennsylvania to
10 partner with the First Judicial District, the Courts
11 here in Philadelphia to try to prevent homicide in a far
12 more focused way than some other efforts have attempted.

13 One of the things we learned in the
14 course of the first year of funding, and I'm here quite
15 openly asking for second year funding today, in first
16 year funding we discovered that 16 percent of the
17 homicide victims, in Philadelphia last year, and 22
18 percent of the people arrested for homicide were on
19 adult probation.

20 Adult probation per capita has the
21 highest concentration of people who will be a part of
22 the murder problem, the growing murder problem in
23 Philadelphia. Strikingly, what you just heard, is not
24 true, the murders are not predominantly committed by

0112

1 people with repeated convictions for violence. They are
2 predominantly committed by people who were arrested for
3 serious crimes at a very early age and who are still
4 under 25, mostly under 21, in fact.

5 And what we've discovered in a data
6 mining project involving a half of million adult
7 probation cases, going back to the 1970s, with your
8 support, is that we can predict very reliably, not based
9 upon convictions, but based upon prosecutions and age,
10 who is likely to kill or be killed in this City.

11 With that information that's been
12 developed by a distinguished statistician that the
13 University of Pennsylvania hired, as part of its
14 contribution to this overall project, as well as the
15 City Council, here in Philadelphia, contributing 1/4
16 million dollars to support the creation of a special
17 probation unit whose sole job it is to work with the
18 people who are designated most likely to kill or be
19 killed, at the adult level.

20 What we have learned is that those folks
21 are the most traumatized people I have ever seen in my
22 life. Some of them have been child abused, according to
23 official records, from age 2 or earlier. Others have
24 seen their brothers and sisters shot. They have been

0113

1 through fires. They have been through all kinds of
2 things that the medical evidence tells us makes them
3 much more likely to be aggressive and to kill or to get
4 into violent relationships where they wind up getting
5 killed themselves.

6 What we have done since identifying
7 these cases and creating the Strategic Anti-violence
8 Unit, the SAVU, within the adult probation parole
9 department, since January 1st, is to work with some of
10 these highly troubled, highly dangerous people in a
11 program that has two components.

12 One is support, especially with respect
13 to treatment of the mental problems that are associated
14 with high levels of trauma. So we have been using
15 cognitive behavioral therapy that has been shown
16 affective in treating post-traumatic stress disorders,
17 that have been shown affective in treating chronic
18 depression, anxiety disorders and so on. We don't have
19 many psychotics of the description of Mr. Choe, on
20 Monday, who in another data set might have been
21 predictable, but didn't demonstrate the profile that is
22 so commonly associated with murder in Philadelphia.

23 But in both cases, what we have is
24 evidence that these conditions are treatable if we can

0114

1 complete the course of cognitive behavioral therapy.

2 What we also find is that because these
3 predictions are so reliable, the people we're working
4 with are very likely to get into trouble before
5 treatment can even be completed. We also find that
6 because of the second component, which is surveillance,
7 weekly visits to their homes at night, with probation
8 officers accompanied by police officers, weekly drug
9 testing, other ways of making sure that they are staying
10 out of trouble and particularly are not carrying guns,
11 that these people on the client list of the Save Unit
12 have a very high rate of being re-incarcerated.

13 Now, in one sense that's a
14 disappointment, because we would prefer to help them to
15 turn their lives around. On the other hand, they're
16 still alive and their risk of death is so very high that
17 when we have somebody who has repeatedly failed to show
18 up for his cognitive behavioral therapy sessions and has
19 had four repeated failures of the drug test, and that
20 when a Judge then decides to incarcerate him again on
21 these violations, what we know is that he is likely to
22 stay alive.

23 We had another client who recently,
24 after a life in which his father testified in a murder

0115

1 case, when he was 15, and he became the subject of
2 retaliatory shooting and kidnapping. He has been shot
3 twice before in his lifetime. He was kidnapped and left
4 abandoned in the truck of a car and managed to get out.
5 And he was just beginning his cognitive behavioral
6 therapy in the course of working with the probation
7 department, when he got into an argument with somebody
8 else over a dice game and he shot them.

9 Which tells us that we're working with
10 the right people. It is also tells us that we can't
11 wave a magic wand and prevent shootings right away, but
12 the good news is that rather than going on the lamb and
13 being unknown to the system for many months or even
14 years, which can happen in such cases, he immediately
15 turned himself into the probation officer. That
16 probation officer was working with a caseload of less
17 than five people, because these are the most dangerous
18 people in the City.

19 The average caseload for an adult
20 probation officer in the City of Philadelphia is 185. I
21 assure you he would not have had a good relationship
22 with his probation officer if he had been in the regular
23 regional probation with 184 other people working with
24 the same probation officer.

1 That mentoring relationship, which is
2 also found in the Youth Violence Reduction Partnership,
3 that identifies its offenders not through statistical
4 means, but through other means that actually have a
5 fairly high overlap with this effort but which is
6 focused as much on juveniles as on young adults. This
7 mentoring relationship that is provided by this unit
8 may, in the long term, especially since we stick with
9 these people, if they're going to go to prison for the
10 next three years, they're still in a caseload, they're
11 still in touch with the probation officer and when they
12 come out, the probation officer, who is their mentor, is
13 going to make every effort to get them a job, and to get
14 them back into psychological treatment and
15 rehabilitation.

16 This is a strategy of investing in
17 people rather than doing the legal tic box for cases,
18 because with the limited resources that we have, 52,000
19 offenders, 285 probation officers in the city of
20 Philadelphia, it's been virtually impossible for a
21 probation officer to do anything other than do the sort
22 of ritual monthly check in, where are you working, where
23 are you living, and so on. Which, in New York City and
24 Los Angeles and other places is increasingly done by a

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1 computer, with a hand print identification and they
2 answer the questions with a computer, if they are low
3 risk.

4 And up to 75 percent of the probationers
5 in New York City are identified as low risk. With the
6 help of the PCCD grant, that you authorized last year,
7 with additional funding just for this purpose, we are
8 helping the Probation Department to identify low risk
9 offenders so that the vast majority of their 52,000
10 cases can be put on very low cost supervision and more
11 mentoring relationships with very low caseloads can be
12 created. I might just note that when we look at the
13 other counties of Pennsylvania that there is a ratio of
14 probation officers to homicides that would suggest that
15 Philadelphia needs 1200 adult probation officers, not
16 285.

17 That's the gap. That's the probation
18 gap in this City in relation to the enormity of the
19 problem. The opportunity to work with clearly
20 identified high profile high priority offenders through
21 a process of statistical triage and the great difficulty
22 that the probation department faces with limited
23 resources, but we are continuing to make the most of
24 those resources with a very small investment of state

0118

1 funding through PCCD.

2 And so we would commend to you the
3 possibility of having refunding for this project in the
4 coming year when we might be able to make even more
5 advances and expand the idea of low case load, high
6 intensity mentoring of high risk offenders who, if we
7 can't necessarily keep them out of prison, we might be
8 able to keep them alive and to keep the people that they
9 might otherwise kill alive. Without investing in, say,
10 a 35 or 45-year-old offender who's got prior convictions
11 for bank robbery, but who our data tells us, unlike the
12 previous presentation, that person is very unlikely to
13 kill somebody.

14 It is a problem of young people with few
15 prior convictions, but who can be identified because of
16 the very early age at which they were charged with
17 something serious. If we work with them, if you can
18 continue to give us the support to figure out more
19 effective ways to work with them, I think we have a
20 realistic prospect of bringing down the homicide rate in
21 Philadelphia.

22 And I thank you for the opportunity to
23 answer any of your questions.

24 THE CHAIRLADY: If I could snap my

0119

1 fingers, I would do exactly that with the probation
2 officers. I have been talking about that for a long
3 time and I'm very grateful to the Appropriations Chair
4 and the leadership, we are all pretty proud of that and
5 we need to make it bigger, longer, we know that.

6 Are there any questions?

7 MR. SHERMAN: I just want to say my own
8 thanks to Representative Evans, who was the key
9 supporter of this in last year's process, and my
10 apologies for not making a clearer case for this
11 unfolding project sooner, but whatever is possible in
12 the remaining portion of the year, we would be most
13 grateful for your consideration.

14 THE CHAIRLADY: I'm willing. You've got
15 me. And I know that I asked you to speak and I'm really
16 glad that you did, but I'm sure you've been data mining,
17 if you could give us a one-page or two-page fact sheet,
18 I would circulate that to general assembly because those
19 statistics are really important for us to understand.

20 MR. SHERMAN: Thank you very much,
21 Representative, you will have it in your e-mail box
22 tomorrow.

23 THE CHAIRLADY: Monday, I hope.

24 I want to hear from Alice J. Hausman.

0120

1 Please identify yourself and your credentials. I'm not
2 doing a very good job.

3 MS. HAUSMAN: Hi, I'm Alice Hausman, I'm
4 from the Department of Public Health at Temple
5 University. I have been very active in this area of
6 violence prevention for most of my professional life,
7 and I'm here today to present someone in my experience.
8 I have had a lot of opportunity to work in communities
9 in Philadelphia who are greatly affected by the problem
10 and I spent a lot of time talking to people, and I think
11 that view needs to be brought more upwards in our
12 structures because communities have a lot of really good
13 ideas about what the problems are and what the solutions
14 are.

15 I know I have given you a testimony and
16 I'm trying to respect your request to speak
17 extemporaneously, so I hope I can get most of my ideas
18 across. I think, like I said, I have been doing this
19 for a long time. I started with Operation Peace in
20 Philadelphia, which is many years ago. I'm probably
21 dating myself. But I am currently involved now with the
22 Philadelphia collaborative violence prevention center
23 out of CHOP which we then integrate with Blueprint for a
24 Safer Philadelphia and the Philadelphia Injury Reporting

0121

1 Intervention System. So one of the things that I have
2 experienced is that Philadelphia is really full of a lot
3 of initiative.

4 Currently, there are a lot of passionate
5 people really committing themselves and resources to
6 this problem. It's a wonderful environment to work in.
7 At the other end, we also have lots of very committed
8 and passionate people at the community level, who are in
9 their day-to-day lives really working very hard to
10 address this.

11 I think if one of the messages I can get
12 across is that they need help in doing this. One of the
13 key things in the work that I have done, over the years,
14 is that community involvement is really critical to
15 coming up with lasting solutions. And there are some
16 really creative and interesting ideas going on at the
17 community level that I think we don't pay enough
18 attention to.

19 There are adults who open their homes to
20 kids to come to as a safe haven at the end of the day.
21 They can have parties there safely. Those people do
22 this out of their own pocket, and wouldn't it be nice to
23 figure out how to provide support to them in a very low
24 key, low level, low administration -- in a way that

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1 wouldn't require a lot of administrative skills, put it
2 that way.

3 Those families also recognize that their
4 neighbors need help. That if their neighbor across the
5 street could get some assistance with learning how to
6 navigate systems so that she might be able to get a job,
7 her life might be improved so that in the morning when
8 you go outside to say hello to her she actually can say
9 hello back, because her life is a little bit better and
10 she can think about her neighbors as friends and
11 resources rather than as not paying attention to them.

12 We certainly know that the children need
13 help with mentors. I know that there are a lot of
14 mentoring problems out there who are having trouble
15 getting volunteers. Our vision of who these volunteers
16 are and who appropriate mentors are might need to
17 change. What we're hearing is that mentors might be
18 just a few years older than the kids that need the
19 mentoring. So a 17-year-old might be an effective
20 mentor for a 14-year-old if there is another mentor to
21 that 17-year-old. So there are ways to, sort of, create
22 pipelines to support relationships.

23 Other areas that we have heard are
24 neighborhood beautification projects. I have heard, on

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1 simple solutions that I think would be wonderful to
2 figure out how to empower those solutions across some of
3 these communities.

4 I do want to say that I think gun access
5 is a big problem also, and I think I'm speaking to
6 people who know, and communities would like to
7 participate in that as well, because it is their right
8 to not be afraid, and I think fear is a very big factor.
9 And one of the things that worries me a lot is that
10 things are changing. The environment that was not great
11 10 years ago is now even scarier, because -- you know,
12 we listen to news of Iraq where the likelihood of being
13 shot any day is very high. Our neighborhoods are not
14 that different. There are shots ringing out weekly and
15 somebody dies senselessly. So people living in those
16 communities, you can imagine them having the same level
17 of stress and fear as one might expect in some war torn
18 neighborhoods. That shouldn't be true in our
19 communities, it just shouldn't be true.

20 And we are starting to see more random
21 shootings of people, bullets flying through people's
22 bedroom windows and shooting them. That's different
23 than in the past where we were able to focus on
24 perpetrators and disagreements. Those things are still

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1 very important, but the fact that kids can -- or anybody
2 can get a gun and just start shooting it around means
3 that we have a problem.

4 Communities would like to participate in
5 that. I think there is a recognition there are just too
6 many guns around getting into the hands of the wrong
7 people. There should be a way to restrict that.

8 The message that we're sending to the
9 youth -- the inability to do that sends a message to our
10 youth that we are not going to be able to help them
11 there and that it makes guns more of a commodity an
12 accepted commodity in our neighborhoods, and we can do
13 something about that.

14 Thank you for very much for giving me
15 this opportunity to air my views. I'm glad I could
16 follow on my criminal justice colleague because I think
17 criminal justice and public health are really working
18 together and in an united front to help address this
19 problem.

20 THE CHAIRLADY: Thank you very much.
21 Part of the partnership, the academics, the business
22 people, the community people, I think what you say is
23 true in some respects, the situation is much more
24 fearful, much more serious, but I think people are

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1 really coming together and you have confirmed to me what
2 I believed to be the case, the community people really
3 do want to be involved. They know what needs to be done
4 in that area and we, in government, have to find ways to
5 empower them. I think we're on our way to some
6 solutions.

7 Are there any questions?

8 MS. HAUSMAN: Thank you very much.

9 THE CHAIRLADY: Thank you very much and
10 you did a splendid speaking job.

11 Christina Williams is the Director of
12 the Grief Assistance Program and then we have one person
13 who is not on the schedule. I am happy to hear you, Ms.
14 Williams, first.

15 MS. WILLIAMS: Good afternoon. This is
16 my first time here and I'm excited about being here. I
17 also understand that I shouldn't read but for time I can
18 go on and on and on. So I'm going to read this so that
19 the hour is late and I want to get out of here, yet I
20 want my points to be heard. Excuse my voice, too, of
21 course, I'm losing it.

22 My name is Christina Williams, I'm the
23 Executive Director of the Grief Assistance Program. I
24 am pleased to have this opportunity to meet with you

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1 this afternoon to talk a little bit about the aftermath
2 of homicide, as it is addressed by the Grief Assistance
3 Program.

4 We are a private non-profit agency,
5 located on the first floor of the Medical Examiners
6 Office, which the address is 321 University Avenue in
7 Philadelphia, Pennsylvania.

8 The agency is contracted by the City of
9 Philadelphia and the state of Pennsylvania to offer a
10 comprehensive bereavement service to victims of
11 homicide, suicide and all other sudden traumatic death.
12 Inclusive of infant and child death, from 22 weeks
13 gestation to 2-years of age. Services are inclusive of
14 crisis intervention, one-on-one counseling, support
15 group, crime victim compensation counseling and
16 follow-up assistance. Identification assistance,
17 funeral assistance, community outreach and education
18 collaboration and referrals.

19 In the Fiscal Year of 2005 to 2006 the
20 Grief Assistance Program approximately served 6,233
21 individuals devastated by homicide. These individual's
22 lives are forever changed because of this devastation.
23 With 415 homicide deaths, in the Fiscal Year 2005 to
24 2006, the City of Philadelphia is facing a crisis in

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1 epidemic proportion. The number of homicides caused by
2 guns was 360. The number of suicides caused by firearms
3 are on the rise.

4 The state of Pennsylvania crime victim
5 compensation distributed \$618,990 through the Grief
6 Assistance Program in the year 2006 to families unable
7 to pay for the services associated with burying murdered
8 victims.

9 Each victim of homicide had the
10 potential of having 2.5 children, which will never
11 happen. Each perpetrator have the ability of having 2.5
12 children, which will probably never happen. The Grief
13 Assistance Program is in a perpetual posture of looking
14 mothers and fathers and grandparents, siblings and
15 children of homicides victims in the face each day,
16 absorbing the pain and anticipating the devastation that
17 is to follow the lives of these families.

18 The Philadelphia Public School system
19 have equipped themselves with metal detectors for the
20 purpose of keeping guns from entering the schools.

21 What happened that the City found it
22 necessary to protect our youth as they go to public
23 institutions to learn?

24 Will gun legislation work in reducing

1 the rate in which our children are being killed? I'm
2 not sure, however, I do believe that it is a crucial
3 step in educating our youth about what legislation means
4 in their lives, why legislation is necessary to curb the
5 desire to own a gun. How do you express the fear the
6 homicide will one day become the norm for the next
7 generation?

8 Legislation is a needed process to
9 control the very impulse of the elimination of humans by
10 way of murdering the individuals that could some day
11 very well be sitting where you are today.

12 Are we listening to the cries of our
13 youth and young adults? Is there inclusive
14 participation with our youth and young adults in the
15 important decisions that directly affect them? Are we
16 listening to the cries of our youth? Homicide has no
17 respect of person. Someone cognitively decided that a
18 life is not worth living. Is this because of the norm
19 of society. These are questions pondered by the staff
20 and directors of the Grief Assistance Program daily.

21 It is devastating to witness family
22 members as they identify a loved one that has been
23 murdered. It is as devastating to know the number of
24 homicide victims are inclusive of a six-month old and a

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1 four-year-old child. The common groups identified by
2 the Grief Assistance Program that have been murdered in
3 the Fiscal Year 2005 to 2006 are 20 to 30-year-old
4 African-American men.

5 The realization of the bereaved are that
6 there will be no proms, no weddings, no new births, no
7 birthdays, no anniversaries, no baptisms, no new
8 teachers, no new legislators, no new preachers, no new
9 parents and no new dreams. These are common among the
10 families that the agency serve.

11 The realization that death is real and
12 final is the catalyst that keeps the Grief Assistance
13 Program in existence. We realize that every death is
14 real and every family is different in their response to
15 the devastation of homicide. Families of Philadelphia
16 continue to live in fear. There has to be an antidote
17 to this epidemic.

18 Although our existence is relatively
19 unknown or supported by most, it continues to be the
20 mission of the Grief Assistance Program to be prepared
21 to comfort the families as they fall out, vomit, scream,
22 go to the bathroom on themselves as remnants of the
23 realization of murder of a loved one begins to penetrate
24 the core of their being.

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1 Thank you for your attention, as I
2 navigated you through the realities of the aftermath of
3 homicide as it is addressed by the Grief Assistance
4 Program. If there are any questions, I will be
5 delighted to entertain them.

6 THE CHAIRLADY: I want to really thank
7 you for your testimony and for your work and I have to
8 say I could not do your work. So thank you for your
9 service to this community.

10 Are there any questions? I think we're
11 all really grateful.

12 MS. WILLIAMS: Thank you.

13 THE CHAIRLADY: I would hope we can find
14 some way to support you.

15 MS. WILLIAMS: So would I. Thank you.

16 THE CHAIRLADY: Mr. Roberts, at the
17 request of Representative Payton, a wonderful new person
18 whose request I will always honor. Please proceed.
19 Tell us who you are.

20 MR. ROBERTS: My name is Damon K.
21 Roberts. I'm a community activist and an attorney, but
22 for purposes of this testimony, I live at 17th and Reed,
23 in the heart of the Point Breeze Section of South
24 Philadelphia, which has one of the highest homicide

1 rates in the City.

2 I live in the 2nd councilmatic
3 district, which also includes South Philadelphia, and
4 Southwest Philadelphia, that part of the District has a
5 distinction of having the highest homicide rate in the
6 entire city in a city that has the highest homicide rate
7 in the entire country.

8 If I can briefly paint a picture of
9 Southwest Philadelphia, there are 75,000 people who live
10 in Southwest Philadelphia, and 1/3 of them live below
11 the federal poverty level. There are 29,000 full-time
12 jobs in Southwest Philadelphia, but only 12 percent of
13 them are held by people in Southwest Philadelphia.

14 There are 4500 abandoned houses and
15 abandoned lots. The streets are strewn with trash, with
16 short dumping and with potholes. All of this is
17 accompanied by a tremendous high school dropout crisis.
18 We're looking at 55 percent of kids in Southwest
19 Philadelphia that are dropping out of high school, 52
20 percent in South Philadelphia are dropping out of high
21 school. So this is a huge problem, particularly when
22 the statistics show that these are the same kids who are
23 hanging at the street corner, who are dealing drugs, who
24 are committing homicides. Indeed our jails are full of

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1 high school drop outs.

2 Right now, instead of seeing sort of a
3 conglomerative rise in leadership from City Council,
4 what we have seen, instead, is a cutting of all of the
5 programs that will positively engage our kids. So
6 recreation programs have been cut, arts and music
7 programs have been cut, sports programs have been cut,
8 summer job programs have been cut. So at least for me,
9 I'm very concerned about what's going to happen once the
10 weather gets even warmer.

11 Just by way of personal testimony, many
12 of you know what I'm up to. I don't believe it's
13 necessarily important for purposes of this testimony,
14 but I'm in the neighborhood a lot. As I walk around the
15 neighborhoods and I talk to people, it is a very common
16 phenomenon that half a block away, couple blocks away
17 there are gun shots that are going off. Just a few days
18 ago there was a 56-year-old man who was talking with his
19 daughter. He was standing outside the car talking with
20 his daughter. There was a kid who came around the
21 corner trying to shoot at another kid and shot that man
22 right in the head, right in front of his 9-year-old
23 daughter. This is the type of stuff that we are dealing
24 with in South and Southwest Philadelphia.

1 If I can recommend a few solutions. As
2 it was stated just prior to my being here, one of the
3 things that's important for us to do is clean up South
4 and Southwest Philadelphia. In fact, the entire
5 Philadelphia. We have to, if we're going to stop
6 Philadelphia from being Killadelphia, we have to stop
7 Philadelphia from being Filthadelphia. That is very
8 much the reality in a lot of parts of the neighborhood.

9 I would hope that you would pressure
10 unions to be more aggressive with respect to
11 pre-apprenticeship and apprenticeship programs to employ
12 our youth and adults. We need new businesses in
13 Philadelphia to employ the tens of thousands of college
14 graduates who leave Philadelphia every year. But in
15 addition to that, I believe that we need to provide
16 incentives to hire and train low-skilled employees.

17 Furthermore, and I'm sure you have heard
18 this in other areas of the City, where you have held
19 hearings, is we need a thoroughly thought out re-entry
20 program that includes an exit plan for every single one
21 of the 500 offenders who leave and come back into
22 Philadelphia every single week.

23 In addition to that, of course we need
24 to cut down the accessibility of handguns. Frankly, in

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1 my personal belief, One Handgun a Month is too much. We
2 need to extend the waiting period for handguns and, et
3 cetera.

4 We also need a drastic over haul of our
5 education systems, starting, of course, with strong
6 leadership at the school level and of course, in the
7 near future, at the district level as well. I think we
8 need to look at our curriculums which, for the most
9 part, are 19th Century curriculums with out-moded
10 textbooks and such. And we need to make sure that kids
11 actually want to be there because of the, shall we say,
12 the excitement of the curriculum.

13 We also need to bolster funding to all
14 the programs that would positively and actively and
15 wholistically engage our children.

16 So all in all, if I'm to point out just
17 three things, I would say that we need to look at the
18 environment, our economics and our education system as
19 we deal with the root causes of addressing the problem
20 as opposed to only the things that come after the crime
21 has already been committed, namely, more police officers
22 and more surveillance cameras.

23 I thank you very much for the
24 opportunity to share with you and I'm not sure if you

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1 have any questions.

2 THE CHAIRLADY: I don't -- Mr. Payton,
3 do you have a question?

4 MEMBER PAYTON: No, ma'am.

5 THE CHAIRLADY: Thank you. I want to
6 thank everybody again. I thank particularly, Mr.
7 Chairman Caltagirone for doing this around the state and
8 around the City. Again, I am very hopeful when I see
9 the numbers of people who are involved, the energy of
10 those people, their imagination, their creativity, their
11 commitment. I think we're at a new level. I am hopeful
12 we will see some results. This problem didn't happen
13 all at once, it's not going to go away all at once, but
14 I think we're on the right path. Thank you.

15 MR. ROBERTS: Thank you so much.

16 MEMBER EVANS: I would like to, Madam
17 Chair, thank Representative Caltagirone, also in his
18 leadership. You and I both have worked with him a long
19 period of time, Representative Payton is learning. I
20 want to sincerely thank you, Tom, for your leadership as
21 Chairman of this Committee.

22 This is the first time I have seen,
23 particularly those of you in the audience, that we're
24 having such a broad-based discussion and we have all

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1 sides who are involved. It's not one single solution.
2 It needs something where we all work together. But we
3 do have to do something. Even if people don't agree
4 with someone else's particular solution, the reality of
5 it is the statistics show that there is a problem. You
6 cannot deny it. We cannot sweep it under the rug. It
7 is a problem and we, as Philadelphians, and
8 Pennsylvanians, and they are one in the same, must work
9 together.

10 And this is not a problem that I say is
11 particularly just in neighborhoods of color. It is in
12 neighborhoods throughout the Commonwealth of
13 Pennsylvania. So Tom, I really thank you as your
14 leadership as Chairman of the Judiciary Committee,
15 Representative Josephs is the Chairperson of the State
16 Government Committee and I'm Chairman of the
17 Appropriation Committee and Representative Payton will
18 one day become a chairman of a committee, he is moving
19 quickly. So I have been, at least, to five of these
20 hearings, and I thank you for your leadership.

21 MEMBER PAYTON: I wanted to echo the
22 same thing, Tom. I do applaud you for bringing this out
23 into an open public forum. I think today we saw
24 something that I think people should really look at is

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1 that everyone who testified in support of regulation,
2 including the prosecutors, came with facts and figures
3 and not platitudes.

4 And it seems as if everything that they
5 have already mentioned, my Chairman of Appropriations is
6 already doing. I don't mean to quote your commercial,
7 but you're already ahead of the curve and ahead of the
8 game when it comes to strategies at reducing violence.
9 And I thank you for your leadership on this issue. And
10 it is clear that we have to do something and we have to
11 get away from the platitudes of the Second Amendment and
12 look at facts, figures and research and do something,
13 because commonsense will tell you that we have a problem
14 and all the evidence points to that we have a black
15 market. And I'm not okay with that.

16 And we have to look at measures to
17 reduce the black market and take the incentive out of
18 gun trafficking and I think that's what a lot of these
19 measures are aimed at.

20 And thank you again for allowing this
21 public forum and the debate will continue and we just
22 have to do something and I hope we do it soon. Thank
23 you.

24 THE CHAIRLADY: The meeting is

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1 adjourned.

2 (Whereupon, the above-entitled matter

3 was adjourned at 1:08 p.m., this date.)

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C E R T I F I C A T E

I hereby certify that the
proceedings and evidence are contained
fully and accurately in the
stenographic notes taken by me on the
hearing of the within cause and that
this is a correct transcript of the
same.

VIRGINIA JONES-ALLEYNE
PROFESSIONAL COURT REPORTER