

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
HOUSE JUDICIARY COMMITTEE HEARING

IN RE: HOUSE BILL 326

STATE CAPITOL
MAIN CAPITOL BUILDING
ROOM 418
HARRISBURG, PENNSYLVANIA

TUESDAY, SEPTEMBER 11, 2007, 10:13 A.M.

BEFORE:

HONORABLE THOMAS R. CALTAGIRONE, CHAIRMAN
HONORABLE RONALD S. MARSICO
HONORABLE TINA PICKETT
HONORABLE JOHN PALLONE
HONORABLE DEBERAH KULA
HONORABLE SEAN RAMALEY
HONORABLE GLEN GRELL
HONORABLE KATIE TRUE
HONORABLE BRIAN LENTZ
HONORABLE CARL MANTZ

I N D E X

TESTIFIERS	PAGE
William McHale	4
William Chalfant	30
Jack Jones	47
Ray Hehnly	53

P R O C E E D I N G S

REPRESENTATIVE CALTAGIRONE: Please be seated. We'll start the hearing. And what I would like to do is have the members introduce themselves, and we'll start to my right and go all the way down.

REPRESENTATIVE RAMALEY: Thank you, Mr. Chairman.

Good morning. Sean Ramaley, Beaver and Allegheny Counties.

REPRESENTATIVE GRELL: Good morning. I'm Glen Grell, the 87th District, Cumberland County.

REPRESENTATIVE LENTZ: Brian Lentz, 161st District, Delaware County.

REPRESENTATIVE MANTZ: Carl Mantz, the 187th Legislative District, Berks and Lehigh Counties.

MR. MCGLAUGHLIN: David McGlaughlin, staff of the Judiciary Committee.

MR. ANDRING: Bill Andring, Chief Counsel.

CHAIRMAN CALTAGIRONE: Tom Caltagirone, 127th District.

REPRESENTATIVE MARSICO: Ron Marsico, Dauphin County, 105th District.

MS. EMMITT: Lauren Emmitt (ph), House Judiciary staff.

REPRESENTATIVE PICKETT: Tina Pickett, 110th,

Bradford, Sullivan and Susquehanna Counties.

REPRESENTATIVE PALLONE: John Pallone, 54th Legislative District, southern Armstrong and Westmoreland Counties.

REPRESENTATIVE KULA: Deberah Kula, 52nd District, Fayette and Westmoreland Counties.

CHAIRMAN CALTAGIRONE: I'd like to start off with my dear friend, Bill McHale, Captain of the Pennsylvania State Police.

And, Bill, who'd you bring with?

MR. MCHALE: I have Corporal Derek Bush with me.

CHAIRMAN CALTAGIRONE: Go ahead, if you'd like to start.

MR. MCHALE: Thank you. Good morning, Mr. Chairman, and the members of the House Judiciary Committee. I am Captain Bill McHale, Director, Legislative Affairs Office of the Pennsylvania State Police. I am accompanied today by Corporal Derek Bush.

Corporal Bush is the statewide gang task coordinator for the State Police and has been at the forefront of our efforts to combat gangs and gang-perpetuated criminal activity in Pennsylvania.

On behalf of Colonel Jeffrey B. Miller, Commissioner of the Pennsylvania State Police, I want to thank you for this opportunity to speak about gang

violence, particularly its propagation throughout communities across the Commonwealth and the proactive approach we are taking to address this issue. Colonel Miller recognizes the seriousness of this problem and has made gang suppression a top priority for the Pennsylvania State Police.

With his direction, we have established Regional Gang Task Forces throughout the state comprised of federal, state and local law enforcement officers. These task forces leverage and enhance our long-standing relationships with corrections officers, state and county probation and parole officers and local district attorney's offices.

As one example, the Pennsylvania State Police has enjoyed a close working relationship with the Reading City Police Department and our other law enforcement partners along the Route 222 corridor, which you're very familiar with.

The United States Attorney for the Eastern District, Mr. Patrick Meehan, recognized this well-established partnership in his application to the Department of Justice when he secured a \$2.5 million grant for the 222 Corridor Anti-Gang Initiative.

State Police Gang Task Force investigators, supervisors and command have been involved in the coordination of gang intelligence and enforcement

strategies along with police chiefs and elected officials from York to Easton. Governor Rendell and Colonel Miller have committed significant Pennsylvania State Police resources to this historic anti-gang mission.

In the fall of 2006, we added 11 State Troopers to our Area Intelligence Task Forces to specifically investigate and target criminal activity by street gangs throughout the Commonwealth. In Chester County, joint investigative efforts between the PSP Gang Task Force members and the New Garden Township Police Department resulted in the clearances of seven robberies and arrests of six Mexican gang members in June.

Area Gang Task Force investigators also joined forces with members of the State Police from Troop B, Washington Station, which is located in southwestern Pennsylvania, for a long-term initiative aimed at curbing violent crime and gathering valuable gang intelligence.

To date, at least 14 federal, state and municipal law enforcement agencies participated in 9 saturation patrols in Allegheny County in an exceptional spirit of cooperation resulting in 436 arrests -- that's 436 arrests -- the identification of 101 street gang members, 156 drug seizures of various amounts and 19 guns taken off the street.

Moving forward, Area Gang Task Forces continue

to initiate saturation patrols in the cities of Altoona, Farrell, Johnstown, Lebanon and Reading. Ultimately, we have seen several successful prosecutions as a result of these efforts. In Lackawanna and Luzerne Counties, a joint gang/drug investigation being conducted by the Pennsylvania State Police Area Gang Task Force, Attorney General's Bureau of Narcotics Investigation and the FBI's Steamtown Safe Streets Task Force revealed Bloods', which is a street gang, gang activity.

Gang members originally from New York City were selling heroin, crack and powder cocaine in the greater Scranton area and recruiting persons with no criminal history to make straw purchases of handguns. Arrests occurred simultaneously on December 7, 2006, in which over 20 gang members or associates were arrested.

Currently, Area Gang Task Force investigators are conducting or assisting in several significant investigations of street gangs, ranging from small city crews involved in distributing illegal drugs and weapons violations to large-scale organized enterprises involved in interstate criminal behavior.

In the future, we anticipate investigations utilizing the resources of city housing authorities, local grass-roots organizations and local service providers. A number of additional cases are currently under joint

investigation in all areas of the Commonwealth with partners of the FBI, DEA, BICE, Pennsylvania Attorney General and a host of county District Attorney's offices and police departments to address both local and out-of-state gang activity.

To complement our investigative efforts, gang training is being provided to all of Pennsylvania's police officers during calendar year 2007. The Pennsylvania State Police has mandated a four-hour block of instruction for state troopers, and the Municipal Police Officers Education and Training Commission will require local police officers to receive identical training as part of their mandatory in-service education.

Also, in May of this year, the State Police and the Federal Bureau of Investigation co-hosted the second annual Regional Gang conference in the Pittsburgh area. This conference provided law enforcement and service providers vital street gang intelligence from around the state, along with strategies to combat the problem from a multi-discipline approach.

We recognize, however, that educating law enforcement professionals is not enough. Consequently, the State Police and the Pennsylvania Commission on Crime and Delinquency, known as PCCD, formed the Gang Prevention Committee, which is composed of state and local law

enforcement officials as well as educators, victim advocates and community outreach representatives.

In October 2006, one of our partners, the Center for Safe Schools, began regional training sessions to discuss how communities can build a collaborative effort to address gang violence. In February and April of this year, the State Police and PCCD presented Regional Comprehensive Anti-Gang Planning Forums in Berks and Allegheny Counties.

During these forums, nationally-recognized experts provided local government and community leaders with information about gang awareness and prevention and introduced them to successful community intervention projects. Any discussion of gangs would be incomplete without addressing the obvious connection between gangs and guns.

Governor Rendell and Commissioner Miller recognize the devastating impact gun violence has on our communities and the critical need to keep guns out of the hands of criminals. Law enforcement would be greatly aided by legislative action to address the following four areas of concern: The elimination of straw purchases, the mandatory reporting of lost or stolen guns to police, an increase in the penalty for receiving a stolen firearm and the one-gun-per-month initiative.

On the front lines, the State Police operates

the Pennsylvania Instant Check System, known as PICS. Every day of the year, including holidays, firearms dealers and county sheriffs can call PICS' toll-free number to determine whether a potential purchaser can legally obtain a firearm. Through PICS, the State Police has prevented literally thousands of convicts from illegally obtaining a firearm and effectuated the arrests of hundreds of fugitives.

Operation Triggerlock is another successful State Police program designed to remove violent felons, illegal firearms and narcotics trafficking from crime-ridden communities. Triggerlock includes undercover officers as well as uniformed officers working high-intensity saturation patrols in neighborhoods designated by the Commonwealth's Weed and Seed program.

Through Operation Triggerlock, the State Police works closely with local officers to target and arrest criminals, especially those individuals involved in street violence and drug trafficking. During 2007, Triggerlock enforcement details across the Commonwealth have resulted in state and local officers making 330 felony and misdemeanor arrests and the seizure of 17 firearms.

The State Police is also collaborating with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives. Nine State Police Troopers are assigned to

these offices across the state; two troopers in Philadelphia, Reading, Harrisburg and Pittsburg, and one trooper in Erie. These investigators concentrate solely on investigations related to gun violence and firearms violations.

Many of their cases come from referrals by State Police field members who forward leads regarding straw purchases to our Task Force members for follow-up investigation. During 2006, troopers assigned to the BATF-E Task Force made 70 arrests and recovered 242 guns.

Through July 2007, these troopers made 64 arrests and recovered 87 guns. In addition to the Firearms Investigation Task Force, 15 other troopers are designated participants in the BATF-E's eTrace program, which is an internet-based system that allows police to trace crime guns and analysts to develop statistics concerning their illegal movement within our communities.

Through our continued use of the eTrace system, the State Police will build a database that will show where the guns used in crimes are being recovered and the location of the original retail purchase of these guns. As an agency, we continue to explore ways to utilize existing assets and partnerships to combat this ever-growing gang problem.

Colonel Miller is currently Chairman of the

Camden/Philadelphia High-Intensity Drug Trafficking Area, known as HIDTA. HIDTA is a coalition of 21 local, state and federal agencies, who, in the past, have directed their significant investigative efforts against major drug trafficking organizations. Under Colonel Miller's leadership, this organization has expanded their focus to use their assets to tackle violent drug gangs, one of Philadelphia's most persistent problems.

Further, a possible expansion of the HIDTA initiative is underway. The initiative is moving to include many of the Pennsylvania communities in the counties surrounding Philadelphia. With this expansion, violent gang members will not be able to evade the tremendous efforts directed against them by simply relocating just outside of the city.

Additionally, the State Police operates the Pennsylvania Criminal Intelligence Center, known as PaCIC, which was the first of its kind in the nation. Through PaCIC, the State Police provides local, state and federal law enforcement agencies with access to information that will help them detect and prevent crimes.

Access to PaCIC is accomplished by a single toll-free call, an e-mail or a fax to the center at any time of the day or night. Through PaCIC, investigative and intelligence information is available to law enforcement

officers from a wide variety of state and national databases, helping investigators and patrol officers in the fight against gangs and many other crimes.

Finally, the State Police continues to work with the Governor's Office and the Legislature to create legislation designed to assist law enforcement, state and local service agencies and community groups to curb the escalating gang problem. We have been providing feedback on some of the excellent proposals we have seen which create specific legislation defining gang activity and imposing penalties for that behavior.

We have also examined models such as have been adopted in the State of California in which a gang definition was adopted and then penalty enhancements were added to existing laws. These legislative efforts have led to healthy discussion, which will no doubt enhance our collective efforts to combat gangs and the violence they bring to our communities.

In conclusion, on behalf of Colonel Miller and the entire Pennsylvania State Police, I, again, want to thank you for the opportunity to address your committee. We appreciate Representative Sturla's recognition of this serious problem and the House Judiciary Committee's willingness to bring attention to this issue via House Bill 326.

We support the intent of this legislation and look forward to the opportunity to work with the sponsor and this body to fashion an effective gang crime bill. Corporal Bush and I will now be happy to answer any questions that you may have.

CHAIRMAN CALTAGIRONE: Thank you, gentlemen.

Do any of the members have any questions?

Chairman Marsico.

REPRESENTATIVE MARSICO: Thank you,
Mr. Chairman.

Good morning, and thanks for being here. I appreciate your testimony today. A few things that you mentioned that sort of, I guess, I have some questions. With regard to the most recent state budget that was enacted, I know that the State Police took a pretty good hit with the numbers that you wanted to receive and you didn't receive, the amount of money.

And you mentioned that you have a number of programs geared towards getting activities, and also, you also mentioned the Weed and Seed program and things like that. That also took a hit as far as a decrease in the amount of dollars that you should have received that you didn't receive.

Do you see any financial impact with the decrease in the number of, the decrease in funding and also

the number of initiatives that you said that you have going on continually? In other words, do you see a hit again in these programs, a financial blow?

MR. MCHALE: A lot of these initiatives have been going on for several years and have been successful in previous years, and they continue to go on as we speak. And as we speak, we have not been -- those efforts continue to show successful results.

REPRESENTATIVE MARSICO: I mean, these are critical law enforcement activities that have been going on for a number of years, like you mentioned. I can't -- hopefully those activities will not be impacted.

And I just wanted to get your thoughts on that because I think we had a 3.2 percent decrease for your budget this year, and then, once again, the Governor's Office under the Weed and Seed program, all of those saw a decrease.

So hopefully, from the law enforcement standpoint, we won't see an impact because of that. But do you see dollars coming from somewhere else to help with the decrease?

MR. MCHALE: The only way I can answer is that I know that we've had successful results previous.

REPRESENTATIVE MARSICO: Right.

MR. MCHALE: And --

REPRESENTATIVE MARSICO: I don't want to put you on the spot or nothing. I just want to -- you have Weed and Seed, and you mentioned --

MR. MCHALE: Yeah, that's been a very successful program. I was very involved with that myself. And it continues to show positive results, and I expect the same to be in the future.

REPRESENTATIVE MARSICO: And, I mean, these are programs that are vital in the fighting of gang violence?

MR. MCHALE: Yes, they are.

REPRESENTATIVE MARSICO: I just hope that we can continue those programs.

MR. MCHALE: Thanks.

REPRESENTATIVE MARSICO: Sorry to put you on the hot seat.

MR. MCHALE: That's okay.

CHAIRMAN CALTAGIRONE: Representative Pallone.

REPRESENTATIVE PALLONE: Thank you, Mr. Chairman.

And thank you, Captain McHale. You had indicated in your testimony this morning that when you're dealing with the gang issue, the concentration on guns and so forth -- and I think the gun issue might be collateral to, the driving force behind it all is, I believe, it's the illegal drug activity.

Is there any special or focus attention being conducted through the Pennsylvania State Police to address the issue of the legal, or illegal drug trafficking, which I think bodes itself to create the whole environment through gangs and gang warfare and the need for the illegal guns and so and so forth?

And I'm not, certainly not a sophisticated law enforcement person as you are, but my street knowledge tells me that the basis of all this is illegal drug activity. Is there any special focus being paid to illegal drug activity, which is, I think the foundation of the current gang activity and current illegal gun trafficking?

MR. MCHALE: Well, I think when you look at gangs, you have to consider there's drugs involved, which is their currency and our firearms. The three go hand-in-hand.

I know from the State Police, we take a, we have a very active drug law division. Not only do we work on street crimes, which is the man side of it, but we also work on the supply side, which is our interdiction efforts.

State Police were actually involved in it before it was very popular, so we work both sides. I know we have a very active drug law division, very busy; the troopers are very busy. We deal with street crime, and then we also deal with the interdiction efforts.

REPRESENTATIVE PALLONE: Thank you, Captain.

And then by way of a comment, Mr. Chairman, I know this particular meeting this morning isn't to discuss necessarily gun control legislation, but more or less gang violence, but I do need to note for the record on my behalf that I'm a strong advocate for legal gun control and legal gun activity.

My concern, however, is the fallacy that we want to purport to the public that by limiting the number of guns that a legal gun purchaser can buy or controlling the legal gun community, we're somehow going to eliminate illegal guns from the street. And I'm firmly committed to saying that we are going to have illegal gun activity regardless of the layers and layers of laws that we have in place for law-abiding citizens.

I believe that we have many target shooters and sportsmen and competitive shooters and collectors that follow all of the current gun laws. It's the illegal gun trafficking that are going to ignore the new laws as well. I think we need to tread lightly on just layering more laws on top of those of us and those who are currently remaining legal. And I'm very careful about that.

I'm not admonishing you. I'm just asking you to be cognizant of that, that the illegal gun trafficking is going to occur regardless of the layers of law. We already

see it with illegal drug trafficking. We see it with a number of other crimes, and I think with your years of experience and your law enforcement knowledge, you're well aware of that.

So I would just offer that we tread very lightly on layering additional laws on top of the already law-abiding citizens when it's the nonlaw-abiding citizen that we're trying to address. Thank you.

Thank you, Mr. Chairman.

CHAIRMAN CALTAGIRONE: Thank you.

Representative Pickett.

REPRESENTATIVE PICKETT: Thank you, Mr. Chairman.

Captain, just for my own understanding, could you help me a little bit with the conditions that surround the straw purchaser? If I understand correctly, this is somebody who has a clean record; they get, shall we say, hired by the street guy to go and buy the guns and bring them to him and he'll pay him and give him a fee probably for his efforts.

You talk about confiscating a lot of guns. When you do that, are you able to lead back to the straw purchaser and shut them down because that now gives them a record?

MR. MCHALE: Well, what happens, there's no

reporting, there's no mandatory reporting of firearms. If someone -- say a girlfriend of a gang member purchases a firearm legally; they turn it over to their gang member boyfriend who's not legally able to purchase a firearm and give it to them. If that firearm is located or found somewhere and you're able to trace it back to that original person, most common answer, oh, I must have lost it.

That's where you -- there's no report, no mandatory report requirement that you have to report that firearm lost or stolen. And at that point, it ends, the investigation almost ends.

There's no way to prove -- it's hard to prove that she handed that person the firearm knowing that, you know, to a person that wasn't supposed to have one. That's where the problem lies, if that makes sense.

CHAIRMAN CALTAGIRONE: I might add that we're trying to address that issue in 1744, where the notification when they sign when they purchase a weapon, that under the penalty of law, they would, in fact, if it's being purchased for someone else other than the person that's purchasing it, that they would end up with a prison sentence and a fine if that was proven that that weapon was used in the commission of a crime.

But in big, bold letters, when somebody goes to purchase guns like that, hopefully that will be a

preventive measure that people would stop and think twice that, oh, my God, I'm buying this for my boyfriend; if he's a convicted fellow, if he has something, I can be penalized for that kind of activity. And we're hoping to plug that loophole, but we'll be dealing with that in the future.

Chairman Marsico.

REPRESENTATIVE MARSICO: Captain, I hate to put you on the spot again.

MR. MCHALE: That's fine.

REPRESENTATIVE MARSICO: But did you say that you support this bill or you're neutral? I didn't hear you really say if you support House Bill 326, or did I miss that?

MR. MCHALE: We didn't, I didn't comment on the bill specifically. We're happy that, first, stepping in and recognizing you have a problem and everything else with the bill. We're more than happy to work with Representative Sturla and the Committee in bringing that to a successful, a bill that is good for law enforcement. I'm not ready to comment yet. I haven't really read it.

REPRESENTATIVE MARSICO: Thank you.

CHAIRMAN CALTAGIRONE: Representative Lentz.

REPRESENTATIVE LENTZ: Thank you, Mr. Chairman.

Good morning.

MR. MCHALE: Good morning.

REPRESENTATIVE LENTZ: I had a question about the statistics on gang membership. And I used to be a prosecutor in Philadelphia and some of my gangs, mostly the Latin Kings and Cambodian and Vietnamese gangs, and what I realized about the Asian gangs that I observed was that a lot of them became gang members before they come through the west coast and sort of a -- I'm sure you see.

But at that time, there wasn't much data in Pennsylvania on what all the gangs were. We try to put them together, but we didn't have the kind of definitions and criteria that you have now. I'm wondering, do you have such statistics of numbers of members, what are recognized as gangs? And if you have those statistics, how long have you been keeping them?

MR. BUSH: Sir, in reference to the statistics, yes, we do maintain them statewide for all 67 counties to the best of our ability with the cooperation as well as agencies within the local governments, state and federal. I do not have those with me today, nor off the top of my head.

They are pretty large, and they are constantly changing through the transient nature of the makeup of the Commonwealth, in close proximity of states that have sizeable gang problems in the cities and so forth. But we do maintain them, and the question would certainly be drugs

prior to gang, gang prior to drugs.

What we see quite often are the drugs first, without a doubt. The majority of the problems we're facing around the state in the different counties now are significant drug crews, if you will, that have given themselves gang identifiers and names for status, fear, communication purposes in certain communities outside of the larger cities are some of our major focus currently.

And with those, drug dealing is hand-in-hand, is a top priority, and the gangs go right along with it, fear, intimidation and so forth.

REPRESENTATIVE LENTZ: Now, as part of the information you gathered from the counties, is there a database with things like nicknames and tattoos and other things, so that if we would have a lot of our guys coming in from Bensalem or New Jersey or even farther south, and you know, you may have someone who's got a tattoo on his right forearm, if you had that, put that information in the system(inaudible), Does that happen on a statewide level or on a region level?

MR. MCHALE: Currently, under State Police, we maintain that on individuals that have been arrested or involved in current ongoing criminal activity. And with that, we maintain that type of data.

REPRESENTATIVE LENTZ: What would that include?

MR. MCHALE: It would include all of the characteristics of gang membership, the symbolism representing clothing, jewelry, things of that nature, along with their connections with other gang members, a lot of data from the jurisdiction which they originally came in Pennsylvania from, which is the majority of our cases, New York, Michigan, Ohio and so forth. And we extracted information that they may be maintaining in that also as part of that file, if you will.

REPRESENTATIVE LENTZ: In prosecuting these cases, have you had difficulty in getting evidence of gang membership? Because I know, going to my experience, there were a lot of courts that would not allow reference to a tattoo or a color of clothing because they thought it was guilt by association, which I thought was a silly ruling. But I'm wondering if you are experiencing that problem now because I know that's one of the things --

MR. MCHALE: Yes. I would say that due to the enforcement efforts of the troopers that I'm familiar with, they have ran into a difficulty in attempting to get a stat on a conspiracy-type situation. It's a little more leniency involved, but as far as focusing on or having effects on the crime at hand, yes, it's difficult.

REPRESENTATIVE LENTZ: Chairman, in closing, I would make a comment. I think that's one of the stronger

parts of the bill and it makes admissable any evidence of gang association. (Inaudible).

MR. MCHALE: Thank you.

CHAIRMAN CALTAGIRONE: Thank you.

Chief Counsel Andring.

MR. ANDRING: Just briefly, could you -- I know we talked about gang problems. Could you, to some degree, quantify for us the extent to which you were talking about local indigenous, if you will, gangs, criminal groups that grow up in the neighborhood, people engaging in petty crimes and moving up into drug dealing and that type of thing and having their own local organization and the extent to which in Pennsylvania in dealing with these multi-state and even international organizations?

MR. BUSH: Sir, I would say, as part of the Commonwealth, it's very unique geographically, and each area is affected differently as a result of geographical location. If we could break it down into areas -- if you will, in the northeast, we see transient activity coming from the State of New York and New Jersey as well as an increasing amount of activity from the states of Maryland and Virginia, traditionally with national or central American gang activity into the lower region of the northeast.

In the southeast, again, very transient due to

the close proximity of New York and New Jersey, Delaware and Maryland. And the infrastructure that's in place allowing these individuals to travel pretty freely and easily between the state lines, we see a vast amount of national organizations as well as foreign organizations and members of these organizations in that region of the Commonwealth.

In the central portion of the Commonwealth, again, we see far more groups through the local jurisdictions, groups that have, although transient nature, have become part of these society or part of the social network, if you will. They've lived there for a significant portion of their life, or, in fact, they were born in that region and so forth and they've come up in the gang lifestyle.

In the northwest, for example, the majority of activity we see there as it relates to gangs is coming from the states of Detroit, Michigan and Ohio; specifically Detroit, Michigan and Youngstown and Warren, Ohio, where they are setting up operation for a certain period of time within areas such as Mercer County, for example; and then once they realize, they will either repopulate that organization with new people or they, in fact, just move it back over the line in the proper state.

And in the southwest, Allegheny County and some

of the surrounding counties, much more indigenous groups, groups that are born and bred, have lived there all their lives, have started off with friendships, identified themselves as street crews; although more recently, have given themselves names, nationally-recognized Bloods and Crips and so forth, again, for fear, intimidation status immediately in the community in their eyes.

And I would say that, as a whole, is how the state is broken down. It varies frequently and by groups, as they establish the groups in the communities and so forth. So it's difficult to track them when they're doing that.

CHAIRMAN CALTAGIRONE: Just one follow up. In the areas where you have the extensive interstate networking, could you describe for us what, if any, cooperation we have with other state government and the Federal Government cracking those organizations?

MR. MCHALE: In the form of established task forces, developing a saturation control that would bring all these agencies together to address, those have been some of the efforts. Although historically, more recently, the efforts of saturation patrol has a big impact on the gangs.

With limited resources, some of these are slow and coming, but they are, in fact, in place. And as you've

heard from the testimony, the stats are pretty significant in just non-operations of which some of shorter than eight hours with the amount of rest, just shy of 500, and many of those are gang members. There are partnerships outside of the state with New York, Jersey and the other surrounding states. Ohio, Michigan and Virginia, for example, are very strong.

We speak through, predominantly through the use of PaCIC and similar organizations that are established in the state. We share information through other associations, intelligence information, and there's a vast number of law enforcement agencies where members are involved in these different entities that we speak of.

CHAIRMAN CALTAGIRONE: I don't think there's any more questions, but I'm just curious about potential connections with some of the terrorist organizations and the drugs that could be coming in from, let's say, Afghanistan or some of these other countries that we know are troublesome nationally to U.S. policy and profits.

And it's always the profits. Where does the money go? And have you, with any of the federal agencies, developed any kind of links that could be proven, let's say, that profits from the drug sales through these gangs are going to some of the people that are trying to destroy us over here?

MR. MCHALE: Currently -- well, we're very fortunate. We've worked very closely with the New York City Police Department, and they have officers in, I think, 11 or 14 countries, Afghanistan being one. And we are very closely partnered with them to relate information. We often get information before we take other avenues, so I know we're in tune.

I'm not sure if we really should comment on certain things, but I can tell you that we do have a direct link with both the Federal Bureau of Investigation as well as the New York City Police Department.

CHAIRMAN CALTAGIRONE: You know, when you think about the drug network, it has to be coming from somewhere. It's got to be coming from outside this country basically except for marijuana, which is like a homegrown crop anymore.

Except for that, a lot of the hard narcotics have to be coming in from foreign countries, and, of course, there's a lot of profit there. Of course, that money is then used for some of these activities that are certainly hell bound on trying to destroy us as a country.

MR. MCHALE: There are methamphetamines coming from Mexico obviously. We have other drugs coming from Afghanistan and as well as the Asian countries, so, yes, there is a lot of narcotics coming in from other countries.

CHAIRMAN CALTAGIRONE: And you work closely with the federal agencies?

MR. MCHALE: Very closely with the FBI, with the DEA, with BICE, which is the Bureau of Immigrations and Custom Enforcement. We're pretty well tied in with those.

CHAIRMAN CALTAGIRONE: Any other questions?

Thank you, gentlemen. I appreciate your testimony.

MR. MCHALE: Thank you.

CHAIRMAN CALTAGIRONE: We'll next hear from William Chalfant, a Lancaster County Detective, East Coast Gang Investigators Association. Precede with your presentation.

(Slide show presentation.)

MR. CHALFANT: Good morning, Mr. Chairman and esteemed members of the Committee. I appreciate the opportunity for being here and give testimony on House Bill 326 today. I'm retired from Lancaster City Police Department with 26 years of service.

I'm now at the Lancaster County District Attorney's Office for the primary purpose of gang intelligence, gang documentation and liaison and also the current chapter president of Pennsylvania Chapter of East Coast Gang Investigators Association.

And on behalf of more than 450 members, I

appreciate this opportunity to speak on this bill as well as those, my fellow brothers and sisters officers who are putting their lives on the line every day.

If a picture is worth a thousand words, then the slide show that you saw previously is but a pictorial short story of what's engulfing our kids today in this thing we call thug life and gang lifestyle. In a 2005 statewide survey conducted by the Pennsylvania State Police, 32 of the 67 counties in Pennsylvania experienced gang activity.

Although gangs have always been and have existed in Pennsylvania, the level of violence and representation of the gangsta lifestyle is unprecedented; so much so that the Route 222 corridor stretching from Bethlehem to Lancaster was one of only six areas throughout the United States to receive funds to target gangs for prosecution under the Project Safe Neighborhoods program, in addition to providing prevention efforts directed at the problem.

And it is with these facts that I offer in support of this bill today with criminal gang statute. It would establish a standard definition in determination of what constitutes a gang and give law enforcement throughout the Commonwealth the resource of dealing with those gangs that do not otherwise rise to the level of sophistication and structure required of the RICO statutes, in not only Pennsylvania, but by U.S. requirements as well as those

that are targeted for Project Safe Neighbor programs and prosecution. Simply put, street gangs and their members terrorizing neighborhoods throughout the Commonwealth would be held accountable.

It would establish the criteria needed to identify and document an individual as a gang member, thereby eliminating a potential for misidentification that could occur as a result of the commercial exploitation and popularity of this hip-hop culture in society today; such as someone dressing for the socialization, such as our kids that want to be like Mike and dress like Mike, but don't necessarily want to represent the violence of those gangs today.

Again, simply put, it takes the guesswork out of someone's subjectiveness and puts criteria and establishes that. The creation of a Criminal Street Gang Offense would require that UCR report their offense, thereby associate and provide them an accurate means to access the impact of gangs throughout the Commonwealth in addition to providing a resource to measure the success or failure of our community efforts and their efforts against gang violence and prevention.

It would hold accountable those that would recruit or otherwise solicit, through force or coercion, persons to join or remain in a gang as well as provide a

potential way out for members wanting to leave the gang, and kids today certainly need that out. They need that excuse to get out.

Aside from the obvious enforcement benefits, it would also act as a deterrent and prevention measure to those considering joining a gang, in that it would finally allow us to acknowledge and tell everyone, especially our kids, that it is a crime to be a gang member in Pennsylvania.

It should be noted that gang enforcement efforts in other states, especially those adjoining Pennsylvania, has caused an exodus of those attempting to flee the dragnet of law enforcement. And Pennsylvania needs to be prepared to stay ahead of this curve.

And I've heard it mentioned that California has statutes and enhancements, but even as west as California, the President of California Gang Investigators Association will tell you, they didn't get it right.

In closing, it is somewhat ironic, yet appropriately fitting, that this hearing is being held on such an infamous date in our nation's history, when at that time, our collective eyes were opened to the threat of international terrorists and the extreme violence and loss of life that they caused on that day.

Although the threat remains very real and is

ever present in our minds, today's consideration is of a threat much closer to home and one that continues to grow throughout Pennsylvania communities, and that is the threat these domestic terrorists we would otherwise call gang members pose.

It is evident that the only state free of gangs today is the state of denial. Regardless of a person's reason for participating in a gang, we need to make the cost of being a gangsta too high of a price to pay in Pennsylvania. Thank you.

CHAIRMAN CALTAGIRONE: Representative Kula.

REPRESENTATIVE KULA: Detective, thank you for your testimony here today. I noticed on the slide presentation, there were a number of slides of MySpace on the internet.

MR. CHALFANT: Yes.

REPRESENTATIVE KULA: How is that factoring into the gun violence? I mean, I see so many young people and have heard them talking about getting on to MySpace and their interacting with other people, but how is it being used in the gang violence?

MR. CHALFANT: You mean as far as participation and the relevance of gangs?

REPRESENTATIVE KULA: Yeah.

MR. CHALFANT: Well, with gangs, obviously

because of their violent nature, use and possess guns, and the drugs are certainly a way of means to provide for the purchases of those. As far as MySpace is concerned, it's more of a way for these kids to represent and get their education out there.

They are absolutely chatting and finding out different areas of where to purchase guns, where to distribute them. But as far as the main essence of MySpace, it's an educational process. It's a communication network for gang members.

REPRESENTATIVE KULA: So do they use it in a, kind of a recruitment process? I mean, would you say that, I mean, depending upon the answer as they receive from anyone using MySpace or responding to something on MySpace, that this is something that I think we should all be able to maybe warn parents a little more as far as allowing their children -- I can tell you my grandchildren are not permitted to, in any way, get onto MySpace for any reason, and it's only because of the, I guess, the publicity that we've received that it is not always a good place.

And when you're talking about young people being on there, letting someone know that they're going to be at the mall at this time tonight, and it just seems to be an open area for much more crime than just gang violence.

MR. CHALFANT: Well, certainly the internet and

computer has become what was our phones in the past. I don't restrict my kids from being on MySpace. It is a socialization process for many kids today, but they do know, and they are guarded against what they are permitted to say, what they are permitted in their space.

And it goes without saying, common sense and parenting goes hand-in-hand as to what you tell your kids. It is absolutely a way of recruitment just by the sheer nature of the representation that is out there. Absolutely.

It also gives these gang members somebody to contact if they happen to come into the area. Gang members need someplace to hold up. They need someplace to be able to make their money. They need friends. It's a mob mentality. There's many reasons for why kids join gangs. Self-esteem is more than evident at the top of this list.

REPRESENTATIVE KULA: Thank you very much.

REPRESENTATIVE PALLONE: Thank you, Mr. Chairman.

Thank you, Detective. I guess based on your slide show tutorial, today's gangs aren't my father and grandfather's gangs from past?

MR. CHALFANT: Absolutely not.

REPRESENTATIVE PALLONE: And I wonder if, has there been any comparison or contrasting between what we

have maybe read about or seen on TV shows, documentaries or whatever of the gang activity, whether it be the ethnic groups that had control of different vices and whatever throughout our history compared to today's?

Is there any kind of a comparison or analogy you can draw between the two, you know, from what was going on maybe in the early 1900's to where we are today?

MR. CHALFANT: Gangs today are no longer broken down along ethnic or racial lines or even social class lines. It is out of sheer representation in numbers that kids want to belong. They want to feel a part of something, those that are disenfranchised from perhaps school, community, church, family.

You know, the money is definitely an aspect in this. It hit home to me more so when I was interviewing one of our 15-year-old members caught up in a very serious crime. I asked him how he got hooked up with this crew, and he said, at the age of 9, he was on the way to the store for his mom.

And one of the guys was on the corner selling drugs and gave him a hundred dollar bill and told him to bring him back a Coke and a bag of chips. The kid brings him back the Coke and a bag of chips, and he tells him, keep the change. We put too much emphasis on society today on the value of money rather than that of self.

And I think a lot of kids are finding that to be true, but then how do we tell them that it's against the law to be a gang member? What are their alternatives? And I think that's what communities are starting to find throughout Pennsylvania specifically is that the missing link in a lot of this has been prevention programs.

We can say that we provide programs out there for kids, but how do we actually track as to whether they're being successful for those that are actually at risk of becoming these gang members?

But as far as our father's gangs are concerned, the level of violence is far greater. It's expected now today, if you're a gang member, that -- I mean, you can go to the internet. You can see beat-downs; you can see initiations. And that's what you're supposed to be if you're a gang member today.

REPRESENTATIVE PALLONE: Not to shift gears on you, but to follow up on Representative Kula's query about the young kids on the MySpace and whatever other activity, is there any correlation -- and maybe I'm using the wrong terminology because I'm not a law enforcement person.

Is there any correlation that perhaps the adults that are attracting these juveniles, is there any correlation to child predator activity and things like that? And they're almost, while they're not sexual

predators, there's certainly predators on the youth. Is there any link or anything to that effect with that?

MR. CHALFANT: My experience with gang members and MySpace, you don't see an older core of individuals that are on there recruiting. Your average age of a gang member is probably 12 to maybe 24 these days.

At the very most, you might see some of your older Latino or Mexican or other gang members. They're generational, but for the most part, these kids that are on MySpace talking are probably within the range of 12 to 25 to 30. There's not a lot of older --

REPRESENTATIVE PALLONE: Peers?

MR. CHALFANT: It's peers. It's a socialization process. It's our phones in the past.

REPRESENTATIVE PALLONE: Thank you, Detective.

Thank you, Mr. Chairman.

CHAIRMAN CALTAGIRONE: Representative Lentz.

REPRESENTATIVE LENTZ: Thank you, Detective, for your testimony. Are you aware of a law like this in other states, and have they had success with it?

MR. CHALFANT: The Florida Street Terrorism Act is similar to this. Florida also has statutes for gang participation. Ohio has a gang participation. I've included them in my notes of other state statutes for you. I would assume and believe that they've been challenged,

but they're still on the books.

We need to start in Pennsylvania. Enhancements would help, but at this point, if you don't have an offense for it, how do we track the success of it? The one reason we don't have statistics in Pennsylvania is because it has to come from individual police agencies and departments that set that as a policy for themselves and adopt that as criteria and documentation for themselves and track that information.

And consequently, that's how we share it through our law enforcement agencies. If a police agency does not have that criteria to set that documentation, you're not going to get it. I put the highlights of the 2005 National Gang Threat survey assessment also in your notes with that emphasis to the northeast.

I personally conducted that state survey. And it's very ironic when you talk to other members of law enforcement throughout Pennsylvania and you ask them, do you have a gang problem there, in particularly some of your drug task forces; and you say, well, do you got three guys that are talking on the corner selling drugs; yeah, we have them; well, then you got a gang.

We need to set a standard definition that we can start identifying these individuals by and collectively set a process throughout Pennsylvania. Initially, you also

mentioned about how we track and share this information, and I'd be remissed -- and I don't have it in my original notes. There is an issue with the Pennsylvania Criminal History Records and Information Act.

And I know that I do get some discernment from other agencies when I talk about it, but there is a prohibition in there that was not intended, which actually ended up in its fifth amendment back in 1990, 1991. And there was a prohibition, secondary dissemination of gang information, which means that if I receive gang information from you, which borders my county, I can't pass that information on.

I got to send it back around the corner. Now, you're talking about safety; you're talking about the century that we're involved with, with working on the internet and intelligence. We need to get that changed as well.

REPRESENTATIVE LENTZ: (Inaudible).

MR. CHALFANT: I'm sorry?

REPRESENTATIVE LENTZ: Is it --

MR. CHALFANT: CHRIA, yeah, Criminal History Records and Information Act, as it pertains to protected information.

REPRESENTATIVE LENTZ: You can't share information that you get from Delaware County with

Montgomery County?

MR. CHALFANT: I cannot. I cannot. I have to point them back to the original agency. And there's reasons and guidelines. There is guarded criticism of that, and, again, because how do I know that Agency A is using the same criteria that I am to document?

But we do also have the evaluation source and reliability issues that go with that. So if we have that all in there and we know where it's coming from, why can't we share that as law enforcement agencies?

REPRESENTATIVE LENTZ: Do you see in your townships in your area, in your county, are the police in the practice of documenting tattoos and scars and nicknames and things like that?

MR. CHALFANT: There are agencies that do that. Absolutely. You talk about the sharing of information through the State Police, excellent with PaCIC; you have McLaughlin. There are agencies out there, but when you talk about issues that are relevant to our communities, you have to build your safety from the street up, not from what the State and Federal Government would say down.

That's how we should build our alliances and networking. As Derek alluded to, it is very diverse throughout the Commonwealth of Pennsylvania as to the representation of gang issues throughout the state. So

consequently, you know, you have to allow that task force in that county, that prosecutor's office, strategies, along that line, utilizing the standards and criteria that would be established.

REPRESENTATIVE LENTZ: Thank you.

MS. ALWINE: Detective, earlier in this year, you testified in Reading about, you talked interaction between agencies. And I believe at that time, you said there is interaction with ATF and with DEA --

MR. CHALFANT: Absolutely.

MS. ALWINE: -- particularly on the Route 222 corridor.

MR. CHALFANT: Yes.

MS. ALWINE: And that continues? Those agencies, do they come to you, each county with a designation of federal law or who constitutes a gang member, and does that assist?

MR. CHALFANT: Well, see, ironically enough, the national bill also ironically leaves out the definition of criteria for what a gang member is. It's applied to gang that meets a criteria out from what an individual needs to qualify.

But, yeah, we do share information. With the East Coast Gang Investigators Association, there are numerous gang investigators associations out there. East

Coast happens to be influential in this area.

MS. ALWINE: One other question, and the mob mentality that you speak of makes me wonder if we have a designation in Pennsylvania law of what constitutes a gang member. Does that become some kind of twisted honor that people actually aspire to, to see a negativity?

MR. CHALFANT: It's starting to come back when we -- you know, I've been doing this thing since 1988 in Lancaster County, Pennsylvania. And when we really started to show efforts -- at the very beginning, the onset, a kid would admit very freely.

Now they know the emphasis of law enforcement in that city, so they have a chameleon effect; while they might wear a bandana on their head at one time, they may get less noticeable and put it in a pocket. They change with law enforcements' efforts against it.

MS. ALWINE: I'm just wondering whether someone who is going to commit a crime anyway in order to become part of a gang thinks that they have some kind of protection if they go to prison with a gang conviction. Does that give them some kind of level of respectability when they get to prison that they think is going to protect them?

MR. CHALFANT: It could give them a higher level of props when they get in. Absolutely. And there's

numerous stories throughout Pennsylvania, not just Lancaster alone, where individuals have committed an act of violence to get initiated into a gang or to get their rep on the street, so to speak.

MS. ALWINE: Thank you.

MR. MCGLAUGHLIN: Detective, thank you.

And thank you, Mr. Chairman.

We spoke earlier, Detective. What is your answer to the question why we even need this statute in the face of the current statute that's on the books that deals with state RICO or state enterprises?

I was -- I appreciated your answer, but for the benefit of our members, what is your answer to that question? We have a statute now. Why not use that one instead of having a new one?

MR. CHALFANT: As I alluded to in my statement, the state RICO requires five persons, which doesn't help the percentage of rural communities in Pennsylvania where you have maybe three or four kids that are terrorizing the neighborhood calling themselves some gang term.

They might not rise to the level of sophistication or structure, but a lot of selective prosecutions will make it at the state as well as our federal program with safe neighborhoods. We need that resource on a local level where communities can deal with

that without having to go through the Attorney General's Office or state prosecutors' offices for that selective purpose of prosecutions.

MR. MCGLAUGHLIN: And the other question I have, Detective, was, we all are aware of the rise in new-type gangs. Would -- do you see gang activity in a more traditional collective, such as the KKK or motorcycle gangs? Would this also fall on your umbrella of investigation?

MR. CHALFANT: Well, I think when you refer to those more traditional gangs -- what we're looking at is hybrids gangs to communities, but while it could fall under this, those are the types that could be targeted for your RICO prosecution because of the level of their structure and sophistication that they use. Absolutely.

And when we talk about awareness, you know, I think that is the one thing that's lacking. A lot of people get criticized, you know, the Legislature, law enforcement, educators and parents for their lack of concern over this issue. But it's the lack of awareness as to just what it encompasses that is really lacking out there.

I mean, when you talk about -- hip hop's not bad. It's the gangsta rap element that I talk about in my gang presentations throughout the state to many community

groups. Parents need to be aware of that element and what the association is on the down side of that as far as representation with gangs.

We've had west coast members that have come in to Pennsylvania and the east coast because now, again, they're looking at money being relegated through prevention efforts that they've established under the guides of gangs on the west coast. So we need to get ahead of this curve that we tend to experience ten years later and what shows up in California.

MR. MCGLAUGHLIN: Thank you, sir.

Thank you, Mr. Chairman.

CHAIRMAN CALTAGIRONE: Thank you for your testimony. We appreciate it.

The District Attorney from Lancaster County,
Donald Totaro --

AUDIENCE MEMBER: He sends his apology and his testimony.

CHAIRMAN CALTAGIRONE: Yes. We do have his testimony here so if anybody would like a copy of it, and we'll next hear from Jack Jones, Chief of Police of Morrisville Borough Police Department.

MR. JONES: I have a handout for members. I would like to first thank you for the opportunity to be here today to lend my support for the passage of this bill.

For us in Bucks County and especially in Morrisville Borough, it's very important. My name is Jack Jones.

I'm the Chief of Police in Morrisville Borough Police Department, a 15-man police department. We're 930 feet across the river from Trenton, New Jersey. We have three major bridges which bring New Jersey residents into our town. For your information, I have some pictures here just to show you what we have across the river from us.

These are three posters that we have that came through New Jersey, Trenton, Blood gang members in the City of Trenton with their names, with their nicknames. These are all just Blood members living across the, like I said, 930 feet from us.

Two years ago, over in Trenton, New Jersey, there were 32 homicides, 23 of which were gang related. This year, already there's 17 homicides in Trenton, 13 of which are gang related. In the past two years in our borough, we've had two -- three shootings involving Blood members.

The first one, the Blood member was the actual shooter in the incident. And at that time when he came to trial after we arrested him, the victim refused to testify for fear of the retaliation from the Blood gangs. Two months later -- three months later, two of the shooters' cousins were shot in a home invasion.

And as the people were leaving the apartments, they both got shot in the leg with the shooter speaking, this is to get even, for the actions of their cousins. These things are occurring every day. Two weeks ago, a 17-year-old youth from Morrisville was arrested for a drive-by shooting.

He was a member of the Crip gang, and they were shooting at Blood members in Union Township. So it's coming into the state from over there. As you can see, not only these, but there's also a book that I have with 383 pages with gang members in it.

This piece of paper here is from the Trenton Police Department from the 1st of the year until present of the crimes that were committed with guns or physical assaults in the City of Trenton.

We've had numerous, arrested numerous people from drugs which have come over into our town where citizens are buying and find out that they're traced back to a Blood member who was the major dealer in the City of Trenton. As for prevention of this, we have held at least seven gang awareness conferences with students in the high school, middle school, PTOs and regular citizens to make them aware of what to look for.

Bucks County District Attorney, Diane Gibbons, is at the forefronts of these seminars. She's held them

for police officers, so we're aware of what's going on. And in the meantime, we have also applied for and received partial approval for a \$250 thousand grant from United States Congress to fight this disease that's coming into our state.

As far as cooperation, we work well with the people in New Jersey and the other departments in the area, and this is how we -- and our information is disseminated almost daily to other departments. The Bucks County Correction Department has one person assigned. They'll validate prisoners coming in.

If they're Blood members or gang members, they'll send out information to us that so-and-so is in jail or whatever, and we also do the same. If we arrest someone who we determine to be a gang member, we'll send them the information.

This is -- also, we work well with McGlaughlin (ph); and also our civic organization, the Ivans House (ph) in our town, they've applied for a \$150 thousand grant to sponsor seminars for adults and students to make people aware of what's happening in the area. Any questions?

CHAIRMAN CALTAGIRONE: Yes. Well, first of all, how big is, populationwise, Morrisville?

MR. JONES: Morrisville has 10 thousand people.

CHAIRMAN CALTAGIRONE: And the size of your

police department?

MR. JONES: 15 officers.

CHAIRMAN CALTAGIRONE: And do you have a special unit dealing with gangs or drugs?

MR. JONES: No, we do not. We have patrolmen just doing regular street duty.

CHAIRMAN CALTAGIRONE: How about your county DA? Does he assist with detectives in helping with --

MR. JONES: Yes. Any major crimes, the District Attorney's office responds to it. They'll prosecute it. With drugs, they help financially, and if this bill goes through, they will also help financially with supplying overtime to put people in the street to try to stop some of this activity.

CHAIRMAN CALTAGIRONE: Yeah, I mentioned Lancaster -- strike that. Bucks County?

MR. JONES: Bucks County.

CHAIRMAN CALTAGIRONE: And I'm familiar, very familiar with the McGlaughlin for a number of years. They do work closely with you in your department?

MR. JONES: Yes, they do. We're members of it. They share information so that we've received financial aid from them also.

CHAIRMAN CALTAGIRONE: Questions?

Carl.

REPRESENTATIVE MANTZ: Yes. Chief, I don't know how comfortable you feel responding to this question, but I'm curious and perhaps I should have asked this of the earlier testifiers. How persuasive is gang penetration into Pennsylvania's smaller communities? And I know you said your town is about 10 thousand population?

MR. JONES: This is one of the things they look for, a town with a small police department, small population where they can run free. And Pendle Borough, which is five miles from us, back in the spring, the Bucks County detectives, Middletown Township Police, DEA did a major undercover drug operation where Bloods had taken over a complete apartment complex and was using it as a safe haven.

Pendle has one full-time officer and three or four part-time officers. There was an article in the Courier Times, where the undercover agent had a reporter with him on a number of drug buys, and one of the main thing was there was no police department.

It was just a small town police department doing the best it can under the circumstances of financial assistance that they had. The Bucks County District Attorney's Office stepped up helping financially, helping the investigation and put a number of people off the street.

REPRESENTATIVE MANTZ: Do you know if there's been an effort to target communities that host colleges, universities, concentrations of student populations?

MR. JONES: I'm sure they have. Like I said, we're a small town. We've known, through different sources of information, that they have been trying to recruit some of our just high school students to participate in this activity. I have had no idea. I'm sure there has been up in Doylestown in Delaware Valley College, but other than that, I'm sure that they have tried this, to recruit in the colleges.

REPRESENTATIVE MANTZ: Thank you.

CHAIRMAN CALTAGIRONE: Any other questions?

Thank you, Chief. We appreciate your testimony.

We'll next hear from Ray Hehnly, Lancaster County Prison, East Coast Gang Investigators Association, East Region Vice President.

MR. HEHNLY: Mr. Chairman and members of the Committee, thank you for this opportunity to provide testimony to you on behalf of all the men and women who strive to make our communities safe from behind the county prison walls.

Being a correctional officer, I hope to offer some input that not only are these gang members a threat to our communities, but also to us who work behind the walls

and it is our responsibility to ensure the safety of our communities while we have contact with these gentlemen and ladies every day of our lives.

It is with their safety in mind as well as the surrounding communities that I offer the following information and statistics in support of the Pennsylvania Criminal Gang Statute: Of all the gang, or people that are incarcerated throughout the state, 10 to 12 percent of the current incarcerated inmates at the county level are gang members.

In Lancaster County, that would put my incarcerated gang members between 100 and 120. These few, however, are responsible for up to 40 percent of all major assaults on staff, other inmates and get involved in mutual fighting. By major assaults, they can either be physical altercations or being doused with unknown liquid substances.

Overall, the 10 to 12 percent is responsible for approximately 35 percent of all rules violations that occur within the county corrections. These facts are based on self-gathered information by myself and national statistics. The knowledge of which these individuals is paramount to the safety of the correctional officers who guard them and the smooth operation of the institution.

Many gang members are not from the local area.

As my colleagues from the State Police have stated, they come in from surrounding states and cities, commit a crime and are incarcerated. They venture into our communities selling drugs and guns, putting our citizens at risk as evidence by the unfortunate shooting of a seven-year-old girl in Lancaster.

As a result, the gang member's family now may move to the local community bringing with them any gang ties established through the family and any other siblings that are attached. For example, in the eastern part of the state, we have a huge influx from New York. One of our hot spots right now is the Poconos.

The influx up there on the school system on East Stroudsburg and Monroe County and Lackawanna County has just been overwhelming. They even have it set up where we have commuter buses that will take these New Yorkers to New York City so they can get there in time for work and return them maybe 5, 6:00 in the evening when it's time to go home.

What that has created is a huge block of unsupervised time for these kids once they get out of school at 3:00, and this is where a lot of the problems are coming from. I know two of the communities up there that are locked communities have a lot of problems because they are secured communities, but I know they just had a major

bust in one of them taking out, I think, 12 or 14 gang members and then the community right down the road, they had the rival gang members as well.

I frequent this area a lot. I try to stay in touch with it as much as I can, but it's overwhelming. And the big thing, it's not a gang thing; it's an economic thing. People are buying houses in the State of Pennsylvania at 140 thousand that might cost New Yorkers \$3 hundred, \$4 hundred thousand. It's very lucrative for them to move here, plus all the pressure and everything coming in New York, putting on the gangs and everything and the gang violence, they want to get away from it.

And actually what they're doing is they're transplanting them, and we're getting it. So as a result, the gang member found and now move to this area so as to maintain the support. In addition to New York, you'll also see gangs from Camden, Newark and Baltimore.

In the western part of the state, we have seen presence of gang members from Cleveland, Detroit, Youngstown and Wheeling. Finally, around Lewistown, we now have a collection of Latin Kings that are from San Antonio, Texas, who has a hookup with an employment agency in the Lewistown area, and they are the primary supplier of individuals to work in this area.

However, this does not just stop at the county

level. As the inmate progress through the correctional system and enter the state system, the family will just pack up and move along with the gang member. Thus now, they move yet to another new area for them to spread their gang knowledge to.

The establishment of statewide guidelines would be extremely beneficial acting to equalize everything. A gang member in Pittsburgh would be a gang member in Hazleton and so throughout the entire state.

The establishment of a common definition and identification criteria provides an invaluable resource to law enforcement in the gathering of intelligence information and aid in their efforts to keep their communities safe.

The identification of an individual as a gang member prior to incarceration would be a huge asset to the safety of correction officers and inmates alike. On average today, less than 2 percent of incarcerated gang members will actually admit their gang membership. The result would be more gang members identified because of everyone following the same guidelines.

A lot of this in Lancaster's been because of our DSM efforts with the Project Safe Neighborhoods. They don't have to carry a gun and get five years. They've really gone underground in Lancaster as far as coming out

and willfully admitting it.

The need to monitor this population of inmates is necessary to prevent recruitment, intimidation and communication among gang members incarcerated so that the integrity of the institutional security can be upheld. We have actually had gangs form within the jail walls. They have taken either somebody that has not been affiliated with a gang prior or even local gang members and molded them into their own unique little gang.

The last one we broke up had gone to 26 members. They lasted about seven months before the strategies that we had taken finally broke them up. Now, they caused a lot of major assaults, primarily with unknown liquid substances on officers. Additionally, the propensity of gang members for violence and disrespect to authority makes it even more necessary to identify these individuals.

County corrections are the initial point of contact between the gang member and the judicial system. The opportunity for the gathering of valuable intelligence to be disseminated among other law enforcement entities is a valuable resource which can be utilized to address the gang situation in our communities.

It is in county corrections where these gang members can make associations with other older and more experienced gang members and make lasting relationships

which they take back to their neighborhoods, in addition to receiving an education on criminal ways for him to employ when he returns to the community, which is our community.

Something must be done letting our young people know, if you join a gang, you're committing a crime; if you recruit someone into a gang, it is a crime. We need something to remind them the three risks of gang membership; injury, incarceration and death. We owe it to our children and their generation to provide a safe community for them to live in and to raise their families.

This statute is a beginning. Pennsylvania needs to say no to gangs. We come before this committee to ask you to help us fight the threats of our safety and well being coming from within our communities, not only within the communities, but also within the boundaries of our own state, that being street gangs. Thank you.

CHAIRMAN CALTAGIRONE: Thank you, sir.

Questions?

REPRESENTATIVE LENTZ: Do you have stats on the percentage of gang members that are illegal aliens that are incarcerated?

MR. HEHNLY: Illegal aliens?

REPRESENTATIVE LENTZ: Yeah, that are gang members and --

MR. HEHNLY: No, I did track anyone that comes

in that's foreign birth, but I have not gotten into doing that. I'm the only person in the prison that takes care of it, and that is a collateral duty for me right now. I'm also the shift commander for the 12-to-8 shift.

REPRESENTATIVE LENTZ: Do you know if anyone keeps those kind of stats?

MR. HEHNLY: I don't know if ICE -- that would be my first guess would be ICE.

REPRESENTATIVE LENTZ: And what's the practice -- as I understood it when I was a prosecutor, if you were an illegal alien, in this case, a gang member convicted of a felony, at the end of your prison term, you'd be ordered to --

MR. HEHNLY: I think most of them now are being sent, as soon as they are depicted as being an illegal alien, they're transferred up to York to the ICE unit up there, and I think ICE handles everything out of York County.

REPRESENTATIVE LENTZ: Before or after they've served their term?

MR. HEHNLY: Before, I believe.

REPRESENTATIVE LENTZ: Before. Okay. Thank you.

MR. HEHNLY: Yes, sir.

MR. MCGLAUGHLIN: Lieutenant, thank you, again,

for appearing and thank you, Mr. Chairman.

Just one quick question. Lieutenant, over the years, have you had or continued to have any problem with this so-called traditional gang, the motorcycle people and skinhead types, things like that, or have you pretty much identified and broken them up?

MR. HEHNLY: We take precautions. We currently now have two different motorcycle gangs in the prison, which we put those members on avoid contact so they don't come in contact. The skinheads have come in, but one noticeable thing that I have noticed this year is that they've gotten more abrasive with their tattoos.

Instead of trying to hide them, they're now putting them all over the place. They can have problems. We had a young gentleman, I think from New Holland, that came into the jail and had a swastika on two-thirds of his back. I know he was confronted by quite a few inmates.

As far as physical altercation, I don't know of anything, but I do know they do get challenged and they are watched and if they do try to preach or recruit in any way, the minority of the population pretty well keeps them in check. But as far as being disruptive, it's very, a minor part of my gang population right now.

MR. MCGLAUGHLIN: Thank you, sir.

Thank you, Mr. Chairman.

CHAIRMAN CALTAGIRONE: Thank you very much for your testimony. We do appreciate it, sir. I'm going to add that Errika Jones from Pittsburgh Public School District, Director of Gang Free School, her testimony, I think will be coming along, with Andy Paris from the Attorney General's Office; Mike Kane from Pennsylvania Commission on Crimes and Delinquency and also the County Commissioner's Association. So with that being said, the meeting is adjourned, and I do thank you all.

(The hearing was concluded at 11:37 a.m.)

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings to the best of my ability, and that this copy is a correct transcript of the same.

Jennifer L. Sirois, Court Reporter,
Notary Public

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