

**COMMONWEALTH OF PENNSYLVANIA**

**HOUSE OF REPRESENTATIVES  
JUDICIARY COMMITTEE**

**TESTIMONY ON HOUSE BILL NO. 326  
CRIMINAL GANG ACTIVITY**

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I would like to thank the Pennsylvania House of Representatives Judiciary Committee for your continued leadership and commitment to public safety in the Commonwealth of Pennsylvania. To that end, House Bill 326 provides an excellent opportunity for members of the Pennsylvania legislature to assist in our ongoing fight against crime.

Before discussing this specific House Bill, I believe it is important to understand the magnitude of the problem. In the late 1990's and 2000, Lancaster County saw an explosion of shootings and gang-related homicides. In 1999 alone, there were 10 firearm-related murders, including a shoot-out near an elementary school between rival drug gangs that resulted in the death of an innocent bystander. Additionally, there was a shoot-out near Carter & MacRae Elementary School while children were playing outside and a shooting outside the Lancaster County Courthouse when police confronted gang members during an attempted robbery. Many of these violent incidents involved drug dealers and gang members from New York City who were bringing guns to Lancaster to protect their product or their turf.

These criminals were not deterred by potential state prison sentences, and prosecutors were forced to explore other options for targeting extremely dangerous offenders. Consequently, we partnered with the United States Attorney in a program called Project Safe Neighborhoods (PSN). Federal grant funding was provided to hire attorneys who would become cross-designated as Special Assistant United States Attorneys, working with the US Attorney to prosecute gun cases in federal court. By doing so, we were able to obtain substantial prison sentences that greatly exceeded permissible sentences under state law.

Project Safe Neighborhoods has been a tremendous success. Since 2001, over 100 cases have been adopted for federal prosecution in Lancaster County, and more than 50 of those

defendants have been sentenced. Firearm statistics in Lancaster City from 2000 through 2006 show that Robberies committed with firearms have dropped from 163 in 2000 to 58 in 2006. Assaults committed with firearms have dropped from 68 in 2000 to 34 in 2006. Gun-related Homicides decreased from 10 in 1999 to 5 in 2006. Defendants are asking to plead guilty in state court pursuant to negotiated pleas that greatly exceed the standard range of the state sentencing guidelines to avoid federal prosecution. Furthermore, defendants are cooperating like never before to avoid federal prosecution, resulting in a number of previously unsolved murders that have since been solved due to this cooperation.

Despite this overall reduction in firearm-related crimes, Lancaster County continues to experience significant problems with gang activity. This activity often involves the influx of large quantities of controlled substances and the use of deadly force . Moreover, we have seen a change in the type of gang members, with an evolution from local “turf” gangs to infiltration by violent outside gangs with national affiliations, such as 50 Million Soldiers, Latin Kings, NETA.

In the past 2 ½ years, law enforcement authorities have taken down large criminal gang enterprises in Lancaster County who have used the Route 222 corridor to transport drugs and guns from New York City. In February of 2005, over 100 drug dealers affiliated with gangs were arrested. In September of 2005, members of the gang 50 Million Soldiers were arrested for dealing drugs and engaging in shootings throughout the county. In April of 2006, 11 high level dealers who were transporting significant quantities of cocaine into Lancaster County were arrested. Finally, in January of this year, seven-year-old Brianna Pratt was gunned down on a city street after being caught in cross-fire between two rival gangs.

This impact of gangs in our community has been significant, including increased crime (drug dealing and robberies), terrorization of residents, and lack of victim cooperation.

Because Pennsylvania does not have any specific laws addressing gang activity, some prosecutors have once again looked to the federal government to provide assistance. Last year, Lancaster and other counties along the Route 222 corridor were selected as a site to receive federal grant funds for this purpose. Specific funds are being provided for prevention, enforcement and re-entry management. However, while federal assistance has been unprecedented in this regard, state legislation is necessary in order to target smaller or less organized gangs that might not rise to the level of federal prosecution. Furthermore, if federal resources at any time in the future are no longer made available for gang or gun prosecutions, the only enforcement tools available to prosecutors will be those provided by the state.

Recognizing there are limitations to federal prosecution of local cases, former Governor Gary Gilmore of Virginia correctly noted that states must do more to enhance the safety of their citizens. Consequently, during the 1999 Session of the Virginia General Assembly, Virginia passed a number of tough sentences targeting violent criminals. In 2005, the Pennsylvania legislature also took a significant step by passing a 5 year mandatory minimum prison sentence for drug dealers who possess firearms. This body recognized that certain firearm offenses create a significant potential for death or serious bodily injury, and the increased penalty now reflects the magnitude of the crime.

However, as indicated there is no statute in Pennsylvania that specifically addresses gang activity. While many other states and the federal courts have gang statutes, a version of this Bill

has repeatedly stalled in the legislature over the past ten years. House Bill 326 is needed to criminalize gang activity and hold responsible those who recruit or solicit gang members.

In addition to anecdotal evidence offered today, the necessity of adopting this legislation is clearly articulated within the language of House Bill 326. More specifically, “This Commonwealth is facing a mounting crisis caused by criminal gangs whose members threaten and terrorize peaceful citizens and commit crimes. These activities both individually and collectively present a clear and present danger to the public order and safety and are not constitutionally protected.” The General Assembly further declares that it is the right of every person to be secure and protected from fear, intimidation and physical harm caused by the activities of violent groups and individuals.

Through passage of House Bill 326, those who engage in criminal gang activity or recruit others to join or remain in a gang would be held accountable for their conduct, while specific criteria would be established for identifying individuals as gang members. Furthermore, gang legislation with criminal sanctions would serve as a deterrent, by making clear it is a crime to be a gang member. Through Project Safe Neighborhoods we have worked very hard to deter those who might otherwise consider committing crimes with firearms, through a Community Outreach Task Force that meets on a regular basis to strategize on how to broadcast the message that gun crimes will result in substantial prison sentences. That same effort would be made to prevent our youth from becoming involved in gangs.

In conclusion, we are responsible for working to protect our communities from dangerous criminals, by breaking the link between gangs, guns and drugs; ending the wave of gang violence; providing swift, sure and substantial punishment for dangerous criminals; and serving

as a deterrent by sending a clear, concise, easily understood and unequivocal message. As District Attorney of Lancaster County and representative of the Pennsylvania District Attorney's Association, I would encourage the Pennsylvania legislature to adopt specific penalties for those who recruit gang members or are involved in criminal gang activity.