

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
APPROPRIATIONS COMMITTEE HEARING  
BUDGET HEARING

STATE CAPITOL  
MAJORITY CAUCUS ROOM  
HARRISBURG, PENNSYLVANIA

TUESDAY, FEBRUARY 19, 2008, 10:45 A.M.

VOLUME II OF IV

PRESENTATION BY ATTORNEY GENERAL

BEFORE:

HONORABLE DWIGHT EVANS, CHAIRMAN  
HONORABLE MARIO J. CIVERA, JR., CHAIRMAN  
HONORABLE STEPHEN E. BARRAR  
HONORABLE STEVEN W. CAPPELLI  
HONORABLE H. SCOTT CONKLIN  
HONORABLE CRAIG A. DALLY  
HONORABLE GORDON R. DENLINGER  
HONORABLE BRIAN ELLIS  
HONORABLE DAN B. FRANKEL  
HONORABLE JOHN T. GALLOWAY  
HONORABLE WILLIAM F. KELLER  
HONORABLE THADDEUS KIRKLAND  
HONORABLE BRYAN R. LENTZ  
HONORABLE TIM MAHONEY  
HONORABLE KATHY M. MANDERINO  
HONORABLE MICHAEL P. MCGEEHAN  
HONORABLE RON MILLER  
HONORABLE JOHN MYERS  
HONORABLE CHERELLE PARKER  
HONORABLE SCOTT A. PETRI  
HONORABLE SEAN M. RAMALEY  
HONORABLE DAVE REED  
HONORABLE DOUGLAS G. REICHLEY  
HONORABLE DANTE SANTONI, JR.

1 BEFORE: (cont'd.)  
2 HONORABLE MARIO M. SCAVELLO  
3 HONORABLE JOHN SIPTROTH  
4 HONORABLE KATIE TRUE  
5 HONORABLE DON WALKO  
6 HONORABLE JAKE WHEATLEY, JR.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALSO PRESENT:  
MIRIAM FOX  
EDWARD NOLAN

JEAN M. DAVIS, REPORTER  
NOTARY PUBLIC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

TESTIFIER

NAMES	PAGE
ATTORNEY GENERAL TOM CORBETT	5
MR. WILLIAM RYAN	8

1           CHAIRMAN EVANS: I want to reconvene the  
2 House Appropriations Committee hearing.

3           We have the Attorney General on the agenda  
4 today. I think the Attorney General knows the rules,  
5 that we are getting right into the questioning rather  
6 than making comments.

7           But I want to make a comment for the members  
8 on the committee, on the Democrat and the Republican  
9 side, because the reporters just came and said  
10 something to me that I truncated members' ability, and  
11 God knows, I have been Chairman of this committee for  
12 18 years and I have never been known to limit any  
13 member's opportunity to have many questions. However,  
14 we have to respect each member on the committee. We  
15 have to respect each member on the committee. We do  
16 not need members disrespecting each other. I try to  
17 maintain that. If people want to ask questions, they  
18 will get the chance to ask questions.

19           I guess I am a little disappointed that  
20 members want to make political hay with this  
21 particular committee. I have tried to keep it open.  
22 We have the Attorney General. Members will get to ask  
23 their questions.

24           I ask members to respect the time of other  
25 members. That is what I ask them to do. I don't want

1 to set a clock. If I set a clock, I don't think you  
2 would like that either. But I am trying not to set a  
3 clock, because I want to make sure every member gets  
4 the chance to ask questions on this committee.

5           So what I would like to do is start off with  
6 the Attorney General, and Mr. Attorney General, one of  
7 the issues that at least I would like to talk a little  
8 specifically about is the issue around the enforcement  
9 around gun policy. And I don't know, a year or two  
10 years ago we gave you \$5 million for an investment  
11 around gun policy.

12           Can you give us a specific accountability of  
13 how that is working. Is it working? You know, I know  
14 you have asked for like another half a million, but  
15 can you tell us specifically, how is that working  
16 throughout the Commonwealth of Pennsylvania, and do  
17 you think that is the direction we should continue to  
18 go?

19           ATTORNEY GENERAL CORBETT: Mr. Chairman, as  
20 you know, it's very difficult to measure how it's  
21 working when you see the gun violence in Philadelphia  
22 resulting in close to 400 deaths, or I think it was  
23 400 deaths last year.

24           When the money was given to us in July of  
25 2006, we created a task force, and it took awhile to

1 come up, first, with a game plan, and secondly, with  
2 the personnel who would be part of that game plan.  
3 All personnel that we hired, except for two, were  
4 under the understanding that if the money were to dry  
5 up, so would their jobs. So you can imagine at that  
6 point in time that some might be reluctant.

7           We were very, I think, lucky to be able to  
8 hire some very experienced, in fact, probably we have  
9 the most experienced people in the city of  
10 Philadelphia, because most of them were retired  
11 Philadelphia homicide detectives who know the city  
12 very well, and it took a period of time to hire the  
13 individuals. I think we hired 27 total. Twenty-four,  
14 twenty-five of them are subject to, if the money  
15 should run out, so would their employment with our  
16 office.

17           The task force, the initial phase of the task  
18 force became operational in November of 2006, late  
19 November of 2006. Since that time, we have 104  
20 arrests. We have 179 firearms recovered. We have 500  
21 active investigations that are going on. We have  
22 helped to fund the training of firearm examiners in  
23 Philadelphia. Philadelphia had a 6,000 case backlog  
24 because they didn't have enough firearm examiners. As  
25 a result, we will have 18 firearm examiners completely

1 trained by September of this year. That should cut  
2 into the backlog, and as you know, when you have a  
3 backlog like that, the ability to prosecute the cases,  
4 even when there is a time for hearings or trials, is  
5 very difficult.

6           Also, the ability to find where the weapons  
7 have been used that are recovered loosely, not in a  
8 particular arrest or investigation, may have been used  
9 in an incident, maybe in a homicide at some other  
10 point in time. That gets delayed. So we thought that  
11 that was a way of speeding up the administration of  
12 justice in Philadelphia.

13           Our focus has been on the illegal sales of  
14 guns through straw purchasing. As you know, a straw  
15 purchaser is somebody who has the legal right to buy a  
16 firearm because they do not have convictions that  
17 would make them ineligible. They go in with the sole  
18 purpose of buying the firearms to hand over to  
19 somebody who does have a conviction in their  
20 background that would prevent them from participating  
21 or from purchasing a firearm.

22           As a result of that, most of our arrests have  
23 dealt with the straw purchasers. As you know, the  
24 Philadelphia judicial system is somewhat slow. We are  
25 starting to see some sentences in that regard.

1           In most cases, the sentences are probationary  
2 in nature for these individuals. We have discussions  
3 ongoing with the Sentencing Commission to see if we  
4 can get them to raise the baseline so that there would  
5 be some incarceration and because I think that there's  
6 not a great deterrent effect if people go, well, okay,  
7 I'm just going to get probation; I don't have to worry  
8 about being incarcerated myself, and they would still  
9 go out and purchase the firearm. We have been going  
10 after also the juveniles that have been possessing the  
11 firearms.

12           I would note that the former detectives that  
13 we have hired that are a part of our gun task force,  
14 as I said, they have a great deal of experience in the  
15 city of Philadelphia. They have been training with  
16 each police district in Philadelphia. I think, Bill,  
17 what, there are four in each district?

18           MR. RYAN: About, yes.

19           ATTORNEY GENERAL CORBETT: About four in each  
20 of the districts. There is a great partnership going  
21 on, and a great side benefit to this is the  
22 educational side, for the younger detectives to be  
23 teamed up with senior detectives who retired because  
24 they got buyouts to their pensions and so forth. So  
25 there is an unintended nice consequence to this also.



1           And if I may, just so I can introduce the  
2 people at my table. Bill Ryan, to my right, is my  
3 First Deputy; he is First Deputy Attorney General. To  
4 his right, you all know Annmarie Kaiser, our  
5 legislative liaison. To my left is Sheri Phillips, my  
6 Director of Management Services. She's the one that  
7 put all this together with everybody else.

8           CHAIRMAN EVANS: Representative Dally.

9           ATTORNEY GENERAL CORBETT: And I did read all  
10 this.

11          CHAIRMAN EVANS: Representative Dally.

12          REPRESENTATIVE DALLY: Thank you, Mr.  
13 Chairman, and good morning, Attorney General.

14          ATTORNEY GENERAL CORBETT: Good morning.

15          REPRESENTATIVE DALLY: The Governor has been  
16 promoting the idea of securitizing the stream of  
17 payments from the tobacco settlement funds, and we  
18 know that that stream is under siege for, you know,  
19 good reasons -- people are not smoking as much as they  
20 were.

21                 The concern that I have is that if that  
22 stream is securitized and the stream income is not  
23 sufficient to amortize the debt that is borrowed, what  
24 impact that is going to have on our overall bond  
25 rating.

1           Now, I think the Governor's Office has  
2 indicated that that wouldn't have an impact, but I  
3 would just like your thoughts on that securitization  
4 issue.

5           ATTORNEY GENERAL CORBETT: Well, we have been  
6 discussing this at the National Association of  
7 Attorneys General. Some States have securitized; most  
8 have not. The colleagues that I have talked to, we do  
9 not think it is a good idea because you don't know  
10 what the future is.

11           The way this Master Settlement Agreement has  
12 been written, back in 1998 there were a lot of  
13 questions as to what the payments would be in the  
14 future, not the least of which is, every year there is  
15 a hold back of anywhere from \$25 to \$30 million just  
16 for the State of Pennsylvania. We don't know whether  
17 we will get that money or not, and it comes down to  
18 some litigation that we have ongoing. We have a great  
19 deal of litigation ongoing across the country that  
20 Pennsylvania is involved in across the country, but  
21 most of the States are involved in, that leaves the  
22 definitive amount that comes into the State in  
23 question.

24           We fought one battle just recently, and so  
25 far we don't have a final answer on it, and it deals

1 with the issue of diligent enforcement: Is  
2 Pennsylvania doing everything it can to reduce  
3 smoking, to reduce underage smoking? Are we  
4 diligently enforcing against the non-participating  
5 members, non-participating manufacturers? It's very  
6 technical. We believe we are; the manufacturing  
7 companies, the participating manufacturing, do not  
8 believe we are. So there are millions and millions of  
9 dollars in dispute at this point in time.

10           Our first battle was to try and have the  
11 lawsuit brought in Philadelphia. We lost that. It is  
12 right now at arbitration. However, we have that on  
13 appeal to the Pennsylvania Supreme Court. That's just  
14 one instance of the uncertainty of how much money is  
15 going to come into Pennsylvania.

16           The other side of this is, and we have talked  
17 about when bond holders, if we were to do this, do  
18 bond holders get to participate in what we, the  
19 Attorneys General, and you, the States, decide what to  
20 do in regard to litigation on this tobacco? You have  
21 now a third party involved that may not necessarily  
22 look at what is in the best interests of the State;  
23 they are totally looking at what is in the best  
24 interests of the bond holder.

25           So I think that at this point in time,

1 especially in light of some negotiations that are  
2 going on, to try across the country between NAAG and  
3 the tobacco companies to reach a much more definitive  
4 formula as to what we will be getting -- and I will  
5 tell you, those have been going on for a good year,  
6 and it is an interesting but difficult discussion --  
7 to try and make the Master Settlement Agreement much  
8 more definitive. For us to go to securitization now,  
9 I think, would be a mistake.

10 REPRESENTATIVE DALLY: Thank you very much.

11 Thank you, Mr. Chairman.

12 CHAIRMAN EVANS: Thank you.

13 I want to make a note of some other Chairmen  
14 who are here, because most of you know I have always  
15 tried to do joint hearings with the standing  
16 committees. The Chairman of the House Judiciary  
17 Committee is here, Representative Tom Caltagirone.

18 And who is your colleague in the Republicans?

19 REPRESENTATIVE DALLY: Representative  
20 Marsico. I did see him in the room earlier.

21 CHAIRMAN EVANS: Mr. Marsico and Tom  
22 Caltagirone from the House Judiciary Committee. And  
23 on the Gaming, Representative Paul Clymer is here on  
24 the Gaming Committee. And I know Representative  
25 Harold James' office was also here. So I have always

1 put invitations out to the standing committees of  
2 those particular committees to also be a part.

3 Representative Cherelle Parker.

4 REPRESENTATIVE PARKER: Thank you, Mr. Chair.

5 Mr. Attorney General, thank you for being  
6 here, members of your staff. I just have to note for  
7 the record, the face that we see often is Annmarie  
8 Kaiser, and we knock down her door to get access to  
9 your office. So she does a great job, and I just  
10 wanted to say that to you for the record.

11 ATTORNEY GENERAL CORBETT: Thank you very  
12 much.

13 REPRESENTATIVE PARKER: I wanted to just  
14 direct my questioning to the area of witness  
15 relocation.

16 You know recently of the high number of  
17 homicides and the increase in the rate of violence in  
18 the city of Philadelphia, but I just wanted to note  
19 for the record that I was a tad bit taken aback when  
20 reading the report from your office that noted that  
21 not only Philadelphia but Allegheny, Berks, Chester,  
22 Dauphin, Delaware, Lancaster, Lehigh, Luzerne, and  
23 Westmoreland Counties had all sought participation in  
24 our statewide Witness Relocation Program.

25 And I know it is funded and it is a tad bit

1 confusing to folks who want to know how much is our  
2 statewide Witness Relocation Program funded on annual  
3 basis. When they look at it, they see \$1 million for  
4 two different line items, but then when we read notes  
5 from your office, we hear about the Local-State  
6 Firearm Task Force, we also hear about the Witness  
7 Relocation Program, and then it's the Gun Violence  
8 Reduction Witness Relocation Program.

9           So, one, if you could just clarify all of  
10 that for the record. Talk to us about the increase,  
11 the \$500,000 increase, that you are requesting this  
12 year and the need for it.

13           And my final question is going to be in  
14 regard to the Joint Local-State Firearm Task Force.  
15 I'm just looking at notes from your office and was  
16 pleasantly surprised but happy to note that this task  
17 force has recovered 178 firearms during your  
18 investigations, and I'm like, wow, 178 guns, you know,  
19 off the streets, and not just handguns but assault  
20 weapons. And I was interested in hearing from you,  
21 after you interview these individuals, are they saying  
22 that these guns are lost and stolen? What are they  
23 saying where have they acquired the handguns from or  
24 the assault weapons, and I will just be interested in  
25 hearing what your response is.

1           ATTORNEY GENERAL CORBETT: Thank you,  
2 Representative.

3           It is a little confusing how we, if you look  
4 at our budget book, how we do this. There are two  
5 line items for witness relocation. And just to  
6 refresh your recollection, we call it witness  
7 relocation; it is not witness protection. It is not  
8 what the Federal government and Marshal Service does.  
9 We do not create new identities and we do not give  
10 them new jobs. We relocate them from one part of a  
11 city maybe to another in Philadelphia, in Allegheny  
12 County maybe from one part of the county to another.  
13 It's just relocation. The Gun Violence Reduction  
14 Witness Relocation Program is one and the Witness  
15 Relocation Program is another.

16           We have asked for an additional \$500,000 in  
17 the Gun Violence Reduction Witness Relocation Program.  
18 We spent \$500,000 last year out of that \$5 million  
19 that you gave us into witness relocation. Why? We  
20 were running short in Philadelphia, and we had the  
21 money sitting there, so we said, okay, we're going to  
22 just move it over here. We think this is part and  
23 parcel of what you all wanted us to do, and that is  
24 what we did.

25           So in total, we have asked for \$1.5 million

1 if you combine both lines. The Governor in his  
2 recommendation has only recommended \$1 million.

3 In 2007, we opened 121 cases across  
4 Pennsylvania. Eighty-four of the one hundred  
5 twenty-one were in the city of Philadelphia alone.  
6 Seventy-eight of the eighty-four cases in Philadelphia  
7 involved the use of a gun, so we felt very comfortable  
8 in moving that \$500,000.

9 The average cost per case for us to move  
10 people across the State, and particularly in  
11 Philadelphia, is \$11,332. That involves some moving;  
12 that involves finding them a place to live. If they  
13 are moving from Section 8 housing to Section 8  
14 housing, that involves doing the inspection of the new  
15 housing after they have left the old housing. So  
16 there may be a period of time that we have to put them  
17 up in hotels somewhere, and trust me, we are not  
18 putting them up in the Ritz-Carlton nor the Four  
19 Seasons when we do that.

20 Now I'm going to forget the second part of  
21 your question.

22 REPRESENTATIVE PARKER: One hundred  
23 seventy-eight firearms recovered by the task force.

24 ATTORNEY GENERAL CORBETT: Oh, the firearms.

25 We hear all kinds of stories, and "story" is



1 probably the right word to use, and I don't know that  
2 we are ever comfortable until we get to the bottom of  
3 the issue. Oftentimes, "Oh, the gun was turned in";  
4 "I mean, I discovered it was lost after somebody came  
5 and knocked on my door. I didn't know it was lost";  
6 "Oh, I just gave it to my boyfriend to hold for me."  
7 You name the story, we have probably heard it, and  
8 that's why, as I said, we have 500 active  
9 investigations going on. If you think about that with  
10 27 people, actually 24, because 3 are supervisors,  
11 that's a pretty heavy caseload across Philadelphia.

12 I suspect that we are going to see many more  
13 arrests during the course of the next year and two  
14 years as this program goes on, but it is a heavy  
15 caseload, and we will continue to hear the different  
16 excuses as to, "Well, I didn't know it was gone," "I  
17 loaned it to a friend," or whatever.

18 REPRESENTATIVE PARKER: A final question, Mr.  
19 Chair.

20 If you could recommend anything to our body  
21 that we could do here to assist your office in finding  
22 a way to actually get to the bottom of recovering  
23 these firearms that are used to commit crimes, not  
24 just in the city of Philadelphia but throughout the  
25 Commonwealth, what would it be that you would

1 recommend? If it were public policy, what would you  
2 recommend to our body that we need to be working on  
3 legislatively, aside from the enforcement end, because  
4 it seems as if your department, short strapped and  
5 short staffed, supervisors trying to do the work, you  
6 are trying to investigate, you are trying to do  
7 everything within your power to find out how are these  
8 individuals committing crimes, getting access to these  
9 firearms, and you are doing your best, what should we  
10 as a legislative body be doing to help you?

11           ATTORNEY GENERAL CORBETT: Mr. Chairman, I  
12 guess I'm good for the next two hours?

13           CHAIRMAN EVANS: The short version.

14           ATTORNEY GENERAL CORBETT: That's a very  
15 tough question, because obviously we have  
16 constitutional-right issues under the Second Amendment  
17 and here under Pennsylvania that play into that. That  
18 really, Representative, goes back to the base issue  
19 of, why are these people using firearms in the first  
20 place? Why are we resorting to violence in the first  
21 place?

22           I look at it from, what can I do as Attorney  
23 General? What tools have you given us? And I am not  
24 a big proponent of mandatorics at all. I understand  
25 what we have done with the prisons in Pennsylvania. I

1 was Chairman of the Commission on Crime and  
2 Delinquency, as many of you know, during the Ridge  
3 Administration, and I think when we come into office  
4 in 1995, the prison population in Pennsylvania was  
5 around 23,000 to 24,000 people. Today, that prison  
6 population is 44,000 to 45,000 people. That's a huge  
7 increase in population. It is a growth industry,  
8 unfortunately, and there's a whole lot of reasons for  
9 that that we certainly don't have the time to address  
10 here.

11           But we have people going out and buying  
12 firearms, and if I may stereotype just for a moment,  
13 we have girlfriends buying firearms for convicted  
14 boyfriends, going into stores and the boyfriend picks  
15 it out, the girlfriend buys it, walks out the door,  
16 and gives it to him. Now, that's a stereotype.  
17 That's not every case, but that is a stereotype, that  
18 these individuals do not know what they are doing is  
19 necessarily wrong. So an education process to that,  
20 and we have done an education process, and if the  
21 Legislature wanted to put more money into, you know,  
22 here PSAs are probably a good idea. You can go to  
23 jail, but there has to be a consequence for their  
24 action, and if they know that they are not going to go  
25 and have a consequence, probation is not a

1 consequence. It just isn't. I don't care even if it  
2 is 30 days sitting in the county jail or 60 days or 90  
3 days; I think a number of people who are going out and  
4 buying firearms would go, "Well, wait a second; you  
5 want me to go to jail for you? Let me think about  
6 that." But right now, they are not thinking that way,  
7 for whatever reason.

8           Now, sometimes they are doing it for drugs,  
9 okay? Well, that's a whole different problem that we  
10 have to talk about. But we as a society have to  
11 discourage the so far law-abiding individual from  
12 breaking the law either knowingly or unknowingly to  
13 aid a convicted felon in possessing a firearm.

14           REPRESENTATIVE PARKER: Thank you.

15           CHAIRMAN EVANS: Thank you, Representative  
16 Parker.

17           Representative Katie True.

18           REPRESENTATIVE TRUE: Thank you, Mr.  
19 Chairman.

20           Good morning, General.

21           ATTORNEY GENERAL CORBETT: Good morning.

22           REPRESENTATIVE TRUE: It's always a pleasure  
23 to see all of you.

24           If I could just kind of piggyback on what was  
25 said in your answer to Representative Parker, because

1 I personally believe and have believed for years that  
2 the root cause of a lot of the troubles that you have  
3 to deal with and we have to deal with is the drug  
4 problem.

5           And I'm from Lancaster County, so I know  
6 everybody likes to talk about Philadelphia and  
7 Pittsburgh, but every county in Pennsylvania has a  
8 drug problem, and a big drug problem, I will say. So  
9 I have always been very supportive of the drug task  
10 force, and I wondered if you would comment on how that  
11 is going.

12           I personally think that you should always  
13 have a lot of money so that we don't run out of money  
14 for the task force, for our drug task force, because I  
15 think they do a terrific job. Could you give me, just  
16 give the committee, a feel for how that's going.

17           ATTORNEY GENERAL CORBETT: I think that the  
18 task forces are working well. First off, what they do  
19 is they bring together local, county, and State law  
20 enforcement officials working together on an issue.  
21 We are so diverse in Pennsylvania, that's very  
22 important to have us working together like that.

23           As you know, we have two different task  
24 forces. We have OAG-run task forces and district  
25 attorney-run task forces, depending upon the county

1 and if the district attorney has asked to be able to  
2 run the task force.

3           We were this year, I think, very modest in  
4 that we only asked for a 1-percent increase for this  
5 year. If you wanted to give us a 10-percent increase  
6 or a 20-percent increase or a 100-percent increase, we  
7 could, A, really enjoy it, but B, use it. We are out  
8 there, we are making the arrests. We are making it at  
9 the street level. Our office, we are trying to make  
10 them at the mid-level and upper-level dealers and  
11 going back as far as we can. In fact, we have taken  
12 cases back, many cases back into New York City as a  
13 source city or Philadelphia as a source city.

14           We appreciate the funds that we have had, but  
15 this year and every year we are trying to be fiscally  
16 conservative. I know that we understand the budget  
17 issues, but we could always use the additional  
18 funding.

19           Our task force arrests, our total arrests to  
20 date in this year for 2007, were 5,590. Our BNI  
21 people administered 1,001 arrests. The D.A.s offices  
22 administered 4,589 arrests. Sixty-four counties in  
23 Pennsylvania are participating. Twelve in the OAG  
24 office-run task force cover 21 counties, and 42 D.A.s  
25 cover 43 counties.

1           Our conviction rate at the district attorney  
2 level is 95 percent; our conviction rate at the Bureau  
3 of Narcotics Investigation level, our Attorney General  
4 level, is 97 percent, and that's using the \$10,740,000  
5 that we had for 2007.

6           It's a very successful program, and we could  
7 be more successful with more money, but we only asked  
8 for 1 percent.

9           REPRESENTATIVE TRUE: I appreciate that.

10          If I may make a comment, Mr. Chairman.

11          I think I have made this comment every year  
12 that I have been up here, but, you know, as we have  
13 been dealing with the gun violence -- and again I  
14 would like to say that Philadelphia, of course, it's a  
15 very big place; Lancaster County is not as big, but we  
16 have in proportion, I think, just as real a problem --  
17 and as we are debating legislation on gun laws and  
18 what to do about the violence in Pennsylvania, in my  
19 mind, I would really appreciate, Mr. Chairman, both  
20 Chairmen of the Appropriations Committee, to think  
21 long and hard about, you know, what is it we are  
22 trying to do and where should we put the money?

23          And I know we put money lots of places, but I  
24 think putting it into law enforcement, into prevention  
25 programs, because that's just as important for our

1 young coming up, that it would be very appropriate to  
2 help the violence to fund this excellent program.

3 Thank you.

4 CHAIRMAN EVANS: Representative Dally wants  
5 to do a follow-up question.

6 REPRESENTATIVE DALLY: Thank you, Mr.  
7 Chairman, for your indulgence, and thank you,  
8 Representative True, for asking the question.

9 The issue on the drug task forces, as you are  
10 aware, there have been recent court decisions that  
11 have redefined -- in my eyes, redefined -- the power  
12 of sheriffs and sheriffs' deputies which has impacted  
13 their ability to participate in these law enforcement  
14 efforts, and I have a House Bill 466 that presently  
15 would place into statute the longstanding powers of  
16 the sheriffs and sheriffs' deputies so that they could  
17 be full partners in the law enforcement effort and the  
18 effort in the fight against drugs.

19 I'm wondering what impact those court  
20 decisions have had on the manpower to staff these drug  
21 task forces.

22 ATTORNEY GENERAL CORBETT: Well, the direct  
23 impact has been that those people who were deputy  
24 sheriffs who are on our task forces, if they were not  
25 cross-designated by the district attorney or did not



1 have Act 120 training, they were not considered to be  
2 law enforcement and we had to, not fire them from the  
3 task force but suspend them and not be able to use  
4 them, so it has been a reduction in force for us.

5           REPRESENTATIVE DALLY: And would your office  
6 be supportive of an effort to place into statute a  
7 defined role of the sheriff, as has been in common law  
8 since the Magna Carta?

9           ATTORNEY GENERAL CORBETT: Well,  
10 Representative Dally, this is obviously a big issue in  
11 Pennsylvania. It has been a big issue since at least  
12 1995, and I think you and the Legislature really have  
13 to tackle this one and decide what to do. I mean,  
14 there are many issues out there.

15           I have been a strong supporter of all law  
16 enforcement, including the sheriffs. When I was  
17 Chairman of the Commission on Crime and Delinquency,  
18 as you know, deputy sheriff training comes under PCCD.  
19 We increased the training there. That was the issue,  
20 that they did not receive enough training. But again,  
21 that's a conversation I can sit and have with you for  
22 two hours as to what we do about training of law  
23 enforcement across Pennsylvania, of all law  
24 enforcement.

25           I am supportive of resolving this as soon as

1 we possibly can, and I think it is incumbent upon the  
2 Legislature and the Governor, whatever bill you pass,  
3 to sign.

4           REPRESENTATIVE DALLY: That's a fair answer.  
5 Thank you very much.

6           CHAIRMAN EVANS: Representative Jake  
7 Wheatley.

8           REPRESENTATIVE WHEATLEY: Thank you, Mr.  
9 Chairman.

10           Hey, how's it going?

11           ATTORNEY GENERAL CORBETT: Hello,  
12 Representative.

13           REPRESENTATIVE WHEATLEY: First, before I  
14 begin, Mr. Chairman, I want to invite Representative  
15 True to the task force that we created, which was the  
16 Public Health and Violence Prevention and Reduction  
17 Task Force, which crisscrossed the Commonwealth to try  
18 to look at ways by which we can reduce and/or  
19 eliminate all forms of violence, be it violence  
20 against youth, elder violence, or gun violence, before  
21 it happens. So definitely we will send you some  
22 information. We would love to have you as a  
23 participant in that, which leads me to the question to  
24 you, Attorney General, and please take this with all  
25 due respect, because I know that you and your people

1 are working very hard to protect and serve this  
2 Commonwealth, but I think we as a government, we don't  
3 do enough reflection and try to do analysis around  
4 root causes.

5           So if you can answer one or two questions  
6 around, one, how much do you spend in your department  
7 to either eliminate, catch, or prevent drug usage or  
8 gun violence? Just a roundabout figure. You don't  
9 have to have the--- Just roundabout.

10           ATTORNEY GENERAL CORBETT: Okay; I'm going to  
11 ask them to look for that while I talk about it for a  
12 moment, and this isn't a filibuster.

13           We have created an education unit within the  
14 Office of Attorney General. One area that I won't go  
15 into right now that we spent some of our office money  
16 on and leveraged was the issue of protecting our  
17 children on the Internet, all right, with our  
18 Operation Safe Surf, where we have gone into the  
19 schools -- I personally have gone into the schools, my  
20 agents, my attorneys, attorneys of the Pennsylvania  
21 Bar Association -- and talked to over 125,000 students  
22 since October of '06.

23           A second area that we have been involved in  
24 is creating a video, that some of our agents are now  
25 going into the schools talking to the children about

1 the issue of the use of drugs. It's a very compelling  
2 story of a young man right here in central  
3 Pennsylvania, going through junior high where he first  
4 starts to get involved in drugs, going through high  
5 school he gets involved in drugs more. He actually  
6 flatlines at a party, he is saved, and now he is  
7 sitting in State prison. He is sitting out in Western  
8 Penn, the reopened Western Penn.

9           Interestingly enough, in that video, we can't  
10 show him when he is in Western Penn because it is a  
11 policy of the Department of Corrections not to show  
12 the individuals. His family is involved in that. It  
13 is a very, very compelling video that we have been  
14 taking into the schools to try and talk to the  
15 children.

16           But every time we go in there, that's one  
17 time that they hear us. This is a message that has to  
18 be heard on a repeated basis. It is a message that  
19 has to come from the parents, and quite honestly, that  
20 is where our breakdown is, it is with the parents not  
21 talking to the kids. It is with the parents saying,  
22 "Well, wait a second, it's with my generation; I'm the  
23 Vietnam generation." They say, "Wait, son, we used  
24 drugs" -- I didn't -- "We used drugs, so how can I  
25 tell my child not to use drugs?"

1           REPRESENTATIVE WHEATLEY:  And I can  
2 appreciate that, because I know the Chairman is going  
3 to cut me off soon, and I just wanted to get to a  
4 point that I wanted to make.

5           ATTORNEY GENERAL CORBETT:  Okay.  Let me try  
6 and finish here.

7           We spent \$40 million in our three drug law  
8 appropriations.  That's going after the problem.  But  
9 the one thing I will say, and I was talking to some of  
10 the Representatives out in the hallway, we have  
11 arrested, if you add up all the numbers of our  
12 arrests, the drug task force's arrests, and so forth,  
13 since I have taken office, over 2,500 people.  When I  
14 do a press conference on it, I tell the media, I look  
15 them straight in the eye like I'm looking at you right  
16 now, and say, "You know what?  We'll be back," because  
17 as soon as we take these dealers off the street,  
18 somebody is going to take their place, and the reason  
19 they are going to take their place is the demand is  
20 there, and we, as you want to say, I am sure,  
21 Representative, we have to cut the demand.

22           We do not as a society, starting from  
23 Congress on down to the smallest borough, spend enough  
24 money to try and cut the demand and educate our  
25 students.  Now, I'm a prosecutor saying this.  I will

1 lock them up and I will put them away, but we need to  
2 cut the demand so we don't have to keep returning to a  
3 community such as Altoona, where we go in about every  
4 four months with a raid, or up into Erie or into  
5 Wilkes-Barre.

6           One of the things that upset me personally  
7 was when the tobacco money first came to Pennsylvania,  
8 the Commission on Crime and Delinquency was not  
9 included in the discussion as to where you would put  
10 that money. That money was found money. It wasn't  
11 tax money; it was found.

12           We get close to \$390 million a year that  
13 instead of using it as icing on the cake, it is part  
14 of the cake batter. If that money back in 1998, 1999,  
15 2000, if half of that money, if a third of that money  
16 would have been dedicated to drug prevention, to drug  
17 treatment, because tobacco is a gateway drug, I think  
18 we would be much further down the road to solving this  
19 problem, and I think we as a society need to  
20 re-evaluate. You cannot state that we are not going  
21 to incarcerate, we are going to spend the money over  
22 here; it has got to be a balance.

23           Right now, we are out of balance. I would  
24 not back off of what we do, because public safety is  
25 our number one goal, what we do on the law enforcement

1 side. And I know you have many demands in many areas,  
2 but if we can get drug treatment and drug prevention  
3 working the way it should be, eventually in a  
4 generation you will see the costs for incarceration of  
5 44,000, 45,000 people go down, because the vast  
6 majority of those people that are sitting in State  
7 prison or sitting in county jails today are either  
8 there directly because they were selling drugs or  
9 because they were involved in drugs.

10 REPRESENTATIVE WHEATLEY: And I appreciate  
11 that, and I'm going to ask these questions, and if you  
12 can't get to them because of the time, I will  
13 definitely---

14 ATTORNEY GENERAL CORBETT: We will be happy  
15 to answer them.

16 REPRESENTATIVE WHEATLEY: ---ask for them in  
17 writing.

18 But the one I wanted to know, with the  
19 investment of the \$40 million, which is what I thought  
20 I heard you say, and the arrest of 2,500 individuals,  
21 have we seen a decrease in the flow of drugs or  
22 violence, and if so, are there targets that your  
23 department is trying to hit by the end of this fiscal  
24 year or into the next fiscal year that you want to see  
25 a reduction or a decrease?

1           Two, I would love to know the breakdown of  
2 how geographically the relocation money has been  
3 allocated as it relates to the Witness Protection  
4 Program, and I guess the Gun Violence Witness  
5 Protection Program is solely for Philadelphia, I am  
6 assuming.

7           And then what I have asked all departments  
8 and what I should have asked you before you got here  
9 is the breakdown of your complement of individuals --  
10 women, minorities, where they are, what grade they  
11 are, how you attract them, how you retain them, how  
12 you grow them. Those questions are questions that I  
13 would love to hear from your department about, and you  
14 can follow up with me in writing.

15           Thank you, Mr. Chairman.

16           CHAIRMAN EVANS: Thank you.

17           Representative Dan Frankel.

18           REPRESENTATIVE FRANKEL: Thank you, Mr.  
19 Chairman.

20           Good morning, Attorney General.

21           ATTORNEY GENERAL CORBETT: Good morning.

22           REPRESENTATIVE FRANKEL: I want to follow up  
23 a little bit, I think with Representative Parker's  
24 earlier questioning and some of your comments with  
25 respect to gun trafficking, and I take very seriously



1 your suggestions that we need and that our court  
2 system, particularly in Philadelphia, needs to be a  
3 little more aggressive about this, and I have heard  
4 that repeatedly.

5           But one of the issues with respect to illegal  
6 gun trafficking that we have heard from, we went  
7 around with our Judiciary Committee and Chairman Evans  
8 as well a year ago throughout the State having  
9 hearings about gun violence. I have been to a number  
10 of the meetings that Speaker O'Brien has had across  
11 the State with respect to gun violence and potential  
12 remedies, and one of the things that we hear  
13 universally from law enforcement, from mayors, and in  
14 fact district attorneys, and officially, the District  
15 Attorneys Association in the State, the Chiefs of  
16 Police Association in the State, the mayors of the  
17 third-class cities in Philadelphia -- I'm not sure  
18 where our mayor in Pittsburgh is at on this -- embrace  
19 and want additional tools legislatively, laws on the  
20 books that help them deal with this issue of gun  
21 violence.

22           Chief among them, universally embraced by all  
23 of them, both individually and officially in their  
24 associations, is a law that would make it mandatory  
25 for the reporting of lost and stolen weapons. A lot

1 of that is law in other States that has passed  
2 constitutional muster, to my knowledge. No State  
3 court system, the Supreme Court of the United States,  
4 has never ruled that these laws are in violation of  
5 the Second Amendment. And we still have this piece of  
6 legislation; it has been tabled in the Judiciary  
7 Committee. We need, in my view, to support law  
8 enforcement in this State. They want this tool. They  
9 also want what you are suggesting, that the  
10 enforcement and the court systems address this  
11 aggressively as well. But they all say, give us this  
12 tool.

13 I talked to Chief Harper in Pittsburgh. He  
14 says, give me the tool, a mandatory reporting of lost  
15 and stolen handguns. What is your feeling about that?  
16 Can you add support to this, and do you view this  
17 piece of legislation as a violation of the Second  
18 Amendment?

19 ATTORNEY GENERAL CORBETT: I haven't done the  
20 research myself. Obviously, it brings the Second  
21 Amendment right up. That is easy. And I look at it  
22 from the practical side of being a former assistant  
23 D.A. many years ago: What is the notice requirement,  
24 you know, how long a period of time? And I'm looking  
25 at it more from the innocent homeowner. For instance,

1 you are the owner of a cabin and you have some guns in  
2 a cabin up along the Clarion River, somewhere up  
3 there, and you go up there and you haven't been up  
4 there for three months and your gun is gone. Is it a  
5 discovery period that you have to report it, or is it  
6 from the time it is taken? How would you know the  
7 difference? Certainly that helps law enforcement once  
8 we know a gun is taken, because I will tell you, there  
9 are occasions where the day after the gun is found  
10 used in a crime, it gets reported. Well, isn't that  
11 coincidental? So it does become an issue to us.  
12 Sometimes it's an evidentiary issue, sometimes it is  
13 not.

14 I have not done the research at this point in  
15 time to be able to answer or agree or disagree with  
16 you whether this has been determined in any of the  
17 Federal courts. I don't know of any Supreme Court  
18 case that has addressed this directly, one way or the  
19 other. So I don't know that I could agree with you  
20 that it is not a problem under the Second Amendment.  
21 I think at some point in time, you are going to see a  
22 court case get up there.

23 If I recall correctly, and I'm doing this off  
24 the top of my head, there is a case out of the  
25 District of Columbia right now on gun registration in

1 the District of Columbia that is in front of the  
2 Supreme Court. It will be interesting to us to see  
3 how this Supreme Court decides that, because I think  
4 that will be somewhat of a way to preview where they  
5 may go on other issues when it comes to firearms  
6 rights.

7           REPRESENTATIVE FRANKEL: I certainly would  
8 like to have you take a look at the piece of  
9 legislation, because first of all, it deals with  
10 handguns only. So that hunting cabin up in the  
11 mountain where the hunting rifles are probably would  
12 be exempt.

13           ATTORNEY GENERAL CORBETT: But I will tell  
14 you, a lot of the firearms up there---

15           REPRESENTATIVE FRANKEL: And the innocent  
16 person, I mean, the first offense under the  
17 legislation, as I understand it, is a summary offense.  
18 So essentially a parking ticket, you know, so that  
19 they get a fair notice; you know, that they are not  
20 facing time for their first offense. So, you know, we  
21 understand that needs to be communicated, and there  
22 could be an error, and innocent people ought to be  
23 protected in this situation. And I think, you know,  
24 the waiting period under this legislation is 24  
25 hours---

1 CHAIRMAN EVANS: Representative Frankel?

2 REPRESENTATIVE FRANKEL: Yes?

3 CHAIRMAN EVANS: What I have stressed, and I  
4 don't know if you missed earlier, I was just  
5 listening, just hoping members would respect, you  
6 know, the narrowness of the question. Do you have any  
7 more questions?

8 REPRESENTATIVE FRANKEL: I do not, but I  
9 would like to have him review the legislation and any  
10 suggestions that you have to improve that.

11 ATTORNEY GENERAL CORBETT: I would be happy  
12 to. If I can have Annmarie get back to you.

13 REPRESENTATIVE FRANKEL: Thank you, Mr.  
14 Attorney General.

15 Thank you, Mr. Chairman, for your indulgence.

16 CHAIRMAN EVANS: I want Representative  
17 Reichley to know that I am fair and honorable in my  
18 word, and I pick on Democrats as well as I pick on  
19 Republicans.

20 Mario Scavello.

21 REPRESENTATIVE SCAVELLO: Thank you, Mr.  
22 Chairman, and good morning, General.

23 ATTORNEY GENERAL CORBETT: Good morning.

24 REPRESENTATIVE SCAVELLO: I first want to  
25 thank you and your office for the quick work you did

1 on A&B Fuel, for freezing their accounts. They were  
2 soliciting pre-buys about four or five days before  
3 they closed their doors, and just in Monroe, I think  
4 it is over half a million dollars in pre-buys that  
5 they have taken.

6           But my question, as you are well aware, your  
7 office is charged with the responsibility of  
8 distributing these statutorily required grants to take  
9 care of district attorneys, 65 percent of district  
10 attorneys, for the counties. Now, in the Governor's  
11 budget it fails to, that funding for the grant, I  
12 don't see it there, but what I do see is it being  
13 funded from the criminal justice enhancement account,  
14 and looking at that line item, there is only \$4,100 in  
15 that line item, and as I understand, the Commonwealth  
16 still owes, I believe, \$58,000 for 2006 to the  
17 counties, \$478,000 for 2007, totaling about  
18 approximately \$536,000. Do you have any estimate on  
19 what the Commonwealth will owe counties for the 2008  
20 reimbursement?

21           ATTORNEY GENERAL CORBETT: The whole  
22 kit-n-kaboodle.

23           REPRESENTATIVE SCAVELLO: Yeah.

24           ATTORNEY GENERAL CORBETT: If I could just go  
25 through my notes here.

1           We reimburse the counties under the  
2 legislation that you passed at 65 percent of the  
3 salary of the full-time district attorney. You  
4 initially gave us an appropriation of a little over \$5  
5 million. This appropriation was used to pay for  
6 reimbursement for calendar years '06-07. It did not  
7 cover the total cost. We still owe the counties  
8 \$340,000 for '06 and \$476,000 and change for '07.

9           REPRESENTATIVE SCAVELLO: Wow.

10          ATTORNEY GENERAL CORBETT: So you add that  
11 up.

12          The Governor's budget does not contain any  
13 funding for this expense this year. There is, you  
14 passed the criminal justice enhancement account that  
15 is set as a funding source. This is a fine. These  
16 are costs that are added to a criminal conviction, and  
17 keep in mind, it only goes to convictions.

18          There you have a collection process that has  
19 to take place. When do the funds get collected? What  
20 I can tell you from my experience, again as Chairman  
21 of PCCD, a lot of the victim funding comes out of that  
22 also. Each county's collection process varies, and  
23 their rate of collection varies. In fact, we, when I  
24 was Chairman, had to threaten a couple of counties  
25 that we would cut off money from PCCD to their

1 counties if they didn't increase their collection rate  
2 from 50 percent to over 60 percent. We finally got  
3 them up there.

4           So there is a lot of money that is out there  
5 that doesn't get collected. Under the legislation,  
6 you are just getting to the point where people have  
7 now been convicted and that money should be coming in.  
8 That is reason that currently there is all of \$4,100  
9 in the account to fund 2006, 2007, and 2008. So we  
10 are short a considerable amount of money.

11           REPRESENTATIVE SCAVELLO: And---

12           ATTORNEY GENERAL CORBETT: And we don't have  
13 that in our budget.

14           REPRESENTATIVE SCAVELLO: Yeah. Well, how do  
15 we expect the counties--- We are going to have to owe  
16 them interest, shouldn't we? If they are going to lay  
17 out these dollars---

18           ATTORNEY GENERAL CORBETT: That is exactly  
19 right. The counties are putting it up front; you are  
20 reimbursing the counties for that. So 65 cents on a  
21 dollar you owe them.

22           REPRESENTATIVE SCAVELLO: So we are talking  
23 about over \$6 million for 2008-2009.

24           ATTORNEY GENERAL CORBETT: That is right;  
25 that is right.



1 REPRESENTATIVE SCAVELLO: Thank you.

2 CHAIRMAN EVANS: We have four left.

3 Representative Tim Mahoney.

4 REPRESENTATIVE MAHONEY: Thank you, Mr.

5 Chairman.

6 Thank you, Mr. Attorney General, for showing  
7 up today.

8 ATTORNEY GENERAL CORBETT: You didn't think I  
9 would?

10 REPRESENTATIVE MAHONEY: I knew you'd be  
11 here.

12 My question is, you know, I believe illegal  
13 guns and illegal drugs go hand in hand, and I don't  
14 believe that the local drug task forces are funded to  
15 where they should be. But the question I'm asking is,  
16 are the local task forces, are they reporting to you  
17 directly on their investigations?

18 ATTORNEY GENERAL CORBETT: You mean the  
19 district attorney-run task forces?

20 REPRESENTATIVE MAHONEY: Yeah.

21 ATTORNEY GENERAL CORBETT: No. We have  
22 agents that work with them to a certain extent, but  
23 the results are not being reported to us.

24 Let me put it to you this way: If you  
25 recall, I was Attorney General back in 1995. What was

1 happening when the system was set up before that is  
2 the Office of Attorney General went in, they worked  
3 with the local police officers, they went out and  
4 conducted all these arrests, and then gave the cases  
5 to the D.A.s. All of a sudden the D.A. had no  
6 involvement in it and had a bunch of cases sitting in  
7 their lap.

8           Now, in a county like Allegheny County or  
9 Westmoreland County, it's not that big a deal, but in  
10 a county like, I think you are Fayette County, if I'm  
11 correct?

12           REPRESENTATIVE MAHONEY: Yes.

13           ATTORNEY GENERAL CORBETT: That becomes a big  
14 deal. I was just with district attorney Nancy Vernon  
15 last week. All of a sudden you have 40 cases in your  
16 lap. That's a huge chunk in your lap. So at that  
17 time, I sat down with the district attorneys and said,  
18 do you want to participate and do you want to run  
19 those task forces? I did that also so that there  
20 would be a prosecutor overseeing how the money is  
21 being spent, but with the idea that the intelligence  
22 from those arrests of who got the drugs, where those  
23 drugs came from, would be turned over to BNI so we  
24 could work our way up the chain.

25           Depending on the region, it works or it

1 doesn't work. Some places it works better than  
2 others, some places I'm not happy with it at all.

3           REPRESENTATIVE MAHONEY: Well, you see, my  
4 only problem with that is, if someone comes in from  
5 Cleveland to Fayette County and they are doing drug  
6 business and gun business and they are going to Erie  
7 County doing drug business and gun business, shouldn't  
8 those heads of those task forces know the same guy is  
9 working those areas where they can, you know, alert  
10 the State task force---

11           ATTORNEY GENERAL CORBETT: If we received  
12 that information, yes, we know.

13           REPRESENTATIVE MAHONEY: But do we have  
14 somebody in the State that is receiving ongoing  
15 investigations on this problem?

16           ATTORNEY GENERAL CORBETT: That is probably  
17 the biggest difficulty in law enforcement across this  
18 country, and not just in Pennsylvania.

19           REPRESENTATIVE MAHONEY: I know the Federal  
20 government has a so-called drug czar that is  
21 supposedly aware of all the ongoing investigations  
22 across the country. I mean, that department, I think  
23 the State needs to set up something close to that to  
24 work with these local task forces.

25           ATTORNEY GENERAL CORBETT: We try and work

1 with them as well as we possibly can. We do get a  
2 great deal of information. My BNI agents are  
3 targeting these sources, and I will tell you that if  
4 somebody is operating, which would be very unusual, by  
5 the way, operating in Fayette County, in Erie County,  
6 I don't want to say we are going to catch it all the  
7 time, but we are going to catch it the majority of the  
8 time, if it has come into our office, because there  
9 would be some comparison of those issues. But what  
10 you have just hit on is probably one of the biggest  
11 problems with law enforcement to begin with. We are  
12 so diverse; we have so many jurisdictions.

13           REPRESENTATIVE MAHONEY: But if we are  
14 funding these local task forces, we should be able to  
15 implement something that they are reporting their open  
16 cases to or to someone up here.

17           ATTORNEY GENERAL CORBETT: We would like to  
18 think that that was the case, but it is not the case  
19 where I would like to see it at this point in time.  
20 And it is a political -- small "p" -- issue between  
21 relations of local, county, State, Federal law  
22 enforcement.

23           REPRESENTATIVE MAHONEY: All right. Thank  
24 you.

25           CHAIRMAN EVANS: This is the last four on the

1 end with Representative Manderino: John Siptroth,  
2 Representative Reichley, Representative Bill Keller,  
3 and Kathy Manderino, because we have the Liquor  
4 Control Board coming.

5 So Representative Siptroth, then  
6 Representative Reichley, Representative Keller, then  
7 Representative Kathy Manderino, in that order.

8 REPRESENTATIVE SIPTROTH: Thank you, Mr.  
9 Chairman.

10 Mr. Attorney General, welcome.

11 ATTORNEY GENERAL CORBETT: Good morning.

12 REPRESENTATIVE SIPTROTH: I am going to make  
13 this very brief.

14 Number one, would you support legislation to  
15 increase the age of child molestation, which I  
16 understand is currently a felony offense, from age 13  
17 to age 16?

18 ATTORNEY GENERAL CORBETT: Yes.

19 REPRESENTATIVE SIPTROTH: Okay. Thank you.

20 And just a couple of other questions. How  
21 are we doing with the education of children and  
22 parents about the dangers posed by online sexual  
23 predators, and how many arrests have we seen in the  
24 past year? If you could expand on that. Thank you.

25 ATTORNEY GENERAL CORBETT: Well, I can tell

1 you the total number of arrests we have of child  
2 predators using the Internet since I started the Child  
3 Predator Unit in '05. It is 124. Initially, you  
4 funded three agents; you now fund six agents.  
5 Initially, one attorney; you still fund one attorney.  
6 We threw in a second one out of our GGO. So 124 as of  
7 last week, and it is amazing, we have them coming all  
8 the time.

9           We did, I believe the number is 54 arrests in  
10 2007. That is one arrest per week. And if you think  
11 about the caseload that you have, it is a tremendous  
12 caseload because you have to do all the background and  
13 you have to go out there, when we make the arrests,  
14 there is the whole security issue of the arrest. Then  
15 there is getting ready for the hearings and trial. Of  
16 the cases that have gone to trial, and the vast  
17 majority do not go to trial when the transcripts are  
18 shown to the defense counsel, we have a 100-percent  
19 conviction rate, and quite honestly, we had one hung  
20 jury in one trial and it will be retried again.

21           The predators come from all different fields,  
22 from the ages of 18 to 65, from blue collar to  
23 professional to cleric. We started the education  
24 process in October of '06. I think my number was,  
25 what was the number? 125,000 children. And I would

1 encourage you, I think we have sent you all a DVD on  
2 what we do when we go into the schools and talk to the  
3 children.

4           If you would like, when we are coming into  
5 one of your districts, we would be happy to include  
6 you in there. I love going into the schools and  
7 talking to children, but it will scare the heck out of  
8 you when you talk to the children and you ask them how  
9 much they know about the Internet, and how much they  
10 do know, and how much more they know about the  
11 Internet than their parents, but what kind of  
12 information they put on.

13           You may have seen that we were a signatory  
14 State to an agreement. I was on the Executive  
15 Committee of the National Association of Attorneys  
16 General after "myspace.com," and I urge you, if you  
17 have never looked at "myspace.com" to go in and spend  
18 an hour looking at what is on "myspace" and what  
19 children put on "myspace" about themselves and the  
20 security risk that they have created for themselves on  
21 "myspace." It's not a binding agreement, it's not a  
22 law; it's just an agreement in principle. It is not  
23 the solution; it is the tip of the blueprint of how we  
24 might get to a solution to protect our children, quite  
25 honestly, from exposing themselves innocently.

1           REPRESENTATIVE SIPTROTH: Just a little  
2 follow-up: Do you have any statistics as to how many  
3 clergy members may be involved?

4           ATTORNEY GENERAL CORBETT: Off the top of my  
5 head, I can think of one ordained minister who was 65  
6 years old who was involved, and one self-proclaimed  
7 Rabbi who was involved. I cannot recall any other  
8 members of the clergy at this point in time.

9           REPRESENTATIVE SIPTROTH: Okay. So you would  
10 say that overall, that's an insignificant amount.

11          ATTORNEY GENERAL CORBETT: Well---

12          REPRESENTATIVE SIPTROTH: Well, let's not say  
13 "insignificant." Let's say percentage-wise, it is  
14 minimal.

15          ATTORNEY GENERAL CORBETT: Percentage-wise,  
16 they cover the gamut, including we arrested a police  
17 officer from New Jersey who was coming in and trying  
18 to meet with children.

19          REPRESENTATIVE SIPTROTH: Thank you very much  
20 for your response, Attorney General.

21          Mr. Chairman, thank you.

22          CHAIRMAN EVANS: Thank you.

23          Representative Reichley.

24          REPRESENTATIVE REICHLEY: Thank you, Mr.  
25 Chairman.



1           I will consult with Representative Frankel  
2 later about how we are going to deal with getting  
3 scolded for our political questions.

4           But just very briefly, Attorney General, I  
5 know there has been a lot of focus on a lot of the  
6 duties your office is currently facing in terms of  
7 drug law enforcement, gun law enforcement, things like  
8 that, but one issue that does come up in my district  
9 is the issue of illegal immigration, and I'm curious  
10 as to whether you can describe the impact of illegal  
11 immigration on the criminal justice system in  
12 Pennsylvania and whether your office, you think, has  
13 any role to play in looking at illegal -- and I want  
14 to emphasize "illegal" -- immigration in Pennsylvania.

15           ATTORNEY GENERAL CORBETT: Obviously the role  
16 of illegal immigration and the whole role of who is an  
17 immigrant and who is not is a Federal government  
18 issue, and the Federal government definitely has to do  
19 something in that regard.

20           We get involved in the cases where we, and  
21 they were, to my knowledge, all drug cases so far,  
22 where we have arrested illegal immigrants who are  
23 participating in a drug ring. There is one particular  
24 one out in Allegheny County and Beaver County that one  
25 of the individuals, while we were investigating, got

1 deported and got back in time to pick up a MoneyGram  
2 that was waiting for him. So that was somewhat  
3 discouraging to us to see what was going on.

4           Our role under the Commonwealth Attorneys Act  
5 is clearly limited, in that regard, to our drug  
6 enforcement role. We have no legislatively designed  
7 role on the issue of immigration, nor do I think you  
8 could give us one as it's a Federal issue.

9           There is under Federal legislation the  
10 ability for law enforcement people to be trained under  
11 immigration customs enforcement, to receive that  
12 training and to act as a customs agent, but only in  
13 the course of their official duties. If you read the  
14 legislation, for instance, if a State policeman has  
15 the training and they stop somebody on the turnpike  
16 and they find out he is an illegal immigrant, he can  
17 then hold them, fill out the paperwork, and again,  
18 wait for ICE to come and get them or for local law  
19 enforcement. It does not give local law enforcement  
20 the ability to go into a work site and just conduct  
21 random inspections to see if people are there legally  
22 or illegally under an immigration status.

23           And there is a misconception out there, I  
24 know. I have talked to many people who think that  
25 that's the authority under that legislation. My

1 reading of that legislation, my staff's reading is,  
2 it's not. It has to be in the furtherance of your  
3 official duties, and the last time I looked, my  
4 official duties do not give me the right to go onto a  
5 work site to inspect to see who has legal immigration  
6 papers and who doesn't.

7           REPRESENTATIVE REICHLEY: And my last  
8 question, and I'm just sort of tying into that  
9 tangentially, is on the scope of identity theft as far  
10 as what your office envisions its role in the coming  
11 years on that.

12           Thank you, Mr. Chairman.

13           CHAIRMAN EVANS: I may put a---

14           ATTORNEY GENERAL CORBETT: May I?

15           CHAIRMAN EVANS: Are you going to---

16           ATTORNEY GENERAL CORBETT: I can answer that  
17 real fast.

18           CHAIRMAN EVANS: Go ahead.

19           ATTORNEY GENERAL CORBETT: Identity theft is  
20 something that has been going on as long as we have  
21 all been alive. It is a growing problem across the  
22 country because of the Internet and the ability to  
23 replicate issues very quickly.

24           The initial, we do get referrals,  
25 particularly to our consumer protection people, but

1 the initial referral for investigation usually gets  
2 referred to one of probably four agencies: the State  
3 Police, the local police who have jurisdiction  
4 initially -- we have secondary, probably even third  
5 tertiary jurisdiction if we get called in -- or to  
6 Federal authorities, the Secret Service, U.S. Postal  
7 Inspection Service.

8 CHAIRMAN EVANS: Representative Keller.

9 REPRESENTATIVE KELLER: Thank you, Chairman  
10 Evans and Mr. Attorney General.

11 I was just wondering, is there a statistic  
12 available that tells us what percentage of gun crimes  
13 are committed with illegal guns?

14 ATTORNEY GENERAL CORBETT: If there is, I  
15 don't have it, and if there is, we will find it.

16 REPRESENTATIVE KELLER: Okay.

17 ATTORNEY GENERAL KELLER: But off the top of  
18 my head, I can't answer that question for you.

19 REPRESENTATIVE KELLER: Okay, and I would be  
20 interested in the percentage in Philadelphia.

21 ATTORNEY GENERAL CORBETT: Well, I think we  
22 have to define what you mean by an illegal gun, too.  
23 Is it illegal for that person to possess the firearm?  
24 Was it purchased illegally somewhere down the street?  
25 Was it---

1 REPRESENTATIVE KELLER: All of the above.

2 ATTORNEY GENERAL CORBETT: Yeah; okay.

3 REPRESENTATIVE KELLER: Okay? And my  
4 follow-up question: Is there a statistic that shows  
5 what percentage of gun crimes are committed by people  
6 who are on parole?

7 ATTORNEY GENERAL CORBETT: I don't know that  
8 there has ever been data gathered on that, but if  
9 there is, we will find it.

10 REPRESENTATIVE KELLER. Okay. Thank you.

11 And since everyone is pushing for their  
12 bills, I have a House Bill 31 that is warrantless  
13 searches of parolees. If you could get time and  
14 provide to the committee any comments or suggestions  
15 you have on that bill.

16 ATTORNEY GENERAL CORBETT: Sure. We would be  
17 happy to.

18 REPRESENTATIVE KELLER: Thank you.

19 CHAIRMAN EVANS: Representative Kathy  
20 Manderino.

21 REPRESENTATIVE MANDERINO: Thank you.

22 Good morning, Attorney General.

23 ATTORNEY GENERAL CORBETT: Good morning.

24 REPRESENTATIVE MANDERINO: Most members have  
25 asked about the, what I'll call the criminal law side

1 of your business, and I think we have 67 really good  
2 D.A.s who are focusing on that, so I would like to  
3 focus on some of the things that I think the D.A.s  
4 don't have the time or resources to do, and that is  
5 the public protection or consumer protection part of  
6 the Attorney General's Office.

7           With regard to the numbers, and you can  
8 submit these to writing if you don't know them off the  
9 top of your head, I am interested in knowing, of the  
10 \$46 million of your request going for what I'll call  
11 the general government operations line item, how much  
12 of that \$46 million request is dedicated to the public  
13 protection division that deals with consumer  
14 complaints, antitrust cases, et cetera.

15           How has the amount of money dedicated to that  
16 particular function of the Attorney General's Office  
17 changed or stayed the same over time? If you want to  
18 go back, you know, the last two or three or four  
19 budget cycles to show whether we are staying steady in  
20 what we are requesting and the functions being  
21 performed in that office, whether the load is  
22 increasing, whether the amount of resources to those  
23 line items is decreasing. I'm very interested in  
24 those from the numbers perspective.

25           From the substance perspective, in terms

1 of---

2           ATTORNEY GENERAL CORBETT: And we will get  
3 you the numbers perspective, because that's quite an  
4 amount of detail.

5           REPRESENTATIVE MANDERINO: Great.

6           From the substance perspective, I'm  
7 interested in what you would identify as kind of the  
8 major components of what your offices are doing in  
9 public protection and maybe perhaps what I would call  
10 the newer trends, and there is one in particular that  
11 I would like to ask about. I invite you to comment on  
12 any of them, because there might be things that you  
13 are aware of that I'm not.

14           But many of us as legislators have been  
15 following, because it has become a hot legislative  
16 issue which really percolated up through the  
17 Department of State and the Board of Auctioneers who  
18 want to license folks who do Internet sales, et  
19 cetera, and I have a really different perspective of  
20 how that issue needs to be addressed. My concern is  
21 that what needs to be addressed about that issue of  
22 third-party intermediaries who do Internet sales for  
23 other people is the consumer protection aspect of it.

24           I had an "I Sell It On eBay" store that  
25 opened in my legislative district, and then one day

1 everyone showed up and the door was closed and the  
2 sign on the door said "closed until further notice,"  
3 and then everyone started calling and saying, what  
4 about my goods that are in there? So is that one of  
5 the issues that you are getting an increasing number  
6 of complaints about? How do you decide whether to  
7 pursue those? What are you seeing in terms of the  
8 trends of consumer protection that we need to be aware  
9 of in Pennsylvania?

10           ATTORNEY GENERAL CORBETT: If you will give  
11 me one moment.

12           I will tell you, overall in regard to the  
13 Internet auction, my recollection is we have not seen  
14 that many complaints on that. The complaints we see  
15 are pretty much the same ones we have seen overall,  
16 and I'm trying to find my -- thank you -- my top 20  
17 list. This isn't David Letterman.

18           The Internet is only number 9 in our top 20.  
19 We start off, number one is credit. Number two is Do  
20 Not Call. And if I can, I'll go to just one quick  
21 commercial here. You all probably reregistered during  
22 the fall. We reregistered, just so you know, without  
23 any additional funding, we reregistered 2.1 million.  
24 We did that for just a little bit over \$1 million, so  
25 we did it for 50 cents per person, and those were



1 multiple phones. I'll put that up against any  
2 government agency for efficiency.

3           Motor vehicle sales is number three. Number  
4 four, buying services, gift certificates, not Internet  
5 but auctions, promotions, buyer's clubs, rebates, and  
6 so forth. Number five is telecommunications. Number  
7 six is home purchases. Number seven is home  
8 improvement contractors. Number eight, motor vehicle  
9 repairs. Number nine is the Internet, and that would  
10 include Internet auctions, modem hijacking,  
11 electronics, repairs, cable TV, and so forth. And  
12 number 10 would be books and magazines. Those are  
13 really our top 10.

14           REPRESENTATIVE MANDERINO: If I may, as a  
15 quick follow-up.

16           Do you decide what to pursue based solely on  
17 customer-driven complaints, or do you look for new and  
18 emerging trends and try to get out in front of the  
19 problem? And the reason I am asking that question,  
20 I'm not trying to trick you or anything. I mean, I  
21 think this Internet auction thing is a perfect  
22 example. I think the complaints will start to grow  
23 exponentially. It seems to me, like some of the other  
24 points that you made to some other members and other  
25 questions about education, it seems to me that if we

1 can get out in front of this issue in the right way,  
2 that's a better way to solve it than perhaps some of  
3 the solutions we thought of so far.

4           ATTORNEY GENERAL CORBETT: I totally agree  
5 with you. You have to understand, our Bureau of  
6 Consumer Protection averages about 45,000 complaints a  
7 year. We have 43 agents and attorneys for the entire  
8 group, so they are a little stretched from that  
9 standpoint.

10           We actually employ both processes. As we  
11 start to see something boiling up, it works its way up  
12 the system to us, and we try and get out and prevent  
13 it. I will give you a prime example. We just issued  
14 a press release, I think yesterday. There's a new  
15 scam that is out there right now, the mystery-shopper  
16 scam.

17           REPRESENTATIVE MANDERINO: I heard that on  
18 the news.

19           ATTORNEY GENERAL CORBETT: We have been all  
20 over television about it. And it is ironic, because  
21 yesterday I went to my dry-cleaner in Pittsburgh and  
22 picked up some shirts, and she said to me, "Can I show  
23 you something?" And she reaches into her purse and  
24 pulls out the envelope: "You can be a mystery  
25 shopper," and I held it to my head like Carnac and

1 said, "Let me tell you what it says inside," and I  
2 went through the entire thing. She says, "Yeah,  
3 you're right." It's a big scam hitting Pennsylvania  
4 and we think the nation. So from a public education  
5 standpoint, we try and get out in front that way as  
6 soon as we start to see something like that.

7           So we actually employ both, but we also have  
8 to be reactive. Those 45,000 people are your  
9 constituents, and there are a number of your members  
10 that make sure we get copies of their complaints. We  
11 try to respond to those also, so we are actually doing  
12 both.

13           CHAIRMAN EVANS: Thank you, Representative  
14 Manderino.

15           I would like to thank the Attorney General  
16 and the members of his staff for coming before the  
17 House Appropriations Committee. We will take under  
18 consideration what you have suggested. We will look  
19 at it closely.

20           And again, I would like to thank you for what  
21 you do every day for the Commonwealth of Pennsylvania.  
22 Thank you very much.

23           ATTORNEY GENERAL CORBETT: Thank you, Mr.  
24 Chairman.

25           CHAIRMAN EVANS: I want to take no more than

1 five minutes. The Liquor Control Board will be in to  
2 testify before us.

3           Again, I would like to recess for five  
4 minutes. Thank you.

5

6           (The hearing concluded at 11:30 a.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

5

6

7

8

-----  
Jean M. Davis, Reporter  
Notary Public

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25