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COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

* * * * *

IN RE: HB 1289 DRUG TRAFFICKING

PUBLIC HEARING

* * * * *

BEFORE: RONALD S. MARSICO, Chair

Rick Saccone,

Tarah Toohill,

Mark K. Keller,

Glen R. Grell,

Jeffrey Pyle,

Eli Evankovich,

Representatives

ALSO

PRESENT: Ryan Boop, Esquire

Lauren Orazi

HEARING: Wednesday, July 6, 2011

11:11 a.m.

Reporter: Lacey C. Gray

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LOCATION: South Buffalo Volunteer
Fire Department
695 Freeport Road
Freeport, PA 16229

WITNESSES: Chief Ronald A. Zellers,
Robert Bower, Frank Pitzer,
Chief Ed Cassesse

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CHAIR:

We're going to go ahead and begin the hearing. Once again, those two members are coming from Harrisburg and we came from Harrisburg as well. I guess we had better directions.

Good morning, everyone, and thank you for coming here today. We're going to call the meeting to order, and we're going to allow each member and each staff person here to introduce themselves. The members, if you can tell us your district number as well as what county you're from. Start down at the right.

MS. ORAZI:

Lauren Orazi, Judiciary staff.

REPRESENTATIVE SACCONI:

I'm Rick Saccone, Representative of the 39th District, which covers parts of Allegheny and Washington Counties.

REPRESENTATIVE EVANKOVICH:

Eli Evankovich from Westmoreland County representing parts of Westmoreland and Armstrong County.

CHAIR:

1 I'm Representative Ron Marsico, the
2 Chair of the Committee. I represent the 105th
3 Legislative District in Dauphin County, which is the
4 county where Harrisburg is located, the Capitol of
5 Pennsylvania.

6 ATTORNEY BOOP:

7 I'm the Executive Director of the House
8 Judiciary and work for this guy.

9 REPRESENTATIVE PYLE:

10 State Rep Jeff Pyle. I'd like to
11 welcome all of you to South Buffalo and before we get
12 started thank the firemen down here for hosting us
13 today. And I appreciate that Chairman Marsico would
14 give us a little bit of daylight on HB 1289, and I'll
15 save the comments for later.

16 REPRESENTATIVE TOOHILL:

17 Hello. Good morning. I'm Tarah
18 Toohill. I'm a State Representative from lower
19 Luzerne County, which is the greater Hazleton area,
20 116th Legislative District. And I'm the only one at
21 this end.

22 CHAIR:

23 Thanks, Tarah. Today we will hold ---
24 we're holding a public hearing regarding House Bill
25 1289, legislation that would amend the Judicial Code

1 to provide for a sentence enhancement of individuals
2 who traffic drugs and controlled substances in the
3 presence of their children or minors they are
4 responsible for. The prime sponsor of this
5 legislation is Representative Jeff Pyle, and one of
6 his cosponsors is Representative Eli Evankovich. I
7 think the members of the panel here including myself
8 are cosponsors as well.

9 After a few discussions with the two
10 members, Representative Pyle and Evankovich,
11 regarding some of the drug issues that you have been
12 seeing in this part of the state, we felt that it was
13 important to come out here and hold a public hearing
14 on House Bill 1289 and drug trafficking in general.
15 I would like to thank everyone for coming out today,
16 for your time.

17 Before we begin the testimony, I'd like
18 to ask Representative Pyle, my sponsor, to give us a
19 few minutes to comment on the bill, if you would.
20 Where is he?

21 OFF RECORD DISCUSSION

22 CHAIR:

23 Representative Keller and
24 Representative Grell have arrived. So let's make
25 sure that we give them a standing ovation when they

1 get here.

2 REPRESENTATIVE PYLE:

3 Sorry about that, Chairman. I'm still
4 guiding one of the members in that are still lost
5 right now.

6 CHAIR:

7 You mean they're still not here?

8 REPRESENTATIVE PYLE:

9 If anybody would like to tell
10 Representative Mark Keller how to get here from
11 Freeport, he's on the phone right now with Autumn
12 outside. I'm sorry, Chairman. I missed ---.

13 CHAIRMAN MARSICO.

14 Oh, that's fine. I want to give you a
15 few minutes to comment on your legislation.

16 REPRESENTATIVE PYLE:

17 Thank you. Thank you, Mr. Chairman.
18 HB 1289 is an idea I felt pretty strongly about for a
19 while, but the events of the past six months kind of
20 steeled my resolve. We've had some very detrimental
21 things happening in our communities. In one case, it
22 was a mother selling heroin from her coffee table
23 with little kids running around in Kittanning, and
24 another, it was a mother with guns and cocaine on the
25 coffee table less than two blocks from Ford City High

1 School. Kids were all like three and four and five.
2 And most recently in Apollo Borough, Armstrong Drug
3 Task Force and State Police and DTF actually
4 disassembled two methamphetamine labs right in the
5 middle of Apollo. In the Apollo case, which kind of
6 pushed me over the edge, it was the same guy. He was
7 busted on Monday, made bail. They busted him again
8 on Friday cooking meth again.

9 Mr. Chairman, our legislature since I
10 have been there six years has passed hundreds of
11 child protective measures. HB 1289 is in that same
12 vein. It's not a new law. It's already illegal to
13 pedal drugs. It's already illegal to endanger
14 children. What HB 1289 does is it allows the judges
15 a sentencing enhancement to existing law, which is to
16 say should one of the guys from drug task force have
17 to do a rapid entry into a house when there's little
18 kids running around, the judge has the option of
19 adding one year to the drug dealer's sentence for
20 every kid that's present. Yes, it is intended to
21 have a deterrent effect.

22 I mean, as I told the gentleman from
23 Valley News, 99.9 percent of parents will do whatever
24 they take including giving up their own life to make
25 sure their kid is safe. Parents that deal these

1 illegal contraband drugs have proven they probably
2 aren't worthy of having kids on their premises. Now,
3 in that light, I hope the deterrent effect does take
4 hold and I hope parents --- if it's the last thing
5 that they do before they grab drugs to sell for
6 profit, I hope the last thing that runs through their
7 head is they can take my kids away from me if I do
8 this, and I want them to know they are absolutely
9 correct. Thank you, Mr. Chairman.

10 CHAIR:

11 Thank you, Representative Pyle. Thanks
12 for your leadership on this issue. I turn it over
13 now to Representative Eli Evankovich who is also one
14 of the co-sponsors of this legislation.

15 REPRESENTATIVE EVANKOVICH:

16 Thank you, Mr. Chairman, and thank you
17 to all the rest of the committee members here. I
18 would like to just note the leadership that Chairman
19 Marsico has taken on this issue. I think that it's
20 great that he's enabled our communities to be part of
21 the discussion and part of the debate. I would like
22 to thank Representative Pyle, of course, for his
23 leadership, spearheading this effort and for
24 approaching me early on about this.

25 My district is very diverse. I have

1 some very affluent communities. I have some
2 intercity areas, some very urban areas, some bedroom
3 communities and a lot of farm land. I'm a farm boy
4 myself. And you would think that, you know, rural
5 areas wouldn't necessarily have the kind of drug
6 problem that inner city would. And today we're going
7 to hear testimony about both cases, but in
8 particular, there have been, as Representative Pyle
9 mentioned, some very concerning events over the last
10 few months regarding meth labs in the presence of
11 children in the process. I'm a father myself, and I
12 believe that we need to take more steps toward
13 concerning the safety of children.

14 In the intercity parts of my district,
15 there is an ongoing drug problem, and as we're going
16 to hear today, children become the victims in many
17 cases. And if this legislation can in some way deter
18 or mitigate that, I think that it's very worthwhile
19 for our communities and for the people in
20 Pennsylvania. And thank you for all those who
21 traveled long and far, and thank you in advance to
22 all of our testifiers.

23 CHAIR:

24 Very well said. We have five speakers
25 today, and we're going to ask you to limit 20 minutes

1 for each speaker, which would --- I think that's
2 plenty of time for each speaker. And then we're
3 going to ask some questions, and then we'll go from
4 there.

5 But our first speaker is Chief Ronald
6 Zellers. Chief Zellers, you're welcome to come up to
7 the table. Chief Zellers is Chief of the City of New
8 Kensington Police Department. Chief Zellers, thank
9 you for being here. We appreciate your time and your
10 effort and you can begin.

11 CHIEF ZELLERS:

12 Thank you very much for asking me to be
13 here. Narcotics and the problems attributed with
14 have been a career for me and it is more than a
15 paycheck. It is in my soul.

16 Just briefly, you guys I'm sure have my
17 history, my background. I have worked --- prior to
18 becoming the chief --- I've been chief two years. I
19 worked approximately 15 years undercover in the City
20 of New Kensington and other areas, but primarily New
21 Kensington, which is an intercity setting. Drugs are
22 prevalent. It's getting better, but were very
23 prevalent early on in my career.

24 I have seen the impact of narcotics and
25 distribution of narcotics on the children for many

1 years and could relay many stories to you. I will
2 say this, there are a lot of children suffering due
3 to narcotics. Our time is limited here, so I'm not
4 going to go into a whole bunch of the stories, but
5 one I do want to relate that impacted greatly upon
6 myself and the other officers that were with me on
7 this particular evening.

8 On the evening of this event, I was
9 working undercover narcotics as a detective.
10 Obviously, my appearance then was not as it is now.
11 I heard a radio call come in from 911 dispatch that
12 we had multiple shots fired at a residence that I
13 knew, that I knew of. And I knew the individuals in
14 this residence to be individuals who distributed
15 narcotics, crack cocaine, cocaine.

16 I responded immediately. I arrived
17 just shortly after our marked units arrived. And as
18 is our protocol, once I'm on scene, I am the officer
19 in charge of that scene. When I went into the
20 residence, it was a one floor residence. When you
21 entered this apartment, it was a house, but these
22 individuals had one floor. When you went into the
23 apartment, you were standing in the kitchen, and
24 standing in the kitchen, you could look directly back
25 through the basically the entirety of the apartment.

1 From the kitchen you went into a living room. Off of
2 that living room further back were two bedrooms. On
3 the left was the adult's bedroom. On the right was a
4 child's bedroom. I didn't know that at the time.

5 The carnage was unbelievable. It was
6 rather obvious that a gunfight had taken place inside
7 this apartment. There were bullet holes everywhere,
8 windows were shot out. I distinctly recall a large
9 aquarium that had been shot, pieces of glass strewn
10 throughout the living room, water everywhere. Of
11 course, a scene like that is chaos, and of course,
12 the drug dealers do not want to cooperate with you.
13 They don't want you to know why this happened
14 obviously.

15 To make a long story short, while I was
16 standing in the living room taking all this in, the
17 mother of --- there was a five-year-old child in the
18 bedroom. This impacts me. The child was shot in the
19 stomach. Her guts were protruding. She was still
20 alive. We carried her to a police car and got her to
21 a hospital because we knew there was not time. That
22 she would be dead if we waited on an ambulance. The
23 child did survive, through multiple operations,
24 months of her intestines being wrapped in a cloth
25 because of infection and they couldn't put them back.

1 Anger, much anger, believe me. Much
2 anger, not just from me, but from the other officers
3 there. Through the investigation, it was determined
4 that the father of the child had been in the far left
5 bedroom when these intruders came into the apartment.
6 They were there to get the kilo of cocaine, to steal
7 it. The female, the mother was in the living room
8 when these intruders entered. She screamed, he
9 grabbed a handgun and came out firing. They fired
10 back. Now, we have a war.

11 After all the ballistics was done by
12 the Westmoreland County R and I team, it was
13 determined that the bullet that struck the child was
14 fired by the father, not the intruders. I wanted
15 this guy to hang. Unfortunately, the District
16 Attorney's Office determined that because there was a
17 home invasion that took place this was self defense.
18 No charges were ever filed against the father.

19 And to try to impact a little bit upon
20 you what the attitude of drug dealers are, throughout
21 the months of rehab that this child had to endure,
22 the father refused to ever even visit this child in
23 the hospital. Thank you. I'll take any questions
24 you may have.

25 CHAIR:

1 Okay. Well, thank you. First, I would
2 like to make a special acknowledgement of our two
3 friends from Harrisburg area. Representative Glen
4 Grell, Cumberland County, and Representative Mark
5 Keller, Perry County, welcome, gentlemen. Good to
6 see you. Glad you made it.

7 REPRESENTATIVE KELLER:

8 I was the passenger, not the driver.

9 CHAIR:

10 Are there any questions? Let me start
11 out. You had mentioned that things --- drug
12 trafficking and drug dealing and drug use I think you
13 said was getting better. Why is that?

14 CHIEF ZELLERS:

15 Getting better in the City of New
16 Kensington. And that is because of the mammoth
17 enforcement. If that enforcement relaxes at all, we
18 will lose that city, and I'll be the first one to say
19 that. And all the cities around us, townships and
20 boroughs, it holds true for them all. If law
21 enforcement is not present and is not putting heavy
22 pressure on individuals who distribute narcotics, it
23 will thrive, make no mistake.

24 CHAIR:

25 What's the narcotic of choice, number

1 of drugs that are being used, trafficked, heroin,
2 cocaine?

3 CHIEF ZELLERS:

4 Fifteen (15) years ago it was strictly
5 crack cocaine, that was the drug of choice. I worked
6 with a lot of detectives from other counties and
7 other places who at that time were experiencing the
8 heroin pretty heavy. I thought I would never see it
9 in New Kensington. I can now tell you that anywhere
10 that crack cocaine is sold, you will find heroin.
11 We, knock on wood, have been pretty lucky with the
12 meth. We have recently discovered an apartment that
13 had everything in place to begin processing meth, but
14 had not started up yet. So right now it is cocaine,
15 crack cocaine and heroin.

16 CHAIR:

17 Any questions, members? Representative
18 Evankovich.

19 REPRESENTATIVE EVANKOVICH:

20 Thanks, Mr. Chairman. Chief, thank you
21 for your testimony. There are lot of questions that
22 I want to ask you about drug trafficking, about the
23 impacts that they have on the community, about what
24 we need to do potentially better to help with the
25 enforcement, as you know it being so key to the

1 successes that you had, and we hope that you continue
2 to have to make New Kensington and surrounding areas
3 more vibrant. But one question that I have is,
4 outside of the --- outside of the sheer violence that
5 we just heard and the incident that you related, how
6 in general does drug trafficking affect children and
7 why does it seem to affect so many children when drug
8 dealers I guess seem to be primarily males that are
9 doing the trafficking? Why does it seem that
10 children are so impacted and so frequently caught up
11 in this?

12 CHIEF ZELLERS:

13 There are multiple answers to that, but
14 the primary in my opinion, the primary thing that I
15 have seen over the years are there are a lot of
16 females, young females, in the intercity conditions
17 who are living, you know, on welfare, Section 8,
18 things like that that have children. The drug
19 dealers are not dumb. They have money. Money is not
20 an issue to drug dealers. They come in. They meet
21 these females. They basically wine and dine them,
22 talk them into allowing them to move in. The drug
23 dealers don't want apartments in their names. They
24 know that if their name is out there, it's on a
25 lease, what have you, we're going to know about it.

1 So what do they do? They give these young females
2 who don't have a lot, start buying things for them,
3 start showing them the better nightlife, if you will,
4 pay their bills. You know, they say, hey, you know,
5 if I move in here, you are not going to have to
6 worry. I'll take care of the food. I'll take care
7 of the electric, the gas, what have you. We can go
8 out and have a good time. I have the money. And
9 over and over and over these females bring them in,
10 once they are established, especially these females,
11 young females who have children.

12 These drug dealers don't care about
13 these children. They are not their children. They
14 are just there. And a lot of times they are in the
15 way. Many, many times I have witnessed and I've had
16 informants that I have worked with relay that those
17 drugs are right there. They're right on the living
18 room table, the kitchen table, the dining room table.
19 And when the customer comes in, the deal is done
20 right in front of them. Once these females --- and
21 I've had many of them tell me later on after we have
22 raided the place and people has been arrested how bad
23 they regretted getting into it, but once they are in
24 it, they can't get out. I have seen microwaves that
25 we open the microwave up and there is a dish that

1 they have been cooking the crack up in and a baby's
2 bottle of formula right next to it. They don't care.
3 The children are not theirs and they're in the way.
4 These children walk around, pick the drugs up off the
5 different surfaces, put them in their mouths. The
6 children are secondary in that lifestyle.

7 CHAIR:

8 Representative Toohill?

9 REPRESENTATIVE TOOHILL:

10 Yes, thank you. Chief, I do want to
11 thank you for your testimony here today. I think
12 that the horrific instance which you described goes
13 to show exactly why we need something like House Bill
14 1289 to be put in to effect. I just wanted to
15 clarify, in that instance, were the parents charged
16 with anything at all?

17 CHIEF ZELLERS:

18 Nothing.

19 REPRESENTATIVE TOOHILL:

20 And can you explain how that would be
21 the discretion of the D.A.? If they weren't
22 trafficking the drugs, they were consuming the drugs.
23 Is that why they weren't charged with drug
24 trafficking or ---?

25 CHIEF ZELLERS:

1 Upon our arrival, there was nothing
2 present as far as narcotics or paraphernalia. These
3 people think fast on their feet. In fact, the
4 firearm that was eventually identified as the firearm
5 that shot the child we located in a bedroom in the
6 adult's bedroom dresser drawer in the bottom drawer
7 under a bunch of clothing. So obviously, anything
8 that was present in that apartment, they --- you got
9 to remember at that moment they didn't know the child
10 was shot. So instantly once the bad guys, the home
11 invaders, fled from the apartment, they instantly
12 picked up anything that the police were going to see
13 and put it somewhere, or someone took it out of the
14 residence. We don't know that. But the point is
15 upon us arriving there was nothing there that we
16 could charge them with. The only thing we ended up
17 having was the shot child.

18 REPRESENTATIVE TOOHILL:

19 Okay. Thank you.

20 CHAIR:

21 Any other questions? Chief, thank you
22 very much for your time and your effort here. On
23 behalf of the House of Representatives, we want to
24 thank you for your service to the City of New
25 Kensington and also Commonwealth of Pennsylvania.

1 CHIEF ZELLERS:

2 Thank you very much.

3 CHAIR:

4 Moving on to our second speaker, we
5 have Mr. Robert Bower, the Armstrong County Coroner.

6 CHAIR:

7 Begin when you would like.

8 MR. BOWER:

9 Good morning, Mr. Chairman, members of
10 the House Judiciary Committee. My name is Robert
11 Bower and I serve coroner for Armstrong County and
12 have for the past 26 years and seven years prior to
13 that as chief deputy. I appreciate the opportunity
14 to appear here today to discuss Representative Pyle's
15 House Bill 1289 further providing for sentencing for
16 trafficking drugs in the presence of a minor by a
17 minor's parent, guardian or a person standing in
18 place of the parent.

19 This bill is an enhancement long
20 overdue. As any coroner in Pennsylvania will tell
21 you, drug related deaths continue to plague the
22 state. Despite many legislative attempts today, that
23 cliché continues. We have won some battles, we have
24 not won the war.

25 House Bill 1289 recognizes the changing

1 nature of the drug business. Persons who in their
2 former years use the drug trade to bolster their own
3 drug addiction and/or to gain financially at the
4 peril of others are now parents or have children for
5 whom they are responsible. The same people have now
6 taken their drug trade to a new low by exposing their
7 children to their violations of the Controlled
8 Substance Drug and Cosmetic Act.

9 By providing safeguards and increased
10 penalties, the drug abuser, user is hit where it
11 hurts the most, their pocketbook. Adding that ---
12 adding to that, additional jail time will help stymie
13 the drug trade, not only Pennsylvania, but
14 nationally.

15 As an example, I would like to take the
16 House Judiciary committee back to 1988 and 1994 when
17 the laws for driving under the influence were
18 enhanced and penalties carried out. In Armstrong
19 County, in 1986 and 1987, there were 21 and 17
20 traffic fatalities, deaths and 17 and 11 were alcohol
21 related respectively. Falling changes in the law
22 relative to DUI, there were 12 and 7 traffic related
23 fatalities in 1988 and 1989 and 7 and 5 alcohol
24 related. The reduced trend has continued in
25 Armstrong County.

1 Representative Pyle's House Bill 1289
2 is a beginning. I do not think it goes far enough,
3 but the wheels of government turn slow. I would also
4 recommend that the committee consider Representative
5 Pyle's House Bill 887. This bill would clarify
6 language previously passed by the legislators which
7 was not upheld by the Pennsylvania Supreme Court due
8 to what is considered a drafting error. This bill
9 would allow a drug dealer who provides drugs to
10 someone and that drug use results in the person's
11 death to be charged with murder.

12 I believe that House Bill 1289 is
13 imperative and a good beginning. The bill is a seed
14 that will grow and grow and blossom into stiffer
15 penalties that will aide in taking drugs off the
16 street. It represents another nail in the coffin in
17 the sales arena of the illegal disbursement of drugs
18 throughout Pennsylvania.

19 Just as a post note, the opening
20 remarks by Representative Pyle and Evankovich express
21 their concerns of the health and welfare of our
22 children. That, in fact, is what House Bill 1289
23 does. Thank you for allowing me to express my
24 thoughts and my experiences with you, and I would be
25 pleased to try to answer any question you may have.

1 CHAIR:

2 Questions members, panel, staff?

3 Representative Pyle?

4 REPRESENTATIVE PYLE:

5 Thank you. Bob, thanks for coming
6 today. I know Bob's amazingly busy, both as coroner
7 and with his other job. And I'm curious, Bobby,
8 we've been doing this together now for about six
9 years.

10 MR. BOWER:

11 Yes, sir.

12 REPRESENTATIVE PYLE:

13 Are trends --- in these type of drug
14 busts and drug trafficking, are we getting any better
15 or is it getting worse from your experience? I mean,
16 you deal with the end result of drug use.

17 MR. BOWER:

18 In 1990s up to 2002, we saw a decrease
19 in the drug overdose deaths in Armstrong County.
20 However, they have resurfaced in '03 and '04 and have
21 continued, saw a little downgrade in '07 and '08.
22 '09 and '10 and especially this year, the drug deaths
23 have really increased in Armstrong County and it
24 covers a wide spectrum, anywhere from averaging age
25 20, 21 up to 40s and 50s.

1 REPRESENTATIVE PYLE:

2 What is the drug of choice that you see
3 driving upward?

4 MR. BOWER:

5 Armstrong County, it's mostly combined
6 drug toxicity. Heroin and cocaine are certainly near
7 the top, but also is prescription drugs.

8 REPRESENTATIVE PYLE:

9 That's something we have not brought up
10 before, prescription drugs. 1289 obviously would not
11 apply to a prescription drug that was prescribed in
12 the person's name and stored safely and all of that.
13 What I'm thinking is --- and we had an incident in
14 Ford City, and I'm not going to identify who it was,
15 but it was my wife's blood, where her grandmother
16 gone through terminal cancer, was prescribed
17 OxyContin only to have another relative of my wife's
18 swipe the OxyContin from their cancer dying
19 grandmother.

20 The role drugs are playing in the
21 county is insidious, and what I said earlier for the
22 viewers on PCN, Bob has been on the forefront of this
23 for a long, long time along with some of the
24 testifiers we're about to see. One of my very first
25 experiences as Mayor of Ford City involved Bob Power

1 when a kid who couldn't find heroin went into his
2 grandmother attic and blew his own brains out.

3 I guess my question, Bob --- and what
4 got me going about this were the meth labs in Apollo.
5 The presence of a minor especially with a meth lab
6 with the explosive nature of the process of creating
7 crystal meth is what concerns me. And the reason I
8 asked my earlier question I wanted to see how meth
9 fit into that equation with prescriptions, cocaine,
10 heroin. You know, your observations, are we ---
11 obviously, we're getting worse.

12 MR. BOWER:

13 My observation through the years, on
14 drug overdose whether it be an overdose on aspirin or
15 an overdose on heroin, it's drug related. One is as
16 bad as the other and I don't think there's a
17 comparison.

18 REPRESENTATIVE PYLE:

19 Thank you very much for your time, and
20 thank you, Mr. Chairman.

21 CHAIR:

22 Representatives? Who was next?
23 Officer Saccone?

24 REPRESENTATIVE SACCONNE:

25 Thank you, Chairman. And thank you,

1 Mr. Bower, for your testimony. I just want to
2 preface this by saying I believe in tough sentencing
3 and deterrent effect of that type of sentencing
4 enhancement, but I can almost anticipate the some of
5 the comments in the legislature that will say, well,
6 by enhancing sentencing you're just adding to the
7 prison population and you're not addressing the core
8 problems with drugs and this isn't a good idea. And
9 how would you answer that?

10 MR. BOWER:

11 Build more prisons. It's not going to
12 go away.

13 REPRESENTATIVE SACCONI:

14 Thank you.

15 CHAIR:

16 Any other questions, comments? Your
17 suggestion to recommend that the committee consider
18 Representative Pyle's 887, we have good news for you.
19 Actually Representative O'Neill offered House Bill
20 396, I think it was, which is very similar to
21 Representative Pyle's bill. And it was passed in the
22 House and passed in the Senate. It's waiting the
23 Governor's signature.

24 MR. BOWER:

25 Thank you. Very encouraging.

1 CHAIR:

2 It just happened. And Representative
3 Pyle obviously worked very hard with that bill as
4 well as his. So it just passed last week, so ---.

5 MR. BOWER:

6 I believe this is in one of the bills
7 that will --- that is a seed that will grow and
8 blossom, I used earlier. Thank you.

9 CHAIR:

10 Thank you again for being here and for
11 your testimony, and you're appreciated.

12 MR. BOWER:

13 Thank you very much.

14 REPRESENTATIVE PYLE:

15 Thanks, Bob. I know I'm not supposed
16 to be political, but that's probably one of our next
17 commissioners in Armstrong County.

18 CHAIR:

19 Next speaker is Detective Frank Pitzer
20 from ArmNET. Whenever you're ready.

21 MR. PITZER:

22 First, I'd like to start off, I just
23 spoke to District Attorney Scott Andreassi just
24 before we came in this morning. He sends his
25 regrets. He would have liked to have been here. He

1 had an obligation to his son who is in the Air Force
2 and he's dealing with some issues with his son I
3 believe in Virginia. And he would like to thank you
4 personally, Mr. Pyle, for everything you've done.
5 You've worked hand in hand with him constantly and he
6 sends his appreciation to the whole board and
7 especially Representative Pyle.

8 First, I would like to say my name is
9 Detective Frank Pitzer. I've been with the district
10 attorney's office in narcotics for the past eight
11 years. I'm also a full-time deputy sheriff under the
12 direction of Larry Crawford. I'd like to thank
13 everybody here today for the invitation to speak at
14 the public hearing in reference to House Bill 1289.
15 It means a lot to our law enforcement officials and
16 guests that are here today.

17 It's a great feeling to come together
18 on one final goal with everyone in the room here
19 today to stop drug abuse not only in Armstrong
20 County, but every community in Pennsylvania. Drug
21 overdose has become an everyday occurrence in our
22 county. However, as a common occurrence as it is,
23 it's still shocking and disturbing to us all and what
24 we do not need is this to become acceptable to any of
25 us. We can't let it happen.

1 We need to fight this disease together.
2 The involvement of our youth in narcotic
3 investigations is increasing at an alarming rate.
4 Each and every week we are interacting with our youth
5 in traffic stops and at a residence involving either
6 a parent, guardian or an older friend. On several
7 occasions, the youths were directed by the adult to
8 conceal a weapon, narcotics, what have you in a car
9 seat, in their diapers. We have had issues with
10 children hiding cocaine and heroin, et cetera, in the
11 child's diaper. That's just amazing, you know, what
12 they'll stoop to. This not only jeopardizes the law
13 enforcement officer's safety, but jeopardizes the
14 safety and welfare of the youth involved.

15 We need to send a strong message to the
16 drug users and dealers that if they want to involve
17 innocent children in their quest to distribute and
18 use their poison in our area, they're going to pay
19 with their freedom.

20 Several weeks ago myself along with
21 ArmNET agents were involved in a search of a
22 residence in the Ford City areas. Agents discovered
23 an infant child in a bedroom on the second story
24 floor without air conditioning, which was bad enough.
25 Approximately three feet from the infant child that

1 was not in a crib or secured area, I located a
2 syringe --- several syringes containing heroin and
3 various paraphernalia to ingest the heroin. These
4 types of incidents are increasing due to young parent
5 drug abuse. We need some type of deterrent to put
6 into the minds of these parents and guardians and
7 older siblings.

8 In addition to the direct involvement
9 of our youth and drug abuse, we are seeing an
10 increase of welfare theft with use of ACCESS cards to
11 purchase groceries by the drug dealers. The ACCESS
12 cardholders are providing these cards to the drug
13 dealers in exchange for heroin, crack cocaine and
14 marijuana, et cetera and various prescription
15 medications.

16 Back on June 8, 2011, I was involved in
17 the arrest of a male in Manor Township. When myself
18 and ArmNET agents entered the residence of the drug
19 dealer to make the arrest, we observed 12 bags of
20 groceries and household goods. There were things in
21 these bags that the average person couldn't afford.
22 The average working person or a person who needs
23 welfare, they couldn't afford these items. And there
24 were 12 bags of groceries and household goods.
25 Within each bag contained an ACCESS card of a

1 different person. There were eight different ACCESS
2 cards used to purchase the items. Four of the ACCESS
3 card owners were incarcerated in the Armstrong County
4 Jail on various charges of Controlled Substance,
5 Drug, Device and Cosmetic Act. How I know that is I
6 personally put those four individuals in jail for the
7 drug crimes.

8 When I conducted an interview with the
9 suspect and once convicted drug dealer, I was advised
10 that the cards were given to the drug dealer to use
11 while the ACCESS cardholders were incarcerated. The
12 drug dealer further stated to me that when --- they
13 would compensate the ACCESS cardholders with the drug
14 of their choice when they were released from jail.
15 Each and every ACCESS cardholder has children under
16 the age of 13 years old. This without a doubt
17 directly affects the health and well being of these
18 children and needs to be addressed and included into
19 the House Bill 1289.

20 We, the law enforcement community, and
21 the residents of Pennsylvania need the help of the
22 House of Representatives and the Judicial Committee
23 to help investigate, and if all goes well,
24 incarcerate the persons directly responsible for the
25 corruption of our youth. We cannot wait another day

1 to address the ever growing drug problem in our
2 community and this is far past an epidemic. We're
3 now in a pandemic with drug use. We're willing to do
4 the best job that we can do; however, we need the
5 best possible tools for the job and we need your
6 help. And I would like to thank you for your time to
7 speak in front of you today and I'll answer any
8 questions that I can help you with.

9 CHAIR:

10 Thank you. Any questions?

11 Representative Evankovich.

12 REPRESENTATIVE EVANKOVICH:

13 Thank you, Mr. Chairman. Thank you,
14 Detective. I have a clarification question and just
15 one additional question. In your testimony, were you
16 saying that persons who are incarcerated were still
17 receiving their ACCESS cards and someone else was
18 using them?

19 MR. PITZER:

20 Yes. It's constant. What's going on
21 just, to go back a little bit from Chief Zellers
22 about the inner city, we're dealing also with the
23 inner city and these people coming up and setting up
24 shop and they will use these ACCESS cards. These
25 drug dealers will come into these --- where they set

1 their shops up in Armstrong County and give their
2 ACCESS cards to these drug dealers from the inner
3 city that are coming this way. And this is a daily,
4 daily situation.

5 REPRESENTATIVE EVANKOVICH:

6 I'm not sure if we have any legislation
7 put forth to address that issue or not with the
8 ACCESS cards and the health committee, but ---.

9 REPRESENTATIVE PYLE:

10 I would think that's a matter of who
11 could write the bill faster, you or Representative
12 Toohill.

13 REPRESENTATIVE EVANKOVICH:

14 We're all going to be racing to help
15 address that issue, because that's --- exactly. Just
16 as a side note, as part of these hearings, the way I
17 view this is that this is an opportunity to make
18 things better and also find new ideas. My question
19 really is this, we heard from Chief Zellers about the
20 attitudes that most of these drug dealers have and we
21 heard from you about additional --- some of the
22 callous actions and the way they handle themselves.
23 And the coroner, Mr. Bower, had mentioned that he
24 doesn't think the bill goes far enough. If we put
25 all those together, what do you think we need to

1 really be doing in order to deter this behavior, in
2 particular, center that around the impacts of
3 children? What do you think we could be doing to
4 create the true deterrents for --- acknowledging the
5 1289 is a great step, what else do you think we
6 should be considering besides sentencing
7 enhancements?

8 MR. PITZER:

9 Incarceration is the bottom line.
10 Taking somebody's freedom is the ultimate insult, to
11 keep them in jail. And as the coroner said, we need
12 more jails and we're going to need more jails. You
13 know, we're fighting the fight every day, and I do
14 believe we're getting somewhere, but the way we're
15 getting somewhere is taking their freedom and that
16 seems to be the bottom line. That seems to get
17 through their minds faster than anything else. I
18 mean, we take their money. We take their cars. In
19 some cases we taken their houses. Incarceration just
20 seems to be the only deterrent.

21 REPRESENTATIVE EVANKOVICH:

22 I apologize. Is there a high rate of
23 recidivism associated with this type of behavior that
24 you have seen?

25 MR. PITZER:

1 Same people over and over. It's the
2 same individual.

3 REPRESENTATIVE EVANKOVICH:

4 Thank you, Mr. Chairman.

5 CHAIR:

6 Representative Pyle.

7 REPRESENTATIVE PYLE:

8 Thank you, Mr. Chairman. And Detective
9 Pitzer, I really appreciate you being here today and
10 I got to tell you, you identified something. It
11 takes legislators interacting with the drug task
12 force, law enforcement personnel to come up with
13 ideas like this. I know our next testifier, Chief
14 Cassesse, from Kittanning a lot of Bill 1289 is from
15 his mind, but I diverge.

16 The reason, you know, I finally got
17 around to filing this thing and talking to Chairman
18 Marsico about it is what happened in Apollo with the
19 meth labs after talking with you about it. Could you
20 just for the panel give them a real quick what
21 exactly happened in Apollo?

22 MR. PITZER:

23 Basically, approximately three to
24 four months prior to the bust that we did, we got a
25 call, tip on the residence, on the one residence.

1 Through our investigation, once that investigation
2 started, over the time period of approximately three
3 months, we developed three more additional
4 residences, and on top of that, we have another four
5 to five suspects and suspect homes, you know, within
6 Armstrong County. It just --- it is starting to
7 snowball. We didn't see it for a longest time, you
8 know, as Chief Zellers said. It was something that
9 we didn't see, didn't know if we would see it, now
10 it's here and it was in the blink of an eye, it's
11 here. And it is not going away any time soon.

12 The individual that appeared to be the
13 head of --- that was incarcerated, you know, at this
14 time was Brandon Waterson. Through interviews with
15 him, you know, he's taught probably 10, 12, 15 people
16 the process of making methamphetamine and now they
17 have to deal with --- and whoever they teach to make
18 the methamphetamine, we're going to have to deal with
19 those people. So it's just --- you know, it's
20 exploding, you know, around us. As bad as the heroin
21 is, you know, I think we're going to see a rash of
22 meth labs also.

23 REPRESENTATIVE PYLE:

24 I remember in discussion with you and
25 Chief Cassesse, you told me that when you guys went

1 through the door --- and that's one of those rapid
2 entries we talked about earlier and I don't know if
3 anybody else got it, but I do read the Valley News
4 every day, full color. Little kids in white paper
5 suits being let out of the house yelling my skin is
6 burning. Can you elaborate?

7 MR. PITZER:

8 The children were --- they were exposed
9 to --- mostly it was the iodine that was used in the
10 process of creating methamphetamine. It burns their
11 throat. They get sores in their throat. In some
12 cases, it will burn their skin if they're in touch
13 --- you know, with their skin. Just breathing the
14 fumes, it gets into the walls. It might be a house
15 that needs to be destroyed. They're contaminated.
16 They will never be anything but contaminated. I
17 don't believe you could ---.

18 REPRESENTATIVE PYLE:

19 Those gases that form are explosive?

20 MR. PITZER:

21 Well, in the red P method, there're a
22 lot less explosive. The cooking method which, takes
23 approximately 14 to 24 hours to do the cooking, with
24 the gases and so forth are highly volatile. They'll
25 explode. If they don't know what they're doing,

1 there's going to be an explosion. Even if they do
2 know what they're doing, there's going to be an
3 explosion. The red P method is a lot more simple, a
4 lot less fumes, but nonetheless, those fumes are
5 there. And if you get a child that has not developed
6 their lungs and aren't developed, that type of thing,
7 then, you know, it's going to affect them more
8 severely and faster than it would an adult. And
9 nonetheless, the risk --- the red P method, there's a
10 lot less risk of an explosion. The cooking method is
11 where the explosion can take place.

12 REPRESENTATIVE PYLE:

13 So this guy --- I guess you guys popped
14 him on Monday, he made bail and you popped him again
15 on a Friday.

16 MR. PITZER:

17 Yes. We had --- actually we had a
18 picture. We did our drug awareness meeting in
19 Kittanning on March --- March or April. I can't
20 remember.

21 REPRESENTATIVE PYLE:

22 I missed that one.

23 MR. PITZER:

24 While we were at that meeting, we
25 received picture text messages from our informant

1 showing him cooking. He was out of jail on Friday,
2 and he was back with his lab on Tuesday, and then he
3 was arrested again on Friday. That's how fast. I
4 mean, that's the mentality that they have. And
5 incarceration --- he knows now that he's not getting
6 out any time soon and he's going to sit and that's
7 the only deterrent. And for us, we know if he does
8 get out again, he is --- he was incarcerated back in
9 1996 for almost ten years. I believe Chief ---
10 almost ten years. And here we go again, he is right
11 back into it, you know, within a week after being
12 incarcerated. Next bail he gets back out.

13 REPRESENTATIVE PYLE:

14 Wow, you've got me speechless on that
15 one. Mr. Chairman, thank you.

16 CHAIR:

17 Representative Keller.

18 REPRESENTATIVE KELLER:

19 Thank you, Mr. Chairman. Thank you,
20 Detective, for your testimony. It was brought up
21 here earlier and I guess it just raised the level of
22 intents with all legislators about the ACCESS card
23 and welfare. Do you see a --- not welfare, but drug
24 trafficking, do you see a very close relationship in
25 that activity?

1 MR. PITZER:

2 It's hand in hand. Because basically
3 what it comes down to is the drug user can't function
4 enough to go to work. They have children at home.
5 They are forced to go on --- they get their ACCESS
6 cards. The case that I talked about here where we
7 found the eight different ACCESS cards, one girl that
8 actually was working with us trying to help us called
9 this gentleman on the phone, we have his --- we
10 seized their cell phones, we seize basically
11 everything. Through text messaging sent the drug
12 dealer text messaging requesting her ACCESS card back
13 because her child needed milk, and that's all she
14 wanted. She just wanted food for her child, and the
15 text message that was sent back to her was, tough,
16 you'll get it when I get it to you, you owe me money
17 and that was the transaction between the two. She
18 gave that card to that drug dealer for heroin earlier
19 that day, who then --- I actually spoke to the woman,
20 and she's the one that --- as I can speak to this,
21 she's the one that stated to me, I did, I gave it to
22 him for heroin, but I need items for my child and I
23 needed that card back. And what she did is she went
24 right back to the welfare department. They without
25 any question issued her a new card. There were no

1 questions asked, what happened to that card, where it
2 was at. I have it with me and it is in evidence, and
3 I actually called the welfare department requesting
4 to speak with these individuals in charge just so we
5 can kind of work to together and see what we can come
6 up to. At least they are going to ask questions,
7 where did your card go, your card was used on this
8 day, that type of thing.

9 REPRESENTATIVE KELLER:

10 And then did that conversation take
11 place?

12 MR. PITZER:

13 It hasn't yet. They haven't ---.

14 REPRESENTATIVE KELLER:

15 And how long ago was that?

16 MR. PITZER:

17 I spoke to a female up there. I don't
18 recall her name. It was approximately two weeks ago
19 and she said that she's going to talk to her
20 authorities that she needs to speak with before she
21 has a conversation with me.

22 REPRESENTATIVE KELLER:

23 Okay. One other issue if I may, Mr.
24 Chairman. You spoke about the only way to control
25 this is build more prisons. I had a little problem

1 with that, you know, myself because of the amount of
2 money that the state spends on prisons and even
3 counties that have to spend on prisons. Is there
4 another alternative? Where should we as legislators
5 be looking to attack the problem to put it down, you
6 know? I always say it's our younger generation, we
7 need to, you know --- once they're past a certain
8 point, you are not going to stop them as you see. As
9 you've already stated here, that basically you have
10 recidivism, people are continuing to commit the
11 crimes and I would go one step further and say does
12 it follow clear down into the family that there is
13 the father, there is the son, you know, the
14 grandfather, if you go long enough through the time
15 period, that you find it's kind of family related or
16 where do we start?

17 MR. PITZER:

18 In many case, it's family related, but
19 I know very good families that are involved, that the
20 parents have done the right thing in every step of
21 the way raising their children, but yet, one would
22 fall through and that's in their mindset. In my
23 opinion, I think we need to attack the schools. We
24 need to get into the schools starting in the
25 elementary schools. We need to educate and reiterate

1 to these children what can happen, what their lives
2 are going to be like. They need to see this
3 firsthand. They need to talk to some people that are
4 involved in this, you know, that have gone through
5 the process, have, you know, basically lost their
6 family, lost everything they own, lost their
7 children. We need some people like that to step up
8 forward, which we do. They're starting to come
9 around. You know, some of the hard core heroin
10 addicts that we've had are stepping up now and
11 talking to some different groups. They're talking to
12 the older groups, but I feel we need to get into the
13 children. Once we get to the children and their
14 minds and repetitive, we just need to keep working on
15 the children. That's where our hope lies, I believe.

16 REPRESENTATIVE KELLER:

17 Thank you. Thank you, Mr. Chairman.

18 CHAIR:

19 Representative Toohill.

20 REPRESENTATIVE TOOHILL:

21 Thank you, Mr. Chairman. Detective, I
22 have a couple questions. In the instance that you
23 were just speaking of with the ACCESS cards, was the
24 first ACCESS card that was in possession of the drug
25 dealer --- was that then deactivated by the

1 Department of Public Welfare?

2 MR. PITZER:

3 They were called to let know, you know,
4 what the situation was. From there, I really don't
5 know. With the HIPAA laws and that type of thing, we
6 can't ask the questions. They won't give us answers.
7 That's why we're in standstill. We're letting them
8 know, and my hopes are that we're going to get to
9 them and again work with them. You know, if we all
10 work together, you know, on down the line, you know,
11 from top to bottom and side to side. We need to go
12 each and every step, every direction we can go. And
13 by meeting with these people, I think is going to be
14 a big step. They start asking some questions, you
15 know, well, if you lost your card, who's using it?

16 REPRESENTATIVE TOOHILL:

17 Right.

18 MR. PITZER:

19 And lot of video --- we would be able
20 to track a lot of that by video with the stores that
21 they're going to and the time that they --- the card
22 was used. We can track these people down.

23 REPRESENTATIVE TOOHILL:

24 I am from the northeast, and actually
25 law enforcement in the northeast, it's the same

1 thing. It just seems to be plaguing the entire
2 state, as far as the ACCESS card and the use of the
3 ACCESS cards in drug deals. There is just not
4 enforcement on the back end when it comes to the
5 Department of Public Welfare, that you would just
6 reissue this card and not deactivate the other one.
7 And I had a second question, Mr. Chairman. In the
8 cases that you were talking about where you had the
9 recidivism, where the man that was cooking the meth
10 and came right out and started cooking again, is he
11 actually an addict as well? Is he cooking to fuel
12 his own needs or is he a businessman?

13 MR. PITZER:

14 More to fuel his own needs. It appears
15 to be because he doesn't have anything, so that would
16 send us a sign that he's fueling his needs. I'm sure
17 he has some money somewhere, but ---.

18 REPRESENTATIVE TOOHILL:

19 Is that what you find traditionally,
20 that ---?

21 MR. PITZER:

22 Well, the ones that aren't doing ---
23 that aren't using their own products are the hard
24 ones to catch. The ones that are using, you know,
25 they seem to be easy. You know, they're going to

1 make mistakes. They don't care who they sell to.
2 They're looking for money and they're looking to get
3 their next time basically. The individuals that
4 aren't using the products on the streets are the hard
5 ones to catch and just --- and again, you know, when
6 we talked about incarceration, if we can put a
7 mandatory sentence in here somewhere for these guys
8 with the children and even what the children see ---
9 you know, as hard as it is to see their parents go to
10 jail, it's going to click something somewhere, you
11 know, oh, my gosh, I'm growing up in a family. My
12 mother and dad went to jail for three, four,
13 five years, whatever it may be, because of drugs. I
14 don't want that. If it hits one person.

15 CHAIR:

16 Representative Pyle.

17 REPRESENTATIVE PYLE:

18 Thanks. I don't want to belabor this
19 or drag it out, Mr. Chairman, but excellent questions
20 up and down the panel. I just wanted to point out
21 that especially during the summer when budget gets
22 long and stuff, people like to throw bombs at the
23 legislature saying we're out of touch, and who you
24 see sitting before you right now is proof that we're
25 not --- I can't count the number of times Frank

1 Pitzer and I have sat down and talked about the drug
2 situations in the county. In fact, House Bill 396
3 that I handed off to Representative O'Neill came from
4 the Armstrong County Drug Task Force, and in large
5 part, HB 1289 comes from them also. So these guys
6 are on the frontline. They see the heartbreak. They
7 see the families destroyed. Chief Zellers as well.

8 This is the communication, the back and
9 forth, the repartee between local law enforcement and
10 legislature, and for folks who say it doesn't happen,
11 I would point out this is how it's done. Thank you,
12 Mr. Chairman.

13 CHAIR:

14 Any other questions? Representative
15 Saccone.

16 REPRESENTATIVE SACCONI:

17 One quick question. We talked about
18 the ACCESS cards. There's a whole array of benefits
19 that they can go on. Is there a standard operating
20 procedure, when someone is incarcerated, to contact
21 the agencies and determine whether they're on
22 benefits and have them stopped?

23 MR. PITZER:

24 Not that I'm aware of. In most cases
25 --- and again, you're innocent until proven guilty.

1 They are processed, they are booked in and there is a
2 bond set and they could be in --- if they can't make
3 bond, they are in jail. However, they are not
4 considered guilty until proven, so there is no --- to
5 my knowledge, there is no guidelines or contact
6 anyone.

7 I would like to make a point now since
8 this incidence occurred, you know, with the young
9 child needing milk basically and diapers, that I'm
10 going to start making an effort, if I find these
11 cards that, I will personally --- I will take them to
12 the welfare office myself to get them so we can do
13 something.

14 CHAIR:

15 Well, thank you, Detective. Thank you
16 for very valuable information you provided us today.
17 We also thank you for your service to your community
18 and the county and the Commonwealth.

19 MR. PITZER:

20 Thank you very much. I appreciate it.

21 CHAIR:

22 The fourth speaker on our agenda here
23 today is Chief Ed Cassesse. I knew I said it wrong.
24 I was so proud to say it that I believed it was
25 correct and I'm wrong. Cassesse.

1 CHIEF CASSESSE:

2 Cassesse (corrects pronunciation).

3 CHAIR:

4 Of Kittanning Borough Police

5 Department. Sorry about that.

6 CHIEF CASSESSE:

7 Not a problem. Thank you for having
8 me. I think where we need to start with is
9 mandatory, mandatory, mandatory, not the discretion
10 of our judges. It's not going to get done. It has
11 to be mandatory. If you're going to do drugs in
12 front of a kid, this is what you're going to get,
13 plain and simple. You're not going to defeat this
14 unless we get tough. It's that simple.

15 I've been doing this for almost
16 25 years, Chief Zellers longer. It hasn't changed
17 and it's not going to change. We did all this work
18 to do mandatory guidelines for DUIs. Now we
19 incarcerate people. We've cut down in DUIs, but we
20 haven't done it for the drugs. And believe me, the
21 drugs are just as bad, if not more serious, than the
22 drunk drivers out there on the road. We need to have
23 tougher, mandatory guidelines for this stuff.

24 As Frank Pitzer said, these people,
25 they get out of jail because they have a slap on the

1 wrist and they pick it right back up because they
2 know what are we going to get. You know, we're going
3 to do three months. We're going to do six months
4 county time, you know, big deal. Just the system
5 does not work the way it's set up. It's just not
6 tough enough.

7 I commend Chief Zellers for the
8 excellent job he's doing in New Kensington. However,
9 they're coming up here. So we need something
10 somewhere to say if you're going to continue to deal
11 drugs whether it be New Kensington, Kittanning or
12 Apollo, you know, there has to be something to deter
13 these people. Detective Pitzer again said hit them
14 in their wallet. If you take their freedom away from
15 them like they do to people that they, you know, deal
16 with ---. You know, we can arrest a smalltime buyer
17 every day. We could go out every night and by
18 somebody for their --- arrest somebody for buying
19 drugs because the dealer, he doesn't care.

20 We deal with the same people over and
21 over and over and over again, first name basis, okay.
22 There's just not enough teeth in any bills anywhere
23 to deter these people. There just isn't. And I
24 understand the problem with building prisons.
25 Education works, if you get to them at the right

1 point at the right level of age. But these kids grow
2 up in these homes. They don't know any better. This
3 is normal every day life for them, so they don't see
4 anything wrong with that, and for the parents to say,
5 well, it's okay, they'll go over and play with their
6 toys while we're doing drugs, you know, it's just ---
7 it's ridiculous. And the only we we're going to get
8 anywhere with the drug problems anywhere in the
9 United States is to get tough. It's just that
10 simple.

11 We have more drug overdose deaths in
12 Armstrong County than we do DUI related fatal crashes
13 now. That says something. You know, we put the
14 hammer down on the DUIs. Let's put them hammer down
15 on the drugs. It's just that simple, you know.

16 The monies have been cut over the last
17 few years to the local drug task force --- forces
18 across the state. It doesn't help the cause, you
19 know. You know, these people are just --- they don't
20 care who they hurt. They don't care who they kill,
21 you know, and I'm glad to see the bill now is getting
22 introduced again.

23 I don't know what else to say. I mean,
24 that is the way I look at it. Twenty-four (24) years
25 of doing this. It hasn't got any better and I'm sure

1 Chief Zellers can tell you the same. He has done a
2 tremendous job. They get monies coming in, you know,
3 to fight it, a lot more than what the small boroughs
4 do. You know, they get rural America and we're
5 rural, so we have a main corridor from Pittsburgh to
6 Kittanning, Armstrong County, anywhere in Armstrong
7 County. It's a never ending battle, so we need some
8 teeth.

9 CHAIR:

10 Well, thank you, Chief Ed Cassesse of
11 the Kittanning Borough Police Department.
12 Representative Keller.

13 REPRESENTATIVE KELLER:

14 Thank you, Mr. Chairman. Chief, thanks
15 again for your testimony. Can you tell me why or
16 what do you feel is attributing factor to the
17 increase in drug use and drug trafficking here in
18 this particular area?

19 CHIEF CASSESSE:

20 Some of it in part is due to programs
21 like New Kensington have where the dealer knows that,
22 you know, hey, they have special details out 24/7, we
23 got to be careful, we got to get out of here, we got
24 to move. So what they do is they come on up 28.
25 They will come into Kittanning, Ford City area, set

1 up shop, you know, again with a single mother with
2 small children. It's always a single mother. Set up
3 shop until word gets out. We put the heat on,
4 they're gone. We arrest the mother, but we don't get
5 the person we need to get.

6 I have asked I think everybody that I
7 have dealt with that's actually hooked on heroin,
8 have asked them this question, why? Why when you
9 know what it does to everyone, why would you even try
10 it? And the question is --- or the answer is, well,
11 everybody else does it. I just don't understand. It
12 just tears the families apart. They steal from their
13 own family members. They fight with their own family
14 members. And it's --- the increase is just I think
15 --- the way the economy is now, there's no jobs, they
16 grew up with this crowd of people and they just
17 follow together with that and it just never, you
18 know, dawns on them that this isn't the way it's
19 supposed to be.

20 I can tell you a personal friend of
21 mine has put his son through rehabs as far away as
22 Wyoming, and Representative Pyle knows who I talking
23 about, spent thousands and thousands of dollars to
24 get him straight, took him three years, but I think
25 he's finally to the point where he is straight. I

1 think just in general it's just the economy, the
2 people that are associated with each other, they just
3 keep using and using and using.

4 REPRESENTATIVE KELLER:

5 So what I think I heard you say is
6 because of the enforcement activity in the
7 neighboring town has forced them out into the more
8 rural area, which still is close proximity to
9 Pittsburgh.

10 CHIEF CASSESSE:

11 Correct.

12 REPRESENTATIVE KELLER:

13 And 28 makes the access easy?

14 CHIEF CASSESSE:

15 I get a daily report from Lieutenant
16 Bobey (phonetic) of the State Police in Kittanning.
17 And there isn't one of those reports that doesn't
18 come up every day where they've done a traffic stop
19 on 28 where they've taken drugs or large quantities
20 of monies. They had a stop not too long ago where
21 they took \$25,000 cash off of an individual, and they
22 actually run from Pittsburgh as far away as
23 Clearfield County, Brookville, and that's the main
24 corridor. And we're just a stepping stone in between
25 there.

1 REPRESENTATIVE KELLER:

2 All right. Thank you. Thank you very
3 much.

4 CHAIR:

5 Representative Pyle.

6 REPRESENTATIVE PYLE:

7 Thank you, Mr. Chairman. Chief, first
8 of all, thank for taking time and thank Mayor Atwood
9 for letting you free up today. I appreciate that,
10 too. You had mentioned people growing up in
11 households with drug dealers in the household. I'm
12 curious, do you see like a generational shift for
13 like the moms and dads either get old and OD and
14 junior and whoever, his sister pick it up and --- you
15 know, because this guy in Apollo that was cooking
16 meth, you know, Detective Pitzer told us we don't
17 know how many people he taught how to do that and you
18 mentioned it's the same people over and over. It's a
19 first name basis. Are we seeing those first name
20 basis people start to spread their, you know, drug
21 dealing philosophy to ---?

22 CHIEF CASSESSE:

23 Their children?

24 REPRESENTATIVE PYLE:

25 Yes.

1 CHIEF CASSESSE:

2 Absolutely. I'm dealing with second
3 generation right now that has come up through and
4 just continuing and their kids, they have kids, small
5 children, you know. And that's just going to be the
6 way of life for them. A lot of them think it's an
7 easy way of life. It's quick money, but you'll find
8 out those people who were raised in that environment,
9 they're drug users, they have no money, they sell
10 just to get a little pocket money which they just
11 turn around and put right back into drugs. So it's
12 ---.

13 REPRESENTATIVE PYLE:

14 You know, that's probably my worst case
15 scenario. And Chairman, I'll give you a personal
16 here. My daughter is 14. Thank God she looks like
17 my wife. The downside to that is a lot of boys are
18 interested in her. And the other day, you know, my
19 Lauren told me, I could get anything I want and I'm
20 like, you're 14, you know, and I said something to
21 her that my mother said to me growing up. But when I
22 was probably about 17, my mother taught for 32 years,
23 said I feel bad for people of your generation, you
24 have so much more to worry about and I said what do
25 you mean, mom, and she said, well, I grew up in the

1 late '50s and the absolute worst thing that could
2 have happened to us back then is you got mono. When
3 you got mono, that was like the ultimate social
4 disgrace, she said. You know, my generation, I got
5 out of high school in the early '80s and now you guys
6 have to worry about AIDS, you know, all kinds of
7 different stuff. And now, I look at my 14-year-old
8 daughter, cute little 14-year-old, tall and pretty
9 and smart, and I worry that some young man is going
10 to try to catch her attention and then a moment of
11 weakness --- and wife and I have done a lot of
12 talking with our kids about drugs, but in a moment of
13 weakness, she might actually fall for it. And at
14 that point, you and I and probably Detective Pitzer
15 and Lieutenant Bodey will have official business, but
16 we'll leave it right there.

17 Mr. Chairman, I am very, very grateful
18 for Chairman Marsico. He is the guy that came to me
19 with the idea for 1289. And I'm willing to go to bat
20 for this chairman. We got a lot of cosponsors, and I
21 hope at some point we might be able to get a vote on
22 it out of your committee.

23 CHIEF CASSESSE:

24 I would just touch on one thing, just
25 more of an awareness thing more than anything. The

1 age group now, we have more drugs in the middle
2 schools than we do the senior high schools, at least
3 in Kittanning. So that in itself says something.
4 Something is definitely out of whack here, so we need
5 to get tough.

6 CHAIR:

7 Representative Grell.

8 REPRESENTATIVE GRELL:

9 Thank you. Chief, thanks for being
10 here. I don't want to get too far off track of House
11 Bill 1289, but I was interested in your comments on
12 mandatory sentences. And, you know, on this
13 committee, we go through that debate on a regular
14 basis, whether mandatory is the way to go. And I'm
15 just interested in your observations or thoughts on
16 why aren't the maximum sentences that are allowed by
17 law currently being imposed. I'm sure there are
18 probably lots of reasons, but I would be interested
19 in your thoughts on that.

20 CHIEF CASSESSE:

21 Well, again, I believe it just comes
22 back to the individual judge. We have one individual
23 we just dealt with three weeks ago that has been in
24 jail at least --- and I'm going to say at least ten
25 times for dealing drugs, and some of his cases

1 haven't even come to trial yet because his attorney
2 postpones it for whatever reason. But it just seems
3 every time he's sentenced he's sentenced to the
4 minimum and that's a discretion of the judge, the
5 court. And I think if you take that away from the
6 court and say, hey, we got to get tough with this,
7 this is mandatory, you don't have a decision whether
8 you're going to give him three months in a county
9 jail or six months in the county jail, he's going to
10 go to jail for a year or, you know, whatever. It
11 just --- it's a slap on the wrist, like I said
12 earlier. You give somebody three to six months in
13 county jail and it's a walk in the park for them.
14 You start throwing down mandatory sentencing and you
15 take their freedom away from them, you know, that's
16 going to hit home sooner or later.

17 REPRESENTATIVE GRELL:

18 If I can follow up. Out here do you
19 find that it depends on the luck of the draw, which
20 judge you draw in your case, or is it the general
21 attitude of the bench that they don't want to impose
22 maximums? And if so, is it because of financial
23 concerns about the prison population, or is it
24 something --- what do you think there ---?

25 CHIEF CASSESSE:

1 There is concern about the prison
2 population for a fact. I mean, that's obviously ---
3 when I speak with the district attorney, there's
4 things that the judge will say, listen, can you work
5 out a deal with this guy. That's always a concern
6 and it's even a concern on a county jail level. But
7 to say, okay, we don't have enough jails or this is
8 going to be a burden, just let these people do three
9 months in jail and let them back out to do their
10 thing again and we'll deal with it again ---. And I
11 don't mean this --- and I hope I don't mean this
12 taken in the wrong context, but being on that side of
13 the table, you really don't see the firsthand what's
14 on this side of the table.

15 We go out, bust our behinds, go to
16 court, nothing happens. It's a fine or it's three
17 months in jail, you know. Why are we beating
18 ourselves like this? You know, we go out. We do the
19 leg work, and then we go into a situation in court
20 and something is worked out, you know. And that
21 still bothers me after 24 years. It got to the point
22 where it's, you know, I'm doing what I'm supposed to
23 do, let's go where this is supposed to go. You know,
24 when it's out of my hands, it's in the control of the
25 courts. Let's go with this thing. It doesn't happen

1 all the time.

2 REPRESENTATIVE GRELL:

3 And does it vary from judge to judge?

4 CHIEF CASSESSE:

5 It does.

6 REPRESENTATIVE GRELL:

7 Widely?

8 CHIEF CASSESSE:

9 Well, I can only speak for here.

10 REPRESENTATIVE GRELL:

11 Yeah. And I don't want you to be
12 critical of the judges.

13 CHIEF CASSESSE:

14 Right. I'm not critical of the Judge
15 because I don't know what their caseload is, but it
16 just seems --- it seems the longer they've been on
17 the bench, it's worse, so ---.

18 REPRESENTATIVE GRELL:

19 So maybe some further guidance from the
20 legislature in term of mandatories or tighter ranges,
21 especially for repeat offenders and things like that
22 might be something that you would support.

23 CHIEF CASSESSE:

24 Absolutely.

25 REPRESENTATIVE GRELL:

1 Thank you, Chief.

2 CHAIR:

3 Representative Evankovich.

4 REPRESENTATIVE EVANKOVICH:

5 Thank you, Mr. Chairman. I'll be
6 brief. Chief, thanks for your testimony. As
7 Representative Pyle mentioned earlier, you know, this
8 is often --- these types of situations where we're
9 interacting with those who are out there where the
10 road meets the road, this is generally where real
11 good ideas come from.

12 Just as a note, the focus of HB 1289 is
13 on the person trafficking the drugs. But I think as
14 we've heard today from Detective Pitzer yourself and
15 Chief Zellers, it appears as though the person who is
16 bringing the child into the situation or who is
17 allowing the child to be in the situation also has
18 some responsibility. And so one of the ideas that I
19 would like to take away and get your opinion on is,
20 would it be beneficial, do you believe, for the
21 committee to look at language that would also put
22 some responsibility on the person who is indifferent
23 to their child being in that situation as also
24 falling under some type of criminal activity? I'm
25 not sure --- I'm not an expert in this, but as we

1 look at the way the 1289 is drafted right now, it
2 doesn't provide, for say, the mother or father in
3 that situation that Chief Zellers talked about
4 earlier or any of the situations that you folks have
5 had to deal with in Apollo or over in Kittanning. It
6 doesn't seem that the mother or guardian is really
7 held accountable for their actions as well. And just
8 food for thought for the committee and your thoughts,
9 Chief.

10 CHIEF CASSESSE:

11 I think that's a great idea. And I'll
12 just go back to the first meth lab that was in the
13 Apollo area, actually Parks Township. The children
14 were suffering from sore throats for I believe three
15 weeks, and the mother did not get them medical
16 attention. The morning of the raid the children were
17 swept out of there, placed in an ambulance, taken to
18 the hospital. And what it was, a byproduct from the
19 meth, which was ammonia, had irritated and burned
20 their throats. Now, the mother per se wasn't part of
21 the actual cooking of the meth, but she was present,
22 the kids were present and the kids suffered from it,
23 you know. And as the mother, you know, her
24 responsibility is the safety of those children, but
25 the mother didn't care, so ---.

1 CHAIR:

2 Councilman Boop, comment, question?

3 ATTORNEY BOOP:

4 I've been told to make it quick. And
5 you're saying how people on this side don't
6 necessarily always understand what it's like to be on
7 your side. I just want to make a quick comment.
8 Before I came to work with the legislators, I spent
9 six years in the DA's Office at Lancaster. I was the
10 district attorney for three years and I was assigned
11 to the drug task force. And I got to work with guys
12 just like you guys every day, and I got to go out and
13 serve search warrants, and I got to go out and see
14 what you guys do every single day. And I don't think
15 the average person, not just the people sitting at
16 this table, but the average person watching this at
17 home or the person that might see you guys on the
18 street realizes the things that you guys do and the
19 sacrifices you make for the people you take care of
20 or the children that you have at home or the family
21 that you have. And I just want you guys to know that
22 everybody at this table appreciates everything you
23 guys are doing. And I have tons of questions I'd
24 like to ask you, but I was told to make it quick. So
25 we'll end it with that.

1 CHIEF CASSESSE:

2 Thank you.

3 CHAIR:

4 With that, thank you from the committee
5 and House of Representatives for you being here today
6 and testify and share your experiences and for your
7 service to your community.

8 CHIEF CASSESSE:

9 Thank you.

10 CHAIR:

11 Yes. We do have scheduled Michael
12 Bash, but I believe Representative Pyle will make a
13 comment for Michael Bash.

14 REPRESENTATIVE PYLE:

15 Thank you, Mr. Chairman. Yeah, Mike
16 got ahold of me last night. Something work related
17 came up very late and he apologized for not being
18 here. But within the committee's packets are a
19 synopsis from Mike Bash.

20 For the audience, Mike Bash is the
21 assistant chief, former Chief of the Kiski Township
22 Fire Department and QRS and EMT certified. His focus
23 when I spoke to him last is oftentimes when a meth
24 lab is identified, fireman are called on scene to
25 help stabilize the situation with the police so the

1 police can actually go within the premises and do the
2 investigation and all that stuff, leaving the fireman
3 outside deal with it and stuff.

4 Mike's concern was that if fireman are
5 required to take continuing ed hours every year to
6 maintain their volunteer firefighter status, could we
7 somehow factor into that continuing ed a methodology
8 for dealing with the toxic nature of meth labs. Now,
9 they realize they're not going to be the ones who are
10 there the whole time, but until the permanent Hazmat
11 team gets on site, they have to know how to deal with
12 this. They are legitimately worried about, you know,
13 their fellow firemen's health concerns. You know,
14 Detective Pitzer brought up, in the one method of
15 cooking meth, it's --- the air is actually acidic.
16 It eats at your skin. And that's what these guy are
17 curious about. And if Mike is watching or listening,
18 I'm sorry I didn't say it as well as you would have,
19 but that's what I understood. Thank you, Mr.
20 Chairman.

21 CHAIR:

22 Okay. One more item. Representative
23 Evankovich has testimony I believe from District
24 Judge Conway.

25 REPRESENTATIVE EVANKOVICH:

1 Thank you, Mr. Chairman. I appreciate
2 your indulgence. District Judge Charles Conway
3 wanted to be here today and he wanted to be in
4 attendance and provide his testimony. His testimony
5 basically would give a little bit of detail to what
6 the judge's perspective is on mandatory sentencing
7 requirements, and with your permission, Chairman, I'd
8 like to submit his comments for the record on this
9 hearing.

10 CHAIR:

11 It will be accepted. This concludes
12 testimony for today. And I want to thank
13 Representative Pyle and Representative Evankovich for
14 being so very close today as well as the South
15 Buffalo Volunteer Fire Department and especially
16 Allen McCray (phonetic), the treasurer of the fire
17 department, who by the way has been here for 40 years
18 as a member.

19 REPRESENTATIVE PYLE:

20 That's right.

21 CHAIR:

22 I don't know where Allen is in the
23 room, but please give our thanks to Allen and
24 Representative Pyle. And also I want to thank the
25 testifiers for your time once again and your

1 experiences and being able to take time out of your
2 busy schedules for your support of these bills, the
3 bill that we're talking about today.

4 Also, I just wanted to thank PCN as
5 well for their coverage today as well, and this ---
6 once again, I think the testimony today was very
7 enlightening, very informative and very powerful. So
8 we will take your ideas and your experiences back to
9 Harrisburg. And I want to once again thank
10 Representative Pyle for his leadership of this bill.
11 This concludes our testimony. Thanks again for being
12 here. And also thank you to the members.

13 * * * * *

14 HEARING CONCLUDED AT 12:35 P.M.

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CERTIFICATE

I hereby certify, as the stenographic reporter,
that the foregoing proceedings were taken
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