

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE JUDICIARY COMMITTEE
PUBLIC HEARING ON H.B. 2018
HOME INVASION BURGLARY

American Heritage Federal Credit Union
2060 Red Lion Road
Philadelphia, Pennsylvania 19115

Tuesday, May 10, 2016
1:00 P.M.

BEFORE:

HONORABLE RONALD MARSICO, MAJORITY CHAIRMAN
HONORABLE JOSEPH PETRARCA, MINORITY CHAIRMAN
HONORABLE BRYAN BARBIN
HONORABLE DOM COSTA
HONORABLE TINA M. DAVIS
HONORABLE SHERYL DELOZIER
HONORABLE TODD STEPHENS
HONORABLE MARCY TOEPEL
HONORABLE MICHAEL VEREB
HONORABLE MARTINA WHITE

COMMITTEE STAFF PRESENT:

THOMAS DYMEK, MAJORITY EXECUTIVE DIRECTOR
SARAH SPEED, DEMOCRATIC EXECUTIVE DIRECTOR

Reported By: Dianna R. Pugliese, RMR

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1 REPRESENTATIVE MARSICO: Good afternoon,
2 everyone. And welcome to this hearing on House Bill 2018
3 of the House Judiciary Committee.

4 Before we get started with the testimony,
5 I'm going to ask the members to introduce themselves,
6 starting to my far left.

7 REPRESENTATIVE STEPHENS: Todd Stephens
8 from the 151st Legislative District in Montgomery County.

9 REPRESENTATIVE VEREB: Mike Vereb from the
10 150th District in Montgomery County.

11 REPRESENTATIVE TOEPEL: Marcy Toepel, 147th
12 District, Montgomery County.

13 MR. DYMEK: Tom Dymek, Committee Executive
14 Director.

15 REPRESENTATIVE WHITE: State Representative
16 Martina White. This is Northeast Philadelphia, my
17 District, the 170th.

18 REPRESENTATIVE MARSICO: Ron Marsico,
19 Chair, of Dauphin County.

20 REPRESENTATIVE PETRARCA: Joe Petrarca,
21 Westmoreland, Indiana, and Armstrong Counties, Democratic
22 Chair of the Committee.

23 MS. SPEED: Sarah Speed, Democratic
24 Executive Director.

25 REPRESENTATIVE COSTA: Dom Costa, Allegheny

1 County, city of Pittsburgh.

2 REPRESENTATIVE BARBIN: Representative
3 Bryan Barbin, Cambria and Somerset County.

4 REPRESENTATIVE DELOZIER: Sheryl Delozier,
5 Cumberland County, 88th District.

6 REPRESENTATIVE DAVIS: Tina Davis, Bucks
7 County.

8 REPRESENTATIVE MARSICO: That's everyone?
9 Okay.

10 Like I said before, this hearing is about
11 House Bill 2018 which has been introduced this session by
12 Representative White.

13 In the past legislative session this Bill
14 was sponsored by Representative John Sabatina, now
15 Senator Sabatina. I'll be glad to work with both of them
16 in a bipartisan fashion to try and address the issue of
17 home invasions.

18 The problem of home invasions is of
19 particular importance here in Northeast Philadelphia. It
20 is also important throughout the Commonwealth of
21 Pennsylvania.

22 In fact, just last month, two men broke
23 into a housing apartment while the residents were home.
24 They tied up a woman and strangled a male victim to the
25 point of unconsciousness.

1 It is extremely dangerous when a burglary
2 like this turns into an attack. We plan to learn more
3 about this issue today. I am pleased to welcome our
4 group of testifiers.

5 Our testifiers today are the Honorable
6 Craig Stedman, Lancaster County District Attorney; Jack
7 O'Hara, president of the Bustleton Civic League; and
8 Artem Ustayev -- sorry if I butchered that -- the
9 co-founder and CEO of Helping Hand Hospice; and the
10 Fraternal Order of Police.

11 Before we turn to our testifiers, I will
12 ask, Representative Petrarca, any remarks at all?

13 REPRESENTATIVE PETRARCA: Thank you,
14 Chairman.

15 I, too, am happy to be here today as we
16 consider this piece of legislation. As Chairman Marsico
17 said, it has been introduced in previous sessions.

18 Obviously, the crime of home invasion is
19 very serious. And when we look at those crimes, and all
20 crimes, actually, that are committed against our senior
21 citizens, it's certainly matters of concern when we look
22 at even different situations across Pennsylvania, if
23 we're dealing with fraud and any, you know, other
24 situations where people are harmed. Obviously, no group
25 is maybe more vulnerable than our senior citizens.

1 So mandatory sentences, mandatory minimum
2 sentences continue to be an issue, a hot issue of
3 discussion in the legislature. Certainly pros and cons
4 when you look at those and talk about those.

5 But, again, I'm happy to be here, happy to
6 hear the testifiers.

7 Thank you.

8 REPRESENTATIVE MARSICO: Thank you,
9 Chairman.

10 Before I turn things over to Representative
11 White, I'll just address a few small housekeeping issues.
12 First, if everyone will please silence your cell phones.

13 And, second, I'd like everyone to know that
14 the Committee will keep the record open after this
15 hearing in order to receive written comments from other
16 persons interested in this topic at a later point.

17 I'd like to recognize Representative White
18 for opening remarks.

19 REPRESENTATIVE WHITE: Hello, everyone. I
20 am Representative Martina White, and I have the distinct
21 honor of representing the 170th Legislative District here
22 in Northeast Philadelphia.

23 I'd like to thank Chairman Ron Marsico and
24 Chairman Petrarca, and all of my colleagues on the
25 Judiciary Committee, for being here today.

1 And a special thanks to American Heritage
2 Federal Credit Union for hosting us, and for all of you
3 here to testify to let us know what our state is doing
4 well and what we can do better.

5 Unfortunately, almost every day here in the
6 city of Philadelphia we are witnesses to many victims of
7 burglary. Often these victims are the most vulnerable
8 citizens of our state and are preyed upon because of
9 their vulnerability.

10 That is why I am thrilled to have
11 Representative Marsico and members of the Judiciary
12 Committee here today in my District. They are
13 continuously doing a great job of holding hearings like
14 this one to vet stakeholders, hear new and opposing
15 ideas, and be stewards of the democratic process across
16 our amazing state.

17 The dialogue we have here today will allow
18 the Judiciary Committee to continue to evaluate our
19 state's laws, policies and practices to ensure we have a
20 judicial system that is both fair and just, and I'm
21 looking forward to hearing from all of you.

22 Thank you.

23 REPRESENTATIVE MARSICO: Honorable Craig
24 Stedman, Lancaster County District Attorney, is here on
25 behalf of the Pennsylvania District Attorneys

1 Association.

2 We welcome you, and thanks for being here.

3 MR. STEDMAN: Thank you, sir.

4 Good afternoon, everyone. My name is Craig
5 Stedman. I'm the D.A. of Lancaster County, member of the
6 Pennsylvania District Attorneys Association Institute.
7 And on their behalf, I'd like to thank you for the
8 opportunity to speak here today.

9 Are you hearing --

10 VIDEOGRAPHER: You're too close to the
11 microphone.

12 MR. STEDMAN: How is that? Is that better?
13 Okay.

14 VIDEOGRAPHER: Bring it closer to you.

15 MR. STEDMAN: Closer? How's that? Too
16 loud?

17 VIDEOGRAPHER: That's good.

18 MR. STEDMAN: It's kind of, I can hear
19 myself in my own head, and it's kind of driving me crazy,
20 so hopefully I can get through this.

21 As a matter of public policy, I believe our
22 communities count on our elected officials to make sure
23 that our most dangerous and violent criminals receive the
24 most appropriate sentences. As District Attorney, it's
25 my duty to stand up for the victims of crime and to be

1 their voice.

2 For the homeowner and their families, being
3 burglarized is not simply a property crime, it's a very
4 personal violation and a very frightening experience.
5 And in that sense, it's a very violent crime even if
6 someone wasn't home at the time and no one was physically
7 injured.

8 You have to imagine the feeling, you know,
9 knowing that someone forced his or her way into your
10 house, picked through your things, took your possessions,
11 your money. And, more significantly, took the one thing
12 that can't be quantified, your sense of security in the
13 one place we should always feel secure. And no one has a
14 right to take that away.

15 So many victims are far less trusting and
16 placed on edge long after the crime took place. That
17 loss of trust, the fear, the anxiety, and the loss of
18 security stays with those victims. In fact, it almost
19 always extends far beyond the current time served by the
20 individuals who are apprehended and prosecuted for it.

21 And the foundation, really, of any
22 successful community is public safety and the inherent
23 sense that you and each and every individual is going to
24 be safe in their homes.

25 Unfortunately, it's clear that the

1 penalties in this state for burglary do not match the
2 severity of the crime. Under the current system, six
3 months in county jail, maybe a year in prison, it just
4 isn't enough to make a criminal think twice before
5 breaking into somebody's home.

6 We also know that most house burglars do
7 not just do it once. They are, instead, emboldened by
8 their success, and they commit the crime again and again
9 and again, and are all too often willing to use violence
10 rather than risk apprehension and face justice.

11 You know, burglary is a little bit distinct
12 than some of our other crimes, which are just
13 reactionary. It's a crime of choice. It's premeditated
14 rather than reactionary.

15 Criminals have to think about the crime of
16 burglary well in advance. They have to have a plan to
17 gain entry, and then not only to break in, but then to go
18 room from room and decide what of yours they're going to
19 take, what of yours they're going to ruin.

20 Thus, they should face particularly severe
21 penalties simply because of the duration of the crime and
22 their criminal intent. Burglars have a lot more time to
23 think about what they're doing and a lot more
24 opportunities to stop what they're doing than many of our
25 other criminal offenders that we prosecute. In that

1 sense, they are more culpable.

2 However, right now they don't go to jail
3 for very long. As a result, burglars continue to offend,
4 in part, because they absolutely know they're generally
5 not going to face severe sentences even if they're
6 caught.

7 Doing this for 25 years, I'm absolutely
8 convinced that fewer people will actually commit the
9 crime of burglary simply because it will not be worth the
10 risk of penalties if the penalties are increased.

11 I think back to a case I had years ago in
12 which at that time we had passed a five-year mandatory --
13 you had passed a five-year mandatory for carrying a gun
14 with drug dealing. And I was talking to a drug dealer on
15 another case and I said -- I just talked to him about
16 that, and I said, You know about this five-year mandatory
17 now with drug dealing?

18 He goes, Yeah, I know about it.

19 I said, So when you get out of jail, what
20 are you going to do?

21 He said, Well, I can tell you right now,
22 I'm not going to stop selling drugs, but I'm going to
23 stop carrying a gun. And that was because the penalty
24 was too severe, and he was making a choice.

25 And especially because we know that

1 burglary is not a reactionary crime, a known, steep
2 sentence is much needed and can make a difference.

3 The sad fact is that home invasion
4 burglaries which turn violent are on the rise in
5 Lancaster County and, tragically, more and more they're
6 turning deadly.

7 I know that here in Philadelphia,
8 especially in Northeast Philadelphia, home invasions are
9 a significant concern.

10 Recent cases in Lancaster include a home
11 invasion in which a young woman was in her home, a
12 stranger broke in, stabbed her 20 times over the course
13 of an hour. At one point actually asked her why she
14 wouldn't die after he kept stabbing her. She was
15 pretending to be dead and he would stab her to see
16 whether she was dead or not.

17 And he actually slit her throat at the end.
18 But, unbelievably, she was able to survive that, but not
19 for lack of trying on his part, stabbing her just about
20 everywhere.

21 In another, if you can imagine an even more
22 horrific case, we had a schoolteacher who lived alone in
23 Lancaster, and in the middle of the night two strangers
24 broke into her home, apparently completely at random. We
25 have no connection, see no connection.

1 And they grabbed her from upstairs, they
2 beat her, they stabbed her, they dragged her down the
3 stairs, tied her to the stairway railing, sexually
4 assaulted her, and then strangled her and killed her.

5 And these victims were doing nothing,
6 nothing, but existing in their homes. That's what they
7 did.

8 Imagine -- and there's examples all over
9 the state from every county like this. And just they're
10 ones -- there are cases that stay with me and stay with
11 me as a prosecutor, and people lose their lives. And the
12 ones that survive, like the first victim, their life is
13 forever altered.

14 Imagine the reaction of coming home to find
15 your house burglarized. Now imagine the terror of being
16 home in the middle of the night when you hear an intruder
17 inside. Your very life and the lives of your family are
18 now suddenly and unquestionably at stake.

19 As a society, we recognize extreme danger
20 and the severity of home invasion, and we place great
21 weight on the right to protect ourselves and our homes.

22 Under the law, people can justifiably
23 protect themselves. It includes the use of deadly force,
24 if necessary, when someone breaks into your home, because
25 it's inherently dangerous under the right circumstances.

1 There's no due process. There's no formal
2 trial. People can just defend themselves and their
3 families and, in essence, give the death penalty to a
4 home invader if circumstances warrant.

5 But if we catch that same person, they
6 receive due process. They're convicted of the crime, but
7 the very same crime they face only a year or so in jail,
8 and in some cases only months.

9 And to illustrate the fact that our system
10 has not appropriately punished house burglaries even
11 further, if a burglar breaks into a home when it's
12 unoccupied and they steal a gun, our current sentencing
13 guidelines actually are higher for the gun theft than
14 they are for the burglary.

15 We are, quite simply, long overdue to have
16 stronger protections in our laws for the families and
17 victims of home burglary.

18 Under long-standing Pennsylvania law, a
19 single conviction for first-degree burglary is sufficient
20 to establish what's called a present history of violent
21 behavior under the law.

22 However, burglary is the only first-degree
23 felony for which the sentence simply does not match up,
24 it's not commensurate with the seriousness of the crime.

25 No matter how big or how small, no matter

1 how extravagant or how humble, your home is your castle.
2 It's your ultimate refuge and place of safety, and no one
3 has the right to violate the sanctity and security of
4 your home.

5 You have a right to go to work, to go to
6 school, to go on vacation, not have to worry about coming
7 home to a ransacked house. You certainly have the right
8 to put your children in bed without fear that someone is
9 going to break in in the middle of the night and endanger
10 their lives.

11 In a broader sense, no community can
12 flourish if people don't feel safe in their houses.

13 This legislation would establish a
14 mandatory minimum sentence for those who commit certain
15 violent crimes and/or are armed while committing the
16 offense of burglary.

17 And while it's true many of these offenders
18 would already receive an appropriate tough sentence for
19 their crimes, like for rape, for instance, without a
20 mandatory sentence, we don't know for sure what sentence
21 will be handed down right now.

22 And these crimes are sufficiently serious
23 that the victims and the members of our communities
24 should know exactly what the minimum sentence is for an
25 offender under those circumstances and what they will

1 get.

2 I believe that this statute will also send
3 a strong message that will help deter crime. And
4 deterring any of these horrific crimes is critical, and
5 this legislation gets to that important goal.

6 I recognize that mandatory minimums have
7 gone from being politically popular to being considered
8 by some an unnecessary prison cost. But there are simply
9 some crimes where there should be no question as to what
10 the punishment is.

11 The worst, most dangerous offenders, like
12 people who invade another person's home, need to face
13 long sentences and they need to know they will face long
14 sentences.

15 This is not a political issue or a
16 philosophical issue, it's a public safety issue with real
17 world consequences.

18 Intellectual discussions on crime and the
19 financial costs of incarceration must never lose sight of
20 the fact of the brutal reality of crime and the costs to
21 each victim.

22 It's time for our laws to catch up with the
23 danger and the severity of house burglaries, particularly
24 when the victim is home. And we simply must do more to
25 protect an individual's right to be safe and secure in

1 their home.

2 And I thank you for your actions on this
3 case and on this issue, and I thank you for your
4 leadership on behalf of my colleagues. We look forward
5 to working with you in the future.

6 Thank you.

7 REPRESENTATIVE MARSICO: Thank you very
8 much for your testimony and your time.

9 Any questions?

10 Representative Barbin.

11 REPRESENTATIVE BARBIN: Thank you.

12 Thank you, Mr. Chairman, and thank you,
13 District Attorney Stedman.

14 I'm interested in just your comments about
15 how this additional grading from a burglary would help us
16 with the issue that we seem to be having throughout the
17 state. And I know we have it back in my hometown area of
18 Johnstown, we're having a drug epidemic problem of major
19 proportions.

20 And what we're finding, or at least we did
21 a study, and locally what we found was that there was a
22 connection between burglaries and the rise of heroin
23 abuse in the city.

24 Have you seen that? And how will this
25 Bill -- or in the District Attorneys Association, have

1 you looked at that as an additional reason why we should
2 be changing the penalties?

3 MR. STEDMAN: I think that's very astute,
4 and I don't think there's any question that a driver for
5 many of the home burglaries are drugs, are trying to get
6 money for drugs. And, you know, we have to address that.

7 By the same token, not everybody who's a
8 drug addict breaks into somebody's house. And the
9 people -- you have to look at it from the point of view
10 of the victims who are in the home, they have no idea why
11 somebody is in that home.

12 And they're not going to be thinking, well,
13 gee, maybe it's -- you know, obviously, is this a drug
14 dealer -- is this a drug user who just needs some money
15 for this, or are they actually looking to kill or harm
16 somebody?

17 So, from a victim's perspective, from a
18 prosecution perspective, to me it makes no difference.
19 So that's why I think the mandatory is important so you
20 can get some type of message out there, at least to
21 start.

22 I mean, quite frankly, to be blunt, I think
23 we should go further. I think all house burglaries
24 should face more severe punishment, whether they go in
25 armed or not, whether they hurt somebody or not.

1 But, you know, we fully support this. And
2 I think the thing I would key on is, at least it gives a
3 certainty of sentence for some of these offenders.

4 We don't usually have a problem where
5 somebody rapes somebody or seriously hurts somebody as
6 far as getting a five to ten sentence. That's not so
7 much of an issue. But then there's -- this also covers
8 if someone gets armed at all.

9 And I'll give you an example that I had,
10 that I actually prosecuted a case, where an individual
11 had broken into the house and, fortunately, no one ends
12 up being hurt and no one -- nothing bad happened to
13 anyone physically.

14 But the burglar broke in, the husband was
15 working at night, and there were kids in there and a
16 wife. And when they got -- she got up in the morning,
17 she found a butcher knife from her kitchen lying next to
18 her child's bed.

19 And so he didn't go in armed, but he was
20 prepared to fight. You know, had someone woken up, he
21 wasn't going to talk about the weather. He didn't pick
22 that up for it.

23 So the potential danger for it, and that's
24 what I see is the danger from these home burglaries is
25 distinct from the business burglar.

1 And I would actually encourage more work
2 there. Because I don't think -- as I had testified, this
3 is the one felony of the first degree that we really
4 don't, as a state, penalize enough. Because of -- so
5 we're seeing more and more and people are emboldened
6 because of drugs, as you're pointing out. But I see it
7 time and time again.

8 And what we also see is many times people
9 do so many of them, sometimes even when they're
10 confessing, even they admit it, they can't remember
11 whether they did that house or not.

12 And they end up getting a volume discount
13 in the sentence because they are actually -- I think
14 they're sincerely trying to say whether they did it and
15 they have no memory. They'll say I did these 10, I did
16 these 15, but each one of those people, it's affected
17 their lives.

18 I've talked to -- I had one victim that
19 stands out for me as I'm sitting here now, you know, she
20 had moved from her family home for many, many years. She
21 wasn't even home at the time. She came back from
22 vacation and just never would feel safe again, even
23 though she had lived there, I'm going to say, 30 years,
24 or something like that, and she actually had to move.

25 So this crime sticks with people. There's

1 a lot of victims that I would see, I think, you know,
2 people would say I'd rather have somebody rob me at
3 gunpoint and take my wallet and move on, than to come
4 home and see that everyone has gone through all my stuff,
5 and you feel like you can't protect your family. And
6 that's something that's just so severe, and you can't
7 ever get it back.

8 But I think you're right on, I think it's
9 going to be more and more of an issue as we deal with the
10 heroin epidemic. Until we can get some kind of control
11 on that, I think you're going to see more and more of
12 this.

13 REPRESENTATIVE BARBIN: And, Mr. Chairman,
14 just one comment on this thing.

15 I think the testimony is clear, we have to
16 do something, because this is a very important issue,
17 especially with Representatives that have a lot of
18 elderly people in their communities where there is a drug
19 problem.

20 And, you know, right now we're letting
21 people, at least in my county, we've had 80 saves.
22 And those saves only last for five hours, and then the
23 five -- it's Narcan. Narcan saves you from fatal
24 overdoses. We had 80. We had 250 people die in a small
25 county.

1 And those people are going back out after
2 five hours, they're still addicted. They're not
3 rational. And you've got to expect that they're going to
4 have to go somewhere for the money, because they'll need
5 their fix.

6 REPRESENTATIVE MARSICO: Representative
7 Costa.

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

10 Thank you, Mr. District Attorney. It's
11 good seeing you again, sir.

12 MR. STEDMAN: Yes, sir.

13 REPRESENTATIVE COSTA: Basically, my
14 question to you would be, how can we make this Bill
15 stronger?

16 As a former police officer, I know that a
17 lot of D.A.s do a lot of bargaining. And my fear is a
18 plea bargain to, you know, get around this five-year
19 minimum. Like even with the gun, five years on the gun,
20 and things like that.

21 So my idea is, okay, if a burglary is five
22 to ten, would it help if we did an additional onto that?
23 This way once they've committed the burglary, they went
24 in, committed a crime, there's your burglary, there's no
25 getting away from it.

1 So my idea is to try to make sure that we
2 have the ability to keep less liberal district attorneys
3 than you are in track with what we want, what the
4 legislator is asking or demanding in this case.

5 MR. STEDMAN: I think that's a really good
6 question. I think I'll point out that, you know, the
7 mandatories and how serious district attorneys take
8 those, I don't have policies that we apply them in every
9 case. You know, you have to look at the circumstances of
10 each individual case.

11 So, for example, a son breaks into the
12 parent home because he has an addiction. You know, we're
13 going to treat that much more differently than the
14 stranger. That's not necessarily one that you're going
15 to pursue the mandatory, depending on, you know, what the
16 parents have to say about it and where we go.

17 I think all stranger house burglaries
18 should be penalized much more severely than what we have,
19 let alone -- I think that's more of the problem than
20 this.

21 And I don't mean to take away from this.
22 This is extremely helpful. But whether somebody's -- you
23 know, you don't even know, many times, whether they were
24 armed when they came in or not.

25 But what we see is, and what I see, we have

1 homicide after homicide, it's all over the state. I
2 don't think some -- many of these they don't break in to
3 kill anybody. They break in for money.

4 But then if there's resistance and they
5 happen to get the upper hand or they did carry a gun. I
6 mean, we had one in the southern end of Lancaster County,
7 three guys went in and broke into a guy's house because
8 they had heard he had a lot of cash. You know, they
9 ended up shooting him to death because he resisted.

10 And I'm not convinced -- you know, only
11 they know whether they went in to kill or not, but
12 everything indicated that they went in to rob. So, you
13 know, our sentencing guidelines for a first offense
14 stranger house burglary call for one to two years in jail
15 in the standard range.

16 And you talk about plea bargaining, so
17 typically what they get is county prison. And that's
18 just -- I mean, for a felony of the first degree that a
19 citizen without trial has a right to give the death
20 penalty to somebody under the circumstances, you know,
21 but we catch them and we give them months or a year in
22 jail, I just don't -- this one more than any other crime
23 stands out for me, I've been doing this for 25 years, as
24 just severely -- it's just underpenalized for the
25 consequences to it.

1 And I would emphasize the distinction
2 between the house burglar and the business burglar. I'm
3 not saying go out and commit business burglaries,
4 obviously. Because you don't have that danger. You
5 know, people go to work, and it's not their castle, it's
6 not their home.

7 This particular Bill, I mean, you could do
8 the enhancement. You could make it, say, have this five
9 years consecutive to whatever they get for the burglary
10 itself, the burglary offense, so it's an additional
11 sentence on top of that. You could do a lot of different
12 things.

13 Some states, I think it's Delaware, have
14 graduated mandatory penalties for repeat offenders. So
15 if you did it once, you get this. If you did it a second
16 time, you're convicted, you get this mandatory. Third
17 time, and they start stacking them. You could start
18 doing that.

19 Because a lot of these guys, they --
20 I mean, it just isn't all that often we just kind of
21 convict a guy with one burglary. I mean, typically
22 they've done a lot more, and typically they've done a lot
23 more than what we catch them for.

24 So there's a lot of options. And, you
25 know, this is something I feel very, very passionate

1 about.

2 And the one thing to keep in mind is, and
3 we are mindful of prison costs and everything like that,
4 one thing to keep in mind, we can get this data, but just
5 sort of anecdotally, the number of house burglars
6 compared to the number of drug dealers is really quite
7 infinitesimal. And, you know, I would much rather look
8 at reforms in the drug sentencings for the lower-level
9 dealers.

10 These are the guys, and I think everybody
11 agrees, when it happens to you, and that means it's
12 somebody's family member, they want them to go to jail,
13 they want them to go to jail for a long time. And one of
14 the reasons is because what I talked about, duration.

15 I mean, we put people in jail for a long
16 time for making a decision in a half a fraction of a
17 second with terrible consequences. But, you know, they
18 made a poor decision.

19 These guys have plenty of minutes, at
20 minimum. Sometimes we have cases where they go in there
21 and they stay and they have a meal and they'll watch TV
22 if the family is away. And they'll stay there for hours
23 to think about this and to change their mind and they
24 stay, and then all too often they come back.

25 So, I mean, that's a great question. I

1 would absolutely look forward to working with anybody
2 that wants to talk about how we can make our burglary
3 sentences more severe and more meaningful, and, thus,
4 protect our communities.

5 We talk about -- the mention about the
6 senior citizens become vulnerable to these things. A lot
7 of these people, they can't run when that person comes
8 in. Some people have that option. But some -- you know,
9 many don't. And in the senior community, they're stuck
10 there. And that's it.

11 And for many of them, I mean, they're
12 scraping by to stay in the home that they have, and
13 they're not going to have the ability like the woman I
14 talked about who could move. She had the financial
15 ability to move. I mean, this is where they are. And
16 now that they're -- I mean, it is of such a personal
17 invasion, even if it's not a physically violent crime.

18 REPRESENTATIVE COSTA: Thank you, Mr. D.A.
19 That's why you're one of my favorite D.A.s in
20 Pennsylvania. You have a common sense approach and you
21 have the compassion to match with it.

22 Thank you, sir.

23 MR. STEDMAN: I do appreciate it.

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

1 MR. STEDMAN: Thank you, sir.

2 REPRESENTATIVE MARSICO: Representative
3 White.

4 REPRESENTATIVE WHITE: So I just wanted to
5 make sure that folks were aware about the Bill that I'm
6 proposing, House Bill 2018.

7 The Court will be required to sentence a
8 person convicted of home invasion to a minimum mandatory
9 term of five years in prison, for an offense where the
10 victim is 62 years of age or older, and the Court must
11 sentence the offender to a mandatory minimum of 10 years
12 in prison. So that, you know, I think is certainly more
13 than obviously what we have currently.

14 And I just wanted to see what your thoughts
15 were when it does -- in your experience when it comes to
16 seniors in particular. Like, you were just mentioning
17 that they're preyed upon, they're more vulnerable. And
18 what has been your experience in such cases when there
19 has been a home invasion of a senior?

20 MR. STEDMAN: Well, the one case I talked
21 about with the three young men that went to the house,
22 I think he was -- he was in his 60's or early 70's and he
23 resisted. I mean, that was his castle, and he didn't
24 win. And he paid with his price -- paid the price with
25 his life.

1 I forgot, I did read your thing, and I
2 appreciate that you did have the tenure, because you're
3 thinking ahead to the question, and that's brilliant, and
4 it should be that way.

5 They're all victims, and it depends on the
6 person. It really does. I mean, you can have
7 somebody -- the ones I talked about, these are young
8 women in their 20's. One is alive and one paid with her
9 life. And -- but their families go on, and they've got
10 to endure this stuff.

11 But I think everybody has somebody, their
12 parent, grandparent, whatever, you know, our society
13 needs to protect the most vulnerable, and we've got to do
14 more there.

15 Your Bill certainly helps. They're all
16 -- all of these home invasions are bad to me, regardless
17 of the age. It just makes it a little bit worse.

18 REPRESENTATIVE WHITE: Okay.

19 MR. STEDMAN: So, yes, you could build that
20 into it. I appreciate that.

21 REPRESENTATIVE WHITE: Okay.

22 REPRESENTATIVE MARSICO: Any other
23 questions for Mr. Stedman?

24 Representative Vereb.

25 REPRESENTATIVE VEREB: Thank you,

1 Mr. Chairman.

2 Representative Barbin kind of hit on the
3 subject that I was going to hit on.

4 Just to follow up on that, I don't think
5 there's a county in this Commonwealth that isn't dealing
6 with what Johnstown is. You know, before heroin there
7 was burglary, and after heroin there's going to be
8 burglary.

9 And I think it's very important for this
10 Committee to steer clear of why someone burglarizes in
11 terms of what disease or what challenge in life they're
12 facing. The bottom line is, burglary is burglary.

13 I was talking to my colleague,
14 Representative Stephens, he's a former prosecutor. Just
15 enlighten me on currently, if you could, burglary with
16 someone home, burglary with intent to commit some other
17 type of bodily crime, are there separate gradings for
18 that currently?

19 And if there are, have we seen -- from the
20 opioid perspective, have we seen that as an offering to
21 the Court for some type of a plea deal in other counties
22 of Pennsylvania?

23 MR. STEDMAN: Okay. Those are really good
24 questions. So there's a distinction in gravity score
25 under the sentencing guidelines for business burglaries,

1 whether somebody is present at the time, and there's also
2 distinctions for house burglaries.

3 So a house burglary with no one present,
4 and a house burglary with someone present. Burglary, by
5 definition, is breaking into, basically, somebody's house
6 with intent to commit the crime therein.

7 Typically, it's a theft is what they intend
8 to commit. Sometimes it's a sexual assault. Sometimes,
9 you know, you can have -- you break into somebody's house
10 to kill them, you're charged with homicide if you kill
11 them. But it's also burglary because you're breaking in
12 to commit a crime therein. So there are distinctions.

13 As far as the -- you make a really good
14 point. There's burglary beforehand, before heroin, and
15 there's going to be burglaries afterwards. And, quite
16 frankly, a lot of them are just from pure greed.

17 You know, I don't -- I can't tell you
18 whether I -- I'd have to look at the numbers and we'd
19 really have to delve down into it to see whether I could
20 tell you whether there's been an uptick. I imagine
21 there's been a little bit of an uptick from the heroin
22 epidemic, but I think it's shortsighted to say that, you
23 know, we have to knee-jerk respond to the heroin to do
24 this.

25 No. This is a just a crime because it's

1 such a dangerous -- it's to civilians, to everybody.
2 Heroin may be the flavor of the month right now that
3 we're going on to -- and I shouldn't have used that
4 because it's not funny in any sense.

5 But it was cocaine that was driving stuff
6 before. And, you know, it will be something -- now we're
7 coming up with synthetic drugs that don't even exist
8 today that we're going to have to deal with tomorrow that
9 somebody needs money to pay for.

10 So I'm not sure what else to say other than
11 I think it's very important for your point to keep -- for
12 us to keep in mind we're going forward, that regardless
13 of whatever the cause is of it, it doesn't matter to the
14 family why that person is breaking in.

15 And that loss of security, that danger -- I
16 mean, could it be worse? Is it better because they're
17 breaking in because they have a drug habit because
18 they're using illegal drugs? Does that make it better?
19 I don't even see how that makes it better.

20 Is it greed versus that? I mean, to me, it
21 doesn't make a difference. And we've got to protect the
22 people that aren't committing crimes, the people that are
23 abiding by the law.

24 So I don't know whether that really
25 responds directly to what you're asking or not. I

1 started going off on stuff because I feel so passionately
2 about this.

3 But you were asking about the different
4 gradings and then heroin. Did I --

5 REPRESENTATIVE VEREB: Yes. You know
6 all -- I mean, I think you know me well, I like to go off
7 as well.

8 But I -- in this particular matter, as you
9 testified, I think as we approach National Police Week, I
10 think of Officer Ed Setzer.

11 And a guy that was working in a building,
12 had a full-time job, had no drug addiction, and was going
13 into Lower Merion Township, in the Gladwyne area,
14 burglarizing homes. And ultimately knelt on the chest of
15 Officer Setzer and executed him in broad daylight in a
16 very wealthy community.

17 So I just think for purposes of this
18 legislation as we move ahead, clearly opioid abuse is an
19 issue. I may respectfully -- and I'm not sure why we're
20 dealing with it in the Health Committee, but the reality
21 of it is there has to be the recidivism issue, there has
22 to be -- there has to be judicial -- criminal justice
23 interaction with how we're going to deal with opioid
24 addiction moving forward.

25 And the magical word is recidivism. Which

1 I think when you go to steal a six-pack of Red Bull at
2 CVS for your addiction, it's a lot different than
3 breaking into someone's house and taking it out of their
4 refrigerator.

5 And just, you know, as we tend to focus on
6 the here and now. And whatever that silver bullet is
7 going to be for the silver lining, whatever we're going
8 to call it, for opioid abuse, long after we try to figure
9 it out, it might cure itself on the street just to go to
10 a different drug, but we're still going to have
11 burglaries.

12 And I just forever -- every Police Week --
13 I was working that day, and I'll just never forget it,
14 that a guy with a full-time job with healthcare, working
15 directly across the street from the police station,
16 driving into Lower Merion, executes a cop and goes back
17 to work.

18 So it's not just -- while the percentages
19 are up with opioid-related burglaries, no doubt, my
20 nephew to be included, I think that, you know, the maker
21 of this is doing a great job not looking at the current
22 environment, but the current wrongs to our victims that,
23 once again, the system serves.

24 So thank you, Mr. Chairman.

25 MR. STEDMAN: That's perfect. If I may

1 just sort of say, I mean, you really hit the nail on the
2 head there, I mean, it's quite sobering. There are
3 stories like that everywhere, unfortunately. And, you
4 know, we just have to do better.

5 There are other states that look at -- you
6 mentioned the recidivism that you can have mandatories
7 where you've done it before, you've done it the second
8 time, here's what you're going to get the third time you
9 do it.

10 Because, honestly, what happens, we see
11 guys coming in with 15, 20, 30 burglaries, and they end
12 up really getting sentenced for like maybe two or three
13 of them.

14 And I'm overgeneralizing, but, you know,
15 it's almost like the more they do and the more they get
16 caught for, it's just like it's a free crime, and it's
17 not free for those victims that have to go on. So --

18 REPRESENTATIVE VEREB: You made my day.
19 You called me excellent and perfect.

20 And, Mr. Chairman, that's...

21 (Laughter.)

22 REPRESENTATIVE MARSICO: That was quite a
23 start there.

24 Representative Davis.

25 REPRESENTATIVE DAVIS: Thank you.

1 Thank you. Oh, sorry.

2 I just wanted clarification on the word
3 "home invasion." Does that cover if I was visiting
4 somebody and sleeping over, or does that cover if I
5 rented a house down the shore? Or is it simply the house
6 I either rent all the time or live in?

7 MR. STEDMAN: It's if a person present is
8 what they're --

9 REPRESENTATIVE DAVIS: That's all?

10 MR. STEDMAN: So, yes. If a person's
11 present when you're breaking in, then they differ. You
12 have different gravities for it. It's more serious than
13 if a person isn't. It doesn't actually have to be the
14 actual owner.

15 REPRESENTATIVE DAVIS: Okay. I just wanted
16 to -- and hotel rooms, too?

17 MR. STEDMAN: Yes.

18 REPRESENTATIVE DAVIS: Okay. Thank you.

19 REPRESENTATIVE MARSICO: Representative
20 Stephens.

21 REPRESENTATIVE STEPHENS: Thank you,
22 Mr. Chairman.

23 Check, check, check the mic. Thanks.

24 Yes. I appreciate your testimony about the
25 impact on victims. And like you, I have sat with a lot

1 of victims in burglaries.

2 And one thing that I was always -- that
3 always struck me is, I had a woman explain that every
4 time she walked into her home -- they were not home when
5 the home was burglarized, but every time she walked in
6 the home thereafter, the first thing she did was go and
7 look behind the shower curtains and look in the closets
8 and everything, because she was never -- never secure in
9 her home again, never felt as though she was safe, and
10 always wondered if someone was in there.

11 Can you talk -- and I'm sorry to put you on
12 the spot, and I know it drifts a little bit tangentially
13 from the focus of the Bill, but as it relates to the
14 guideline of grading increases for person present, can
15 you just talk to me a little bit.

16 So someone breaks into the house at night
17 to go steal something from the house. I mean, if it's
18 2:00 in the morning and all the lights are out, is it --
19 is that then charged and graded ultimately at sentencing
20 as person present or, I mean, do you have to prove that
21 the individual affirmatively knew at the time they went
22 into the house that there was, in fact, a person present?

23 MR. STEDMAN: No, it's whether it was
24 occupied. But we have to be able to prove that if the
25 person was sleeping, you know, it would be fact specific

1 as to whether we could prove that that break-in occurred
2 when they were there or not.

3 So it would be -- it was -- they don't have
4 to actually threaten anybody, they don't have to wake up
5 anybody. It's whether -- the word is whether occupied or
6 unoccupied.

7 And sometimes what we do -- actually, we've
8 seen cases, you probably saw cases, where a homeowner is
9 coming home and somebody is going out the back door, and
10 then you have a big fight about it, and we'll see. But,
11 no, they don't have to actually wake them up.

12 REPRESENTATIVE STEPHENS: So in reality,
13 then, the way that our current grading scheme is
14 structured doesn't really provide any deterrent effect.

15 Because, in that instance, the individual
16 breaking in wouldn't know whether or not there was
17 someone home or they were on vacation, yet they'd still
18 be hit with the person present or person not present,
19 depending on what the circumstances were.

20 So the reason I ask is I wonder if that
21 might be something we should take a look at and maybe
22 even eliminate that provision and just adopt a higher
23 grading for any type of burglary.

24 MR. STEDMAN: I think that's exactly the
25 perspective that I have, that many times they don't know

1 and they don't really care whether somebody is in there.

2 And sometimes they do, sometimes they ring
3 the bell. They -- you know, oh, I'm -- if somebody
4 answers, they'll say, Oh, is Jim here? And then they
5 move on.

6 Sometimes it might be a senior citizen who
7 just can't get up and answer the door, and then they go
8 in and now, you know, we'll see what happens, you know,
9 what they're willing to do.

10 And that, to me, goes back to sort of what
11 I was talking about, the premeditation, the planning.
12 They have time. They have to go to that place, pick that
13 place out. They're not stumbling around and, you know,
14 accidentally breaking into somebody's house. You picked
15 that house for whatever reason. You go in, and you're
16 going to do whatever you want.

17 So, to me, the violation occurs at the door
18 when you're going in, whether somebody is in there or
19 not. Is it worse if somebody is in there? Yes, it is.
20 But the criminal's state of mind is really the same.
21 You're breaking in to steal.

22 Now, the exception is are you breaking in
23 with a specific target to kill somebody or, you know,
24 sexually assault somebody or something. Obviously, you
25 know, a different situation, and we can typically take

1 care of them.

2 But, to me, what we need to strike out
3 against on, really more severely than we are, is that
4 stranger house burglar, whether or not somebody's home.
5 Is it worse when somebody's home? It is, and it should
6 be penalized worse, perhaps.

7 But I really think we need to sort of
8 change the viewpoint to more of your perspective. As a
9 prosecutor, you've seen that. You guys have seen that.

10 REPRESENTATIVE STEPHENS: All right.

11 Thank you very much. I appreciate it.

12 REPRESENTATIVE MARSICO: Any other
13 questions? Members?

14 I have a question.

15 MR. STEDMAN: Yes, sir.

16 REPRESENTATIVE MARSICO: In one of your
17 previous responses to one of the member's questions you
18 had mentioned that there should be an increase in
19 sentencing, enhancing sentencing for lower-level drug
20 dealers.

21 Did you mention that?

22 MR. STEDMAN: What I was talking -- what I
23 was trying to make a comparison that, to me, you know,
24 one of the things we have to be conscious of, you know,
25 I'm not naive in the discussions of increasing penalties

1 for some, we have to look at down-the-line prison costs,
2 you know, what are the costs. And, of course, there's
3 cost to victims.

4 And what I was trying to say is, I don't
5 have the statistics, but I know the Sentencing Commission
6 could get them. The number of offenders we have for drug
7 offenses astronomically outweighs the number of burglar
8 offenses.

9 And if you ask me which one belongs in the
10 state prison for a lot longer, it's always going to be
11 the stranger house burglar, unless you're talking about,
12 you know, one of your highest level drug dealers in the
13 state. And I think that was the point I was trying to
14 make.

15 REPRESENTATIVE MARSICO: In your
16 experience, though, do you think that the drug dealer
17 sentencing guidelines are stiff enough now?

18 Heroin dealers that sell a certain amount
19 over the grams of -- there was a mandatory, as you know.

20 MR. STEDMAN: Right.

21 REPRESENTATIVE MARSICO: And now that's
22 down. We reintroduced with Representative Stephens,
23 I believe, we introduced a mandatory Bill with the drug
24 dealers selling a certain amount of heroin, certain
25 grams, et cetera. I forget the amount.

1 But do you think that's strong enough or do
2 you think that should be changed at all?

3 MR. STEDMAN: Look, let's call it the way
4 it is, drug dealers are killing people. And particularly
5 now with heroin, everyone says it's a nonviolent crime.
6 That's just a bunch of crap. And people are dying from
7 it. And it enrages me when I see that kind of dialogue.

8 Now, is there a distinction between some of
9 the drugs? Are some drugs worse than others? Yes. So,
10 to me, do certain ones deserve more penalty than others
11 based on the drug? Yes.

12 I think you have to look at what -- what a
13 person's prior record is. I think, you know, any
14 mandatory scheme has to consider that. The old one did.
15 I think the new -- I'm not exactly sure what was
16 proposed, but I think the new one has that encompassed in
17 there.

18 When we start knowing them by first name,
19 when they've been in the court so many times, I mean, the
20 drug dealers are -- it's a major business. And this
21 seems to be the discussion, nationally has lost focus on
22 the fact that prosecution enforcement is part of the
23 solution.

24 It's not the only part of the solution.
25 You need prevention, education, but you also need the

1 deterrence and the enforcement to really -- to be able to
2 hammer the guys that are delivering a lot.

3 I mean, that's something that I think you
4 might have a difference of opinion from some of the D.A.s
5 in the Association.

6 Obviously, I didn't come here today
7 expecting to talk about the drug penalties. But I think
8 what you'd have is we'd be united in feeling that we need
9 some of those drug mandatories back, and maybe some of
10 them should be increased.

11 Whereas, taking a new perspective on some
12 of the ones that we say, well, maybe we really don't need
13 this. It's a first-time offender, it's marijuana, it's a
14 small amount. Maybe we do deserve to put that person in
15 a second chance.

16 So I think you'd have some sort of
17 realistic response, and I'd be happy to work with the
18 Association and come back with something on that.

19 I mean, personally, I just want to make
20 sure that enforcement is part of the dialogue going
21 forward in dealing with the heroin problem.

22 It can't just be Narcan, which we support.
23 I have it in every police department in my -- in my
24 county gets Narcan. But he pointed out a good thing.
25 There's -- nothing happens to them when they revive,

1 so...

2 REPRESENTATIVE MARSICO: Well, thank you
3 very much.

4 MR. STEDMAN: Yes, sir.

5 REPRESENTATIVE MARSICO: I didn't mean to
6 put you on the spot there.

7 MR. STEDMAN: No, I'm happy to talk about
8 it. I just --

9 REPRESENTATIVE MARSICO: I wanted to get
10 your input there. It's very valuable.

11 MR. STEDMAN: Yes, I'm just thinking about
12 Ashley in the back here and the rest of the Association
13 and making sure that I'm saying -- that I'm keeping in
14 line. So I'm speaking for myself on the drug thing.

15 REPRESENTATIVE MARSICO: Yes.

16 MR. STEDMAN: The burglary gets the stamp
17 of approval of the Association. So --

18 REPRESENTATIVE MARSICO: Well, thank you,
19 Craig, and thanks for the great job you do for --

20 MR. STEDMAN: Thank you, sir.

21 REPRESENTATIVE MARSICO: -- the
22 constituents of Pennsylvania and Lancaster County.

23 Thank you. Thanks for your time.

24 Our next testifier is Jack O'Hara. Jack is
25 the president of the Bustleton Civic League.

1 Okay. Jack is running a few minutes
2 behind.

3 We're just going to change our testifier.
4 Ms. Anastasiya Vengerowsky.

5 Is that close?

6 MS. VENGEROWSKY: Yes, sir. Thank you for
7 having me.

8 REPRESENTATIVE MARSICO: Sorry about that.
9 Marketing Director/Patient Liaison with the
10 Helping Hand Hospice, Incorporated, here at the Helping
11 Hand Home Health Care Agency.

12 Welcome, and thanks for being here.

13 MS. VENGEROWSKY: Thank you.

14 REPRESENTATIVE MARSICO: You may begin.

15 MS. VENGEROWSKY: Is this the right
16 distance? Okay.

17 So, as you've noticed, I'm not Artem
18 Ustayev, who is the CEO of Helping Hand Home Health &
19 Hospice, but I am that second confusing name on that
20 paper.

21 So this was a little unexpected for me, and
22 I cannot come here and offer you any new statistics or
23 any new facts about this information that you don't
24 already know. All I can offer is two -- over two
25 years of personal experience of dealing with seniors on a

1 daily basis.

2 And let me start by saying that as Helping
3 Hand Home Health & Hospice, we are a hundred percent in
4 support of this legislature.

5 As an agency, Helping Hand Home Health &
6 Hospice services over 500 seniors in the Philadelphia
7 area and the surrounding counties. In addition, with the
8 events that we both host and attend, we see over a
9 thousand seniors on a monthly basis, at least.

10 So we all know that a lot of the seniors
11 have a desperate need for independence. So many of them
12 take advantage of the state-funded personal assistance
13 programs, such as the Waiver Programs, in order to remain
14 in their homes and in their communities.

15 What astonished me is when we were first
16 asked to come speak here today and we had this discussion
17 inside our office, the amount of people that had personal
18 stories to share about their neighbors, and, perhaps,
19 even relatives, being victims of such crimes.

20 It's not a secret that seniors are easy
21 targets. From our experience, an overwhelming amount of
22 them live alone. Many receive services such as ours, not
23 to mention visiting physicians and other government
24 services.

25 So they constantly have people walking in

1 and out of their homes, and oftentimes it's -- they're
2 not really knowing who to expect. So it can be a nurse,
3 but maybe it's a different nurse on a different day.
4 Same thing with home health aides. Again, just speaking
5 from the services that we offer through our agency.

6 So they're welcoming to those people, and
7 it makes those people or people who are actually there to
8 victimize them very easy to mask themselves.

9 In addition, most seniors welcome any type
10 of help, and even any type of basic human interaction.
11 So any time there's a door-to-door salesman or, again,
12 anyone coming to offer help, they often open the doors
13 and welcome them with open arms.

14 With that said, a lot of seniors also have
15 poor memory. So in my experience, if you -- if I meet
16 someone at an event or maybe if you just speak to them on
17 the phone, introduce myself, a week later they may not
18 remember. They may remember that they spoke to someone,
19 but not exactly who it was, what their name was or what
20 they looked like. Again, making these perpetrators very
21 easy to mask themselves.

22 So sorry, I just kind of lost my track of
23 thought.

24 Also, from our experience, again, seniors
25 have, if any, but less modern home security systems, and

1 they are known to keep cash and other prized possessions
2 in their home.

3 And, lastly, I think that the thing that
4 resonates with me most that I've learned, again, as being
5 part of this business, is that we often look at seniors'
6 families for help and support. But a lot -- very often
7 the family -- the families are actually the ones who are
8 victimizing the seniors.

9 So whether they're -- you know, it's a, you
10 know, a teenager who's passing out to his friends My
11 grandma lives down the street, she keeps her cash under
12 her mattress. Or even, you know, older individuals,
13 kids, aunts, uncles, whatever. Unfortunately, we see
14 that as often being the case.

15 So, in conclusion, with the aging
16 population expected to double in the next decade or so,
17 and, thus, more crimes on seniors occurring, we at
18 Helping Hand Home Health & Hospice are a hundred percent
19 in support of the legislature in hope that more severe
20 punishment will deter some of the criminals from
21 committing these heinous acts against the seniors.

22 REPRESENTATIVE MARSICO: Thank you.

23 MS. VENGEROWSKY: Thank you.

24 REPRESENTATIVE MARSICO: Well done.

25 Questions, members?

1 (No response.)

2 REPRESENTATIVE MARSICO: All right. That
3 was very well done. Thank you very much for being
4 here and --

5 MS. VENGEROWSKY: Thank you.

6 REPRESENTATIVE MARSICO: -- providing
7 testimony.

8 MS. VENGEROWSKY: Thank you.

9 And we are more than happy to, you know, be
10 of assistance in the future. Because, like I said, we do
11 have a lot of personal experience with the seniors of
12 Philadelphia.

13 Thank you.

14 REPRESENTATIVE MARSICO: Thank you.

15 I believe Jack O'Hara has arrived. Is that
16 correct? Jack is here.

17 Jack is with the Bustleton Civic League.
18 He's the president.

19 Jack, welcome, and you may begin your
20 testimony.

21 MR. O'HARA: Thank you.

22 Thank you for the invite. Like you said,
23 I'm the president of the local Civic League, the local
24 RCO, the Greater Bustleton Civic League.

25 And a lot of our members are seniors. They

1 show up to these, our monthly membership meetings,
2 regularly. They demonstrate the largest segment of the
3 audience. So they're very interested and concerned about
4 what's happening in the neighborhood.

5 And every month we hear some story, some
6 scam that someone was involved in, and someone will -- I
7 always try to get them to share the stories for the rest
8 of the audience's benefit.

9 But they'll tell the story how they
10 were -- where a scam was attempted where someone
11 solicited them with something, it was, you know, a vapor.
12 There was a story last year where someone was -- got
13 the -- got the husband to go in the back, watch them go
14 up a ladder on the house while someone was in the front
15 of the house going through the house.

16 They get scammed in the parking lots around
17 here. Someone will come up -- they come out of the Acme
18 and someone comes up to them and asks them about some
19 trouble they're having with their car or some new trouble
20 will occur with the car. So they are targets.

21 I don't work with seniors, you know, like
22 probably some of the other people do, they have probably
23 closer experience. But, you know, I'm very sensitive to,
24 you know, to the stories that they tell me.

25 And I don't think they're -- the ones I

1 know are very sharp in the mind. They might not move as
2 quick, they might not be physically as limber, but a lot
3 of them are sharp. But they are preyed upon, and I hear
4 the stories all the time.

5 I also agree, and I've read this, but I
6 agree with it, that I'll -- I think a lot of people
7 are -- the victims of some of these crimes are never
8 reported. You know, I said I've read that, but nothing
9 to really point at, a story to point at. But I have a
10 very good feeling that these events probably happen a lot
11 more often than we're aware of.

12 So to take this scamming to the next step,
13 I mean, it's -- yes, they're very easy, weak targets for
14 someone to -- for a home invasion.

15 It's -- you know, crimes done to seniors
16 and kids, in my opinion, are the worst. They're the top
17 of the list of bad things to do. And they're the weakest
18 of us. And, you know, anything we can do, anything extra
19 we can do to protect them, you know, I am behind a
20 hundred percent.

21 So my contribution today is really -- you
22 know, I don't have anything prepared, but my contribution
23 is conversations I've had with a lot of seniors in
24 Bustleton, in this immediate area here.

25 And I can tell you, it's been -- they are

1 concerned, and there is a lot of them. They're reluctant
2 to install burglar alarms, for whatever reason. You
3 know, maybe it's technology that they don't want to deal
4 with.

5 You know, we can get them to consider
6 lighting, that's an expense. They're, you know, mostly
7 on fixed incomes. So the lighting they'll think about,
8 but burglar alarms or the video surveillance is
9 something, for some reason, they -- doesn't really
10 interest them. So getting them to do those extra steps
11 is something -- another common theme that we bring up.

12 You know, the 7th Police District comes to
13 our meetings every month. And every month they have
14 suggestions on, you know, what to do, what not to do,
15 really common sense crime prevention tips. And, you
16 know, that's a start.

17 But, you know, taking -- you know, for the
18 extra coverage, for the extra protection, you know, for
19 some reason I can't get a lot of the seniors to, you
20 know, listen to a pitch from, you know, from ADP Company
21 or a crime prevention firm. They just aren't interested
22 in that.

23 So they're hesitant in many ways, very, you
24 know, understanding in others, which I think, you know,
25 they're very trustworthy. And, again, they'll open the

1 door and listen to a pitch, you know, a lot quicker than
2 I will.

3 And, you know, as a result of that
4 kindness, you know, and having the time to listen to a
5 pitch, you know, I think it leaves them pretty
6 vulnerable.

7 So I don't know if I can answer any
8 questions.

9 REPRESENTATIVE MARSICO: Well, we certainly
10 appreciate you being here.

11 MR. O'HARA: Yes, sir.

12 REPRESENTATIVE MARSICO: Do any of the
13 members have questions or comments?

14 Okay. Representative White.

15 REPRESENTATIVE WHITE: Jack, how many
16 members do you have in the Bustleton Civic League?

17 MR. O'HARA: There's households and then
18 there's individuals within the households --

19 REPRESENTATIVE WHITE: Okay.

20 MR. O'HARA: -- so we have, you know, 150,
21 60 households. That represents somewhere around close to
22 400 people.

23 REPRESENTATIVE WHITE: Okay.

24 MR. O'HARA: And that's on-the-books
25 members. There's a lot of people that come and attend,

1 that receive our newsletters that are not paid members.

2 It's a good group. And you've attended
3 some of the membership meetings here. We get a pretty
4 decent crowd. I mean, we get -- on a slow membership
5 meeting we get 75 to a hundred people, and if there's a
6 zoning issue, something that's in the news, you'll get a
7 full room here, this room, actually.

8 REPRESENTATIVE WHITE: Jack, I was just
9 curious, you were saying that some of the members there
10 at the meetings, they bring up certain maybe concerns
11 about burglaries or home invasions. And how frequently
12 does that typically occur?

13 Like, how frequently or how many instances
14 have you heard or stories of that nature?

15 MR. O'HARA: I hear at least one story a
16 month at a membership meeting, at least one.

17 REPRESENTATIVE WHITE: Okay.

18 MR. O'HARA: At least one. And people will
19 call me and tell me a story. But, on an average, a
20 minimum of one a month, yes. And some of them are
21 secondhand stories, so I don't even count those.

22 But a recent one was in this -- in the
23 shopping center, at the Acme down the road. A lady came
24 out from shopping, her car didn't work. All of a sudden,
25 some guy appeared and somehow who had helped with her

1 car, and she got scammed somehow.

2 And then one of our own board members had
3 someone saying they were an electric -- Philadelphia
4 Electric. This was I think last fall. That they were
5 just insisting upon getting in the house to check
6 something. She, you know, wisely kept saying no, no, no.
7 And sure enough, this person was completely illegitimate.
8 So --

9 REPRESENTATIVE WHITE: And I guess, at
10 least something that I've noticed in our community, and
11 maybe this is throughout Philadelphia, but specifically
12 in our area, the police are always telling the folks to
13 dial 911.

14 MR. O'HARA: Right.

15 REPRESENTATIVE WHITE: And they tend not
16 to; right?

17 MR. O'HARA: Yes. Yeah. I agree. I
18 think -- I just have this feeling they're -- actually,
19 the lady who told me the story in the parking lot, I told
20 her, Did you call the police? She said, No. She's my
21 next-door neighbor --

22 REPRESENTATIVE WHITE: Right.

23 MR. O'HARA: -- a lady I've known for a
24 very long time. I couldn't talk her into calling the
25 police. And she was absolutely embarrassed by this. And

1 she told me thinking, like, this is something I should
2 know.

3 And I thanked her for it, but she didn't
4 call the police and had no intention to call the police.

5 REPRESENTATIVE WHITE: Well, thank you,
6 again, for being here today. We really appreciate your
7 testimony.

8 MR. O'HARA: You're welcome.

9 REPRESENTATIVE MARSICO: Representative
10 Costa.

11 REPRESENTATIVE WHITE: Oh, Jack.

12 REPRESENTATIVE MARSICO: Jack, one more
13 question.

14 MR. O'HARA: I'm sorry.

15 REPRESENTATIVE COSTA: Jack, thank you for
16 being here. We really appreciate it.

17 I guess one of the things -- I've done many
18 of these citizens things, you know, as an officer and
19 things like that, and one of the things I would tell
20 people, if you have to ask yourself the question should I
21 call 911, there's your answer --

22 MR. O'HARA: Yes.

23 REPRESENTATIVE COSTA: -- you should call
24 911. I'm not sure, I guess your organization is like
25 households and things like that?

1 MR. O'HARA: Yes.

2 REPRESENTATIVE COSTA: If you get 75
3 people -- I know my officers used to go and do the
4 community things and they would read the crime reports.

5 So then what I started doing was, and I
6 continue as a Representative now in the senior
7 high-rises, is, I bring ice cream and we sit around and
8 have an ice cream social, but we encourage them to come
9 down.

10 And then what we do is bring law
11 enforcement in, be it the A.G., the D.A.'s Office, the
12 Police Department, and give them tips and things like
13 that on how to prevent, you know, themselves from being a
14 victim of -- or any crime, as a matter of fact.

15 So that's just a suggestion maybe when you
16 have one of your meetings, advertise it as that. The ice
17 cream and sundaes is really a good idea --

18 MR. O'HARA: Yes.

19 REPRESENTATIVE COSTA: -- because it brings
20 them out.

21 But I truly thank you for your services.

22 MR. O'HARA: Yes.

23 REPRESENTATIVE COSTA: I appreciate it.

24 MR. O'HARA: All right. Well, thank you.

25 REPRESENTATIVE COSTA: Yes, sir.

1 MR. O'HARA: Same experience, though. I
2 mean, we -- you know, we offer sweets here every month,
3 and we --

4 REPRESENTATIVE COSTA: I'll give you my
5 address.

6 MR. O'HARA: -- we do have do's and don'ts
7 literally every single meeting. On the back of the
8 agenda of our meeting I put the crime report. I put the
9 list of crimes that I take off-line for the last four
10 weeks, so they have that.

11 And then, you know, with Captain Gormley
12 from the 7th and myself, always have, you know, a tip
13 list. You know, there's a lot of statistics out there.

14 A lot of the -- a lot of the crimes that
15 are committed are the result of just a lapse of, you
16 know, judgment, you know, leaving your back door unlocked
17 or something. You know, keep the ground floor windows
18 and doors locked. A lot of people, you know, I'm told
19 don't do that.

20 So, yes, a lot of common sense tips, yes.

21 REPRESENTATIVE COSTA: Well, I think that,
22 you know, like I have the -- generally, the officers, the
23 D.A.s or the A.G.s, and they are available for questions
24 and answers. And they kind of like that, because then
25 they start engaging with each other in the audience --

1 MR. O'HARA: Yes.

2 REPRESENTATIVE COSTA: -- and it really
3 gets their interest. And believe it or not, they've
4 asked for more of that stuff. So just a suggestion. So
5 anything I can do to help you.

6 MR. O'HARA: Yes. No, thank you. Thank
7 you. We're always open to that.

8 REPRESENTATIVE COSTA: All right.

9 Thank you, Jack. I appreciate it.

10 REPRESENTATIVE MARSICO: Thanks very much,
11 Jack.

12 MR. O'HARA: Okay. Thank you.

13 REPRESENTATIVE MARSICO: We are waiting for
14 the FOP.

15 But we're up here having a discussion
16 about -- since we have Craig here, we have some more
17 questions. Since you're still here, if you don't mind
18 coming up.

19 REPRESENTATIVE COSTA: I told you to leave.

20 REPRESENTATIVE STEPHENS: Can we make this
21 like a game show where we just throw out a subject?

22 REPRESENTATIVE MARSICO: Yes. Well, I'm
23 going to throw a couple out here.

24 Seniors have a lot more drugs in their
25 homes. Do you think they're targeted for that reason?

1 They could be, perhaps, maybe?

2 MR. STEDMAN: I haven't heard that yet.
3 It's a very good point. I mean, that's why it's
4 important that we have the prescription drug programs to
5 take things back statewide. It certainly is a driver of
6 the heroin epidemic.

7 So the problem we have with keeping
8 statistics in looking at metrics for burglaries is they
9 go down as a burglary, and it doesn't say that it was
10 motivated by drugs. Same thing with most of your
11 convenience store robberies. Most of those are -- many
12 of them are drug related. But the crime statistic comes
13 back as a robbery, not a drug crime.

14 So that's something that we could
15 certainly, you know, ask the Association and see. I have
16 not heard of that, but it wouldn't surprise me. I mean,
17 it really wouldn't surprise me.

18 REPRESENTATIVE MARSICO: Yes.

19 MR. STEDMAN: That's -- yes, that would be
20 something that would be quite possible.

21 REPRESENTATIVE MARSICO: Another thing is,
22 too, the small business owners, many of them are
23 mom-and-pop-type retail outlets, and they probably do
24 bring cash home at times.

25 Do you have any -- do you know if they're

1 targeted or have you had any cases like that at all?

2 MR. STEDMAN: Yes. The -- that homicide I
3 spoke of in my initial testimony, the guy -- the story
4 was that he had been retired and that he kept all his
5 cash in his house.

6 REPRESENTATIVE MARSICO: Right.

7 MR. STEDMAN: In fact, he did, and that's
8 what motivated it. So it absolutely -- he was a senior
9 citizen and, you know, I think that -- some of it's
10 generational. A lot of those people are going to keep
11 their stuff at home. And he was absolutely targeted
12 because he kept his cash in his home, and there's just no
13 question about that.

14 REPRESENTATIVE MARSICO: One more question.

15 MR. STEDMAN: Yes, sir.

16 REPRESENTATIVE MARSICO: If you have two
17 prior convictions, two strikes, how does that fit into
18 the mandatory? When this --

19 MR. STEDMAN: For this?

20 REPRESENTATIVE MARSICO: Yes.

21 MR. STEDMAN: I -- as far as I've read, it
22 wouldn't matter if there was a prior record. I thought
23 this was a five-year mandatory, regardless of prior
24 record is the way I read it.

25 The sentencing guidelines would go up for

1 the person, but, you know, if you're asking me would I
2 like to see a mandatory for repeat convicted burglars,
3 the answer is yes. I know Delaware does it, Virginia
4 does it.

5 But I think this actual Bill, it's just
6 first offender, everyone gets the same penalty no matter
7 how many times they've done it, which is good. It's
8 just, to me, it's a start, and it's worthwhile.

9 But, yeah, recidivism, the thing for me is
10 the repeat, the violent offenders, the ones -- the sexual
11 abuse and the ones that are picking on children and
12 seniors, and you hit a lot of those with house burglars.

13 REPRESENTATIVE MARSICO: Okay. Any
14 questions while we have one of the top prosecutors in the
15 Commonwealth here?

16 I need to say that again. Any other
17 questions while we have one of the top prosecutors in the
18 Commonwealth here?

19 (No response.)

20 REPRESENTATIVE MARSICO: Hearing none? No.
21 Once again, thank you.

22 MR. STEDMAN: Thanks.

23 REPRESENTATIVE MARSICO: I appreciate your
24 time.

25 MR. STEDMAN: I'll come back in a few more

1 minutes.

2 (Laughter.)

3 REPRESENTATIVE MARSICO: We're going to
4 take a short break.

5 (A recess was taken from 2:14 p.m. to
6 2:16 p.m.)

7 REPRESENTATIVE MARSICO: We were just
8 informed that the FOP will not be here today. He will
9 provide testimony, written testimony on the Bill.

10 So, once again, we want to thank all the
11 testifiers. And we also want to thank the American
12 Heritage Federal Credit Union for hosting us today.

13 Any other comments from the members?

14 (No response.)

15 REPRESENTATIVE MARSICO: So this concludes
16 the hearing.

17 Thank you very much.

18 (The proceedings concluded at 2:17 p.m.)

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CERTIFICATION

I, DIANNA R. PUGLIESE, Registered Merit Reporter, Certified Realtime Reporter, Certified Shorthand Reporter, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

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