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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON PUBLIC SAFETY

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, November 27, 2007
1:20 p.m.

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PRESENT:

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COUNCILWOMAN DONNA REED MILLER, CHAIR

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COUNCILWOMAN JANNIE BLACKWELL

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COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN WILLIAM GREENLEE

COUNCILMAN JAMES F. KENNEY

COUNCILWOMAN JOAN L. KRAJEWSKI

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BILL 070949 - An ordinance amending Title 10
of The Philadelphia Code, entitled "Regulation
of Individual Conduct and Activity," by
amending Chapter 10-300, entitled "Minors," by
adding a new Section prohibiting minors from
soliciting contributions of any kind on any
roadway...

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COUNCILWOMAN MILLER: Good

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afternoon, everyone. The Committee on

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Public Safety is now in session. My name

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is Councilwoman Donna Reed Miller and I

6

am Chair of this Committee.

7

Would the Clerk please read the

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title of the bill.

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THE CLERK: Bill No. 070949,

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amending Title 10 of The Philadelphia

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Code, entitled "Regulation of Individual

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Conduct and Activity," by amending

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Chapter 10-300, entitled "Minors," by

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adding a new Section prohibiting minors

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from soliciting contributions of any kind

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on any roadway, by adding a definition,

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and by providing for enforcement and

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penalties, all under certain terms and

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conditions.

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COUNCILWOMAN MILLER: Thank

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you.

22

I'd like the record to reflect

23

that in attendance is Councilman Darrell

24

Clarke, who has been appointed by the

25

President to this Committee today, to my

1 11/27/07 - PUBLIC SAFETY - BILL 070949
2 right, Councilman Bill Greenlee, and to
3 my immediate right, Councilwoman Jannie
4 Blackwell, and myself, and that we have a
5 quorum.

6 I'd like to begin by thanking
7 all those in attendance. This bill has
8 been introduced to protect our children.
9 The sponsor of the bill had to leave City
10 Hall earlier today with an emergency, so
11 she's not here, but I will express some
12 of her sentiments.

13 We support our children in all
14 of their fundraising efforts. However,
15 their safety is paramount. It's our
16 intention to keep the children out of the
17 dangerous streets and out of harm's way.

18 With that in mind, would any
19 other Councilmembers like to make any
20 opening remarks?

21 (No response.)

22 COUNCILWOMAN MILLER: Okay.
23 We'll call our first witness and only
24 witness.

25 Councilman Clarke, do you want

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2 to make remarks?

3 COUNCILMAN CLARKE: I'll wait
4 until the witness testimony. I had some
5 questions about why we're only doing
6 minors.

7 COUNCILWOMAN MILLER: Oh, okay.

8 Will Lieutenant Healy of the
9 Philadelphia Police Department please
10 move up to the table and move the mike
11 close and identify yourself.

12 LIEUTENANT HEALY: Ready?

13 COUNCILWOMAN MILLER: You can
14 start.

15 LIEUTENANT HEALY: Good
16 afternoon, Madam Chairperson and other
17 members of the Committee on Public
18 Safety. My name is Lieutenant Francis
19 Healy and I'm a special advisor to the
20 Police Commissioner. On behalf of
21 Commissioner Johnson, thank you for
22 allowing the Police Department the
23 opportunity to voice its support for this
24 bill.

25 As we all know, children often

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2 solicit funds for a wide range of
3 activities and causes ranging from soccer
4 camp to fighting cancer. While
5 soliciting for these activities and
6 causes are worthwhile and admirable, many
7 children unwittingly place themselves in
8 incredible danger while doing so. I'm
9 certain we've all had the occasion to
10 witness children dart into traffic or
11 even stand in moving traffic to collect
12 donations.

13 The purpose of this legislation
14 is clearly to protect children. Unlike a
15 similar law on the state level, this bill
16 focuses upon children, and rightfully so.
17 Children are smaller, less visible to
18 drivers and are completely unaware to the
19 extent of injuries that can happen even
20 for a slow-moving vehicle. This is why
21 the Police Department fully supports this
22 legislation.

23 There is no intent to restrict
24 the right of children to solicit
25 contributions, but rather to require them

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2 to do so safely. In this piece of
3 legislation, children are still free to
4 solicit from the curbs and even the
5 median strip, but not in the roadway.
6 The roadway is best known as the
7 blacktop. It's that portion of the road
8 where the vehicles actually travel. This
9 is just plain common sense.

10 Equally important in this
11 legislation is the duty placed upon the
12 adult to ensure that they do not allow
13 minors under their care, custody or
14 control to also solicit in the roadway.
15 While we can all understand the ignorance
16 of children to inherent dangers, you can
17 never assume that adults are much
18 smarter. Therefore, placing such an
19 affirmative duty on the adults often
20 supervising these children is not only
21 appropriate but necessary.

22 In closing, let me note that
23 consistent with many other ordinances,
24 enforcement is not mandatory. Officers
25 are rightfully left with discretion.

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2 After all, the intent here is not to fine
3 children, but to protect them. A warning
4 may be all that's required, but should
5 the warning go unheeded, the officers are
6 given an effective tool to immediately
7 remove the children from danger, which is
8 our primary concern. For these reasons,
9 the Department applauds and fully
10 supports the legislation.

11 This concludes my testimony,
12 and I'd be happy to answer any questions
13 you may have.

14 COUNCILWOMAN MILLER: Thank
15 you.

16 Are there any questions for
17 this witness?

18 COUNCILWOMAN BLACKWELL: Yes.
19 I have a question.

20 COUNCILWOMAN MILLER: Let the
21 record reflect that Councilwoman Joanie
22 Krajewski is also in attendance.

23 COUNCILWOMAN BLACKWELL: Good
24 afternoon.

25 LIEUTENANT HEALY: Good

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2 afternoon.

3 COUNCILWOMAN BLACKWELL: I have
4 a question with regard to the
5 legislation. As all of us realize, many
6 police, firemen, all various
7 organizations collect money, both adults
8 and youth. I mean, I see it in my area,
9 for example, at 30th and Market often, as
10 many people who pass that intersection.
11 And it would seem to me that the
12 legislation for me would be easier
13 supported if it regulated maybe certain
14 streets or kinds of streets or
15 intersections as opposed to -- if the
16 Police and Fire and other organizations
17 like that can collect money at 30th and
18 Market, why can't kids collect money for
19 their own groups as well or Boy Scouts
20 and Girl Scouts and many other groups?

21 LIEUTENANT HEALY: It's my
22 understanding, ma'am, that this would not
23 prohibit children from soliciting in any
24 manner. They just can't do it in the
25 roadway. They could stand on the curbs,

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2 they could stand on the median strip and
3 collect whatever they wanted. The
4 problem is -- the roadway is basically
5 the blacktop where the cars run. What
6 happened was, this bill only regulates
7 the kids standing in that area. So
8 they're free to stand on the curb, free
9 to stand in median strips like on
10 Roosevelt Boulevard as well, which I
11 don't necessarily agree is safe, but
12 they're allowed to do so. They just
13 can't dart into the moving areas where
14 the cars go to collect. That's the only
15 restriction.

16 COUNCILWOMAN BLACKWELL: So for
17 anybody 18 or over, if it's a median in
18 the street, it's okay? You're saying --

19 LIEUTENANT HEALY: Well,
20 there's a state law that actually
21 prohibits that, but that's a \$5 offense.
22 There's a state law prohibiting
23 soliciting in the roadway, very similar
24 to what's being offered here, but this
25 one is specifically towards children due

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2 to the inherent dangers that children
3 have more so than adults. The Police
4 Department can fine people standing in
5 the roadway as it stands today, but what
6 it is, it's a \$5 basically a moving
7 traffic ticket, and that's the only thing
8 the officers can write. It's a \$5 fine.
9 What it does is, it doesn't remove the
10 children from the danger. So if we walk
11 up on the scene and somebody refuses to
12 get out of the roadway, at best today
13 what we can do is give them basically a
14 moving citation, hand it to them and walk
15 away. I can't drag them off the street.

16 COUNCILWOMAN BLACKWELL: But
17 for the most part, do not we find that
18 when youngsters are there, there's
19 usually an adult with them?

20 LIEUTENANT HEALY: And this
21 bill specifically identifies the adults
22 as being responsible to ensure the safety
23 of the children by not allowing them to
24 be in that roadway.

25 COUNCILWOMAN BLACKWELL: Well,

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2 I certainly will agree with the -- I'm
3 happy to sit in on this Committee as
4 ex-officio and majority leader, but I
5 think it discriminates against kids being
6 able to collect and that I've never seen
7 youngsters without an adult in an
8 organized fashion collecting whether it
9 be in a boot or whether they show you a
10 form or whether they have on their drill
11 team uniforms. There's always an adult.
12 It's very well organized. We've all seen
13 people on the streets and people who
14 solicit on the streets, but the kind of
15 solicitation that we see for organized
16 groups, there's always an adult there,
17 and I think this hurts their ability to
18 raise money to help them survive, so many
19 drill teams and other community
20 organizations.

21 But I will yield to this
22 Committee, but I really think this
23 discriminates against young people being
24 able to positively learn how to solicit
25 in a positive way to help charitable

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2 organizations.

3 Thank you.

4 COUNCILWOMAN MILLER:
5 Councilman Greenlee.

6 COUNCILMAN GREENLEE: Thank
7 you, Madam Chair.

8 Lieutenant, good afternoon. I
9 have to at least somewhat respectfully
10 disagree with Councilwoman Blackwell. I
11 do sometimes -- and I think the majority
12 of times there are adults, but I have
13 seen on various occasions kids out there
14 without adults. I don't know what your
15 opinion is on that. Has records
16 indicated that you or the Police
17 sometimes see kids out there without
18 adults?

19 LIEUTENANT HEALY: I can speak
20 anecdotally from what I experience as a
21 police officer. I experience children in
22 the middle of Roosevelt Boulevard at a
23 red light darting between the stopped
24 traffic looking for donations, and I also
25 saw that behavior in the presence of

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2 adults, coaches or parents, that were
3 present. It seems both the children and
4 the adults were completely unaware of the
5 danger that they were looking at, and
6 that's why I really support this. Is it
7 a restriction of the children? Somewhat,
8 yes, but it's for their own safety.

9 COUNCILMAN GREENLEE: I would
10 agree with what you just said. I would
11 ask -- and, as you say, the idea here is
12 to protect, not to fine or arrest
13 anybody. But if a youngster does
14 persist, for whatever reason, or group of
15 youngsters and there's not an adult
16 present, is the Police, are they allowed
17 to ask like what group are you with, who
18 sent you out here, or in order to enforce
19 the part against an adult, would the
20 adult have to be present?

21 LIEUTENANT HEALY: The adult
22 would have to be present basically for
23 the enforcement purposes. For the
24 children, quite frankly, it doesn't
25 matter to me whether you're soliciting

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2 for Boy Scouts or fighting cancer. I see
3 it as a very direct hazard for the
4 children. So if they refuse to heed the
5 warning of staying on the curb or the
6 median, I would have the authority as a
7 police officer to remove them from that
8 hazard before something bad happened.

9 COUNCILMAN GREENLEE: As I
10 said, I agree with you.

11 Are you aware of any other
12 cities that have this right now offhand?

13 LIEUTENANT HEALY: I know of
14 other cities that have the state
15 ordinance, which prohibits it on a
16 statewide basis. Theoretically, no one
17 is allowed to do this in the roadway.

18 COUNCILMAN GREENLEE: Do some
19 of the states carry a higher fine than,
20 say, Pennsylvania does?

21 LIEUTENANT HEALY: I don't know
22 specifically.

23 COUNCILMAN GREENLEE: Do you
24 have any idea why -- that's awful, \$5.
25 Is it just it's an old ordinance?

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2 LIEUTENANT HEALY: I can't say
3 why. I don't know what their legislative
4 intent was. I don't know.

5 COUNCILMAN GREENLEE: Okay. I
6 appreciate that. Thank you.

7 Thank you, Madam Chair.

8 LIEUTENANT HEALY: Thank you,
9 sir.

10 COUNCILMAN KENNEY: Madam
11 Chairperson?

12 COUNCILWOMAN MILLER:
13 Councilman Kenney.

14 COUNCILMAN KENNEY: Thank you.

15 I think the biggest difference
16 between the kids and the adults is their
17 size. At Grays Ferry Avenue on my way to
18 Penn if I go out to West Philly, I come
19 off the expressway there and there are
20 kids in -- it's multiple lanes, multiple
21 turning lanes, high volume of speed and
22 high volume of traffic, and I can't see
23 them sometimes. Some of them are so
24 small they don't come up to the door. So
25 you could run over somebody, God forbid,

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2 and you wouldn't even know it until after
3 it was over.

4 The other issue that I've seen
5 too like on Columbus Boulevard is not
6 usually kids, but young adults that come
7 in a van from Delaware and solicit for
8 like drug rehab in Delaware at Columbus
9 Boulevard and Washington Avenue. And I
10 know the Police have been out there
11 actively moving them along, because,
12 again, they're violating the state law,
13 but I think the biggest issue for the
14 kids is their size. And I know myself
15 when I go through the intersection, I'm
16 extra careful, because they're there a
17 lot. I don't know if people pay
18 attention, especially in rush hour.
19 People are rushing to work, rushing to
20 get home, and you could have a major
21 tragedy without even --

22 LIEUTENANT HEALY: Another
23 important thing to that is, often times
24 when people are taking off, they start to
25 switch lanes. When you switch lanes, you

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2 look behind you, not in front of you.

3 COUNCILMAN KENNEY: Correct.

4 LIEUTENANT HEALY: So these
5 kids are trying to get back to the curbs
6 before the light changes. It's very easy
7 just to whack one of them. Even at five
8 miles an hour is serious injuries.

9 COUNCILMAN KENNEY: Okay.

10 Thanks.

11 COUNCILWOMAN MILLER: I'm
12 sorry. I'm trying to have a conference
13 call with the sponsor of this bill so
14 that we can be clear on certain issues.

15 I also want to state for the
16 record that Councilman Jim Kenney is also
17 in attendance. He's a member of this
18 Committee.

19 I just want to add a little
20 clarity. The sponsor of the bill says
21 that when she talks about minors, she's
22 talking about children that are
23 unsupervised and under the age of 12, 12
24 and under. So I think I heard someone
25 earlier say 18 and under. So we may have

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2 a couple of amendments to make.

3 Does anybody have --

4 COUNCILMAN GREENLEE: Madam

5 Chair, I was just going to say, if that's
6 the case, I guess that would have to be
7 put in the bill. I mean, personally I
8 think 12 is a little -- we could have it
9 a little older than that personally. I'm
10 not the sponsor of the bill, but...

11 LIEUTENANT HEALY: Quite
12 frankly, I would object to such a young
13 age. The safety of the children even at
14 18, they're small children. I would go
15 under 18. That would be my
16 recommendation. If you're going to deal
17 with children, then minors under 18 I
18 believe is a safe standard to use,
19 supervised or unsupervised.

20 COUNCILMAN GREENLEE: I would
21 say, Madam Chair, that usually when I
22 think of minor, I think of under 18.
23 That's how I read it. I mean, obviously
24 if the sponsor wants to put it in. But I
25 would agree with the Lieutenant. I think

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2 under 18 makes sense to me. That's just
3 my opinion.

4 COUNCILWOMAN BLACKWELL: I
5 would support a bill that said 12 or
6 under unsupervised. Then I would support
7 that.

8 COUNCILWOMAN MILLER: Well, we
9 do need clarification from the sponsor.

10 Are there any other questions
11 for Lieutenant Healy here?

12 (No response.)

13 COUNCILWOMAN MILLER: Thank
14 you. Thank you for testifying.

15 LIEUTENANT HEALY: Thank you
16 very much.

17 COUNCILWOMAN MILLER: You're
18 welcome.

19 We're just going to take a few
20 minutes to try to get clarification from
21 the bill sponsor.

22 (Short recess.)

23 COUNCILWOMAN MILLER: Are there
24 any other witnesses wishing to testify on
25 this bill?

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2 (No response.)

3 COUNCILWOMAN MILLER: Seeing
4 none, this concludes the public hearing
5 on the Committee of Public Safety. We
6 will now go into the public meeting.

7 The Chair recognizes Councilman
8 Bill Greenlee for a motion on this bill.

9 COUNCILMAN GREENLEE: Thank
10 you, Madam Chair. I move that Bill No.
11 070949 be reported out of this Committee
12 with a favorable recommendation and the
13 rules of Council be suspended to allow
14 for first reading at our next session of
15 Council.

16 (Duly seconded.)

17 COUNCILWOMAN MILLER: All in
18 favor?

19 (Aye.)

20 COUNCILWOMAN MILLER: Opposed?

21 (No response.)

22 COUNCILWOMAN MILLER: The ayes
23 have it. It has been properly moved and
24 seconded that Bill No. 070949 be reported
25 out of this Committee with a favorable

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2 recommendation and, further, that the
3 rules of Council be suspended. This bill
4 has been properly moved and seconded.
5 This hearing is over. This concludes the
6 public hearing on this bill.

7 (Committee on Public Safety
8 adjourned at 1:40 p.m.)

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foregoing matter on November 27, 2007, and

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MICHELE L. MURPHY

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RPR-Notary Public

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