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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING AND PUBLIC MEETING

4

BEFORE COUNCIL COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, October 22, 1998
9:38 a.m.

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BILL NO. 980712 - An ordinance amending Title 10
of The Philadelphia Code, entitled "Regulation of
Individual Conduct and Activity," by amending
Chapter 10-300, entitled "Minors," by amending
Section 10-303, entitled, "Unlawful Conduct of
Minors" and Section 10-304, entitled "Unlawful
Conduct of Parents," by amending the hours of
curfew on certain days, all under certain terms
and conditions.

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PRESENT: COUNCILMAN JAMES F. KENNEY, Chairman
COUNCILWOMAN AUGUSTA A. CLARK
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK DICICCO
COUNCILMAN W. THACHER LONGSTRETH

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2 P R O C E E D I N G S

3 COUNCILMAN KENNEY: Good morning,
4 ladies and gentlemen. The Council Committee on
5 Rules is now in session.

6 We have a quorum to discuss Bill No.
7 980712, which is an ordinance amending Title 10 of
8 The Philadelphia Code, entitled "Regulation of
9 Individual Conduct and Activity," by amending
10 Chapter 10-300, entitled "Minors," by amending
11 Section 10-303, entitled, "Unlawful Conduct of
12 Minors" and Section 10-304, entitled "Unlawful
13 Conduct of Parents," by amending the hours of
14 curfew on certain days, all under certain terms
15 and conditions.

16 Just as a backdrop to this bill, it was
17 brought to my attention by actually uniformed
18 members of the police department in the 4th
19 District, that Mischief Night, the traditional
20 night of kind of petty vandalism and other acts of
21 vandalism, which is peculiar to that particular
22 evening, and Halloween, which is a night where
23 children are out on the street, you know,
24 trick-or-treating and other things, and also an
25 opportunity for petty vandalism, that fell this

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2 year on a Friday and Saturday, which would make
3 the normal curfew hours midnight for anyone under
4 the age of 17.

5 It is my contention that it would be
6 appropriate for those two evenings, when Mischief
7 Night and Halloween fall on a Friday or Saturday,
8 to roll back the curfew to the normal weekday time
9 of 10:30. Next year, for example, Mischief Night
10 falls on a Saturday, so it would be, in effect,
11 again next year. Sunday night for Halloween next
12 year would be a normal curfew night of 10:30
13 anyway.

14 So this is a special provision that
15 we're trying to implement in an effort to keep
16 community activity and vandalism down to a
17 minimum. We have not had in Philadelphia the
18 problems that other cities in the past have had,
19 like Camden, in some of the fire-setting things
20 that were going on, but there is a rash of minor
21 vandalism, egg-throwing, soaping of cars,
22 destruction of property, which really is a major
23 problem for people living in our communities
24 throughout the city.

25 So what we'd like to do is to ask

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2 Deputy Police Commissioner Sylvester Johnson to
3 come and give his testimony regarding this
4 proposal.

5 And thank you all for waiting. We had
6 a very important briefing, and we appreciate your
7 indulgence.

8 (Deputy Police Commissioner Sylvester
9 Johnson comes forward.)

10 COUNCILMAN KENNEY: Good morning,
11 Commissioner.

12 COMMISSIONER JOHNSON: Good morning.

13 Okay, I want to thank you for the
14 opportunity to appear before you today on behalf
15 of the Philadelphia Police Department. I am
16 Deputy Commissioner Sylvester Johnson, and I
17 support the passage of Councilman Kenney's
18 ordinance revising the juvenile curfew laws.

19 The hours of curfew are normally
20 extended from 10:30 p.m. to midnight for Friday
21 and Saturday nights. This year, however, presents
22 a unique situation. Friday is Mischief Night
23 which is followed by Halloween on Saturday night.

24 Mischief Night has on a number of
25 occasions prompted behavior arising far and beyond

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2 the level of so-called mischief. Highly
3 publicized examples include the numerous arsons
4 that have become associated with this night, both
5 in Detroit and, to a lesser degree but much closer
6 to home, in Camden, New Jersey. The efforts to
7 alleviate these problems have required the
8 mobilization of armies of volunteers as well as
9 police officers.

10 Fortunately, our situation in
11 Philadelphia has not become so extreme. We
12 believe that the adoption of this ordinance will
13 benefit the city with an additional tool to
14 continue to avoid similar tragedies.

15 As part of our efforts to alleviate
16 problems associated with this night, a number of
17 targeted districts, in cooperation with municipal
18 court, were open last year on Mischief Night for a
19 special Mischief Night court session.

20 Let me share with you some statistics
21 in forming the last year's session.

22 Statistical information:

- 23 - Arrests for disorderly conduct, 53;
24 - Open containers of alcohol, 19;
25 - Criminal mischief, 14;

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2 - Destruction of highways, 13;

3 - Underage drinking, 10;

4 - Simple assault, 2;

5 - Possession of air guns, 2;

6 - Narcotics, 1;

7 - For a total of 114 arrests.

8 Fines imposed - in excess of \$14,000.

9 Community service imposed - in excess
10 of 4,000 hours.

11 Examples of incidents:

12 Brick-throwing at Housing Authority
13 police officers;

14 Assaults by a couple of males on an
15 11-year-old male, resulting in hospitalization
16 treatment for injuries;

17 Numerous egg-throwing incidents;

18 One egg-throwing, baseball-throwing
19 incident resulting in injuries; another resulting
20 in the arrest of a male and confiscation of
21 handguns and narcotics; another incident was
22 directed at a police officer;

23 Motorists' windows being shot out by BB
24 guns;

25 Paintball guns being confiscated.

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2 Call for service: Mischief Night 1997
3 resulted in over 4,700 calls for service and to
4 police radio on the 3-to-11 tour. This was a
5 staggering increase of 52% from the previous
6 Thursday night.

7 These court sessions will again be held
8 this year on Mischief Night, Friday, October 30,
9 1998, throughout the city. The locations are:
10 12th District, 65th and Woodland;
11 35th District, Broad and Champlost;
12 8th District, Academy and Red Lion;
13 3rd District, 11th and Wharton;
14 18th District, 55th and Pine;
15 15th District, Harbison and 11th.

16 Although the types of incidents
17 normally associated with this night are relatively
18 minor in nature -- egg-throwing, soaped windows,
19 etc. -- they can, at times, escalate beyond the
20 control of the parties involved, sometimes with
21 tragic results.

22 With your help and with the
23 accompanying publicity, we can get this message
24 out to all of our citizens, especially to our
25 youth, to prevent any unfortunate incidents. Your

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2 prompt passage of this bill will enable us to
3 distribute this information to our officers in a
4 timely manner.

5 This completes my prepared testimony,
6 and I'm prepared to answer any questions that you
7 may have.

8 Thank you.

9 COUNCILMAN KENNEY: Thank you,
10 Commissioner.

11 I just want to make sure that it's
12 clear that people under the age of 17 years who
13 are on their way to or from work, who are in the
14 company of an adult guardian over the age of 18,
15 and those who are involved in organized activities
16 that are being sponsored by civics associations
17 and community groups and police athletic leagues
18 would not come under the constraints of this
19 request to roll back the curfew to 10:30.

20 This ordinance is for those kids that
21 are basically on the corner, unattended,
22 unaccompanied, who, theoretically, at the age of
23 11 or 12, could legally be on the street at 11:30
24 on a Friday night. And what we want to try to do
25 is to give the police the tools necessary to get

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2 them home, to get them moving, and to get them in
3 the house where they'll be safe.

4 COMMISSIONER JOHNSON: That's correct.

5 COUNCILMAN KENNEY: Okay, thank you.

6 Councilmember Cohen.

7 COUNCILMAN COHEN: Commissioner, in the
8 statistics, there was just one crime which related
9 to underage drinking, so that was clear that those
10 crimes were committed by juveniles, by people
11 under the legal age of 18.

12 With respect to the other statistics,
13 do we know how many of those crimes were committed
14 by adults or juveniles? Is there any record of
15 that?

16 COMMISSIONER JOHNSON: I think these
17 statistics are statistics that were brought in
18 front of these particular courts on that day.
19 It's not citywide. These are the statistics just
20 for the eight courts that were set up that day.
21 These are the people that went in front of this
22 particular court.

23 I don't have the statistics that have
24 been, you know, pulled citywide. There were only
25 eight courts that day.

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2 COUNCILMAN COHEN: Do we have
3 statistics on those crimes, whether they were
4 committed solely by juveniles? Or weren't some of
5 those crimes committed also by adults?

6 COMMISSIONER JOHNSON: I'm sure there
7 were other crimes committed by adults on that
8 particular day. I don't have that information
9 with me, but I will get that information for you.

10 COUNCILMAN COHEN: The only reason, Mr.
11 Chairman, is that in the bottom, whereas -- on the
12 third line where it says, "Whereas during the
13 recent past, it has become commonplace for some
14 minors to commit acts of violence," I would like
15 to offer an amendment just so that it says,
16 "Whereas to eliminate some minors to
17 commit. . ." And then to insert, after the word
18 "property" on line 3, "to occur," just indicating
19 -- you know, not charging that just juveniles
20 commit crimes.

21 It's been always my understanding that
22 this is an occasion when some people who are not
23 juveniles take advantage of the situation and
24 commit these acts. And there are, undoubtedly,
25 juveniles who also do it.

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2 COMMISSIONER JOHNSON: Yes.

3 COUNCILMAN COHEN: So I just want to
4 take away the thought that it's only juveniles
5 that commit crimes during these hours.

6 COUNCILMAN KENNEY: I think that's a
7 fair thing to point out. And, also, I consider
8 that a friendly amendment and would accept it with
9 pleasure.

10 COUNCILMAN COHEN: Very good.

11 COUNCILMAN KENNEY: Thank you very
12 much.

13 COUNCILMAN COHEN: Thank you very much.

14 COUNCILMAN KENNEY: Councilman, do you
15 have any questions for the Commissioner?

16 COUNCILMAN DICICCO: (Shakes head.)

17 COUNCILMAN KENNEY: Thank you very much
18 for your time and your patience in waiting for us,
19 and thanks for your testimony.

20 COMMISSIONER JOHNSON: All right,
21 thank you very much.

22 COUNCILMAN KENNEY: Thanks.

23 There are a number of people here with
24 Mr. Kimmins. C.B., could you bring up basically
25 your group with you, and perhaps you'd offer the

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2 testimony on their behalf. And if there's
3 anything else people would like to add, we could
4 add it.

5 (Mr. Kimmins et al. come forward.)

6 MR. KIMMINS: Good morning.

7 COUNCILMAN KENNEY: Good morning. What
8 I'd like to do is have you give the testimony, and
9 then maybe you could point out who's here with you
10 and what neighborhoods they represent.

11 MR. KIMMINS: Okay.

12 COUNCILMAN KENNEY: Please identify
13 yourself.

14 MR. KIMMINS: My name is C.B. Kimmins,
15 K-I-M-M-I-N-S, from Mantua Against Drugs, the
16 executive director.

17 COUNCILMAN KENNEY: Could you give us
18 an idea of who's with you.

19 MR. KIMMINS: Yes. Today we have with
20 us Pat Marston, and she's from the Badlands area,
21 Front Street Against Drugs, and she's right down
22 in the 25 District.

23 On my left is Ruth Sanders. She's from
24 Wynnefield, where we have a major drug problem and
25 youth problem up there with violence perpetrated

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2 by youth, and these are the kids under 18 years of
3 age.

4 On my right is Ruby Campbell, from Port
5 Richmond Against Drugs. She also faces the same
6 kinds of issues. She's been with us for a number
7 of years, fighting crime in her community.

8 And we also have Jay and Sue Wiley,
9 W-I-L-E-Y. They're from Top Cat Town Watch, which
10 is based in the 24th Police District. And they
11 have been very instrumental in helping Operation
12 Sunrise with Commissioner Timoney and Deputy
13 Commissioner Sylvester Johnson.

14 We have Bertha Cannon in the white hat.
15 She's further over to the right. She's been with
16 Mantua Against Drugs for the last 12 years, and
17 she lives in South Philadelphia where there are --
18 again, there's a sizeable portion of crime that is
19 committed.

20 And we have Mrs. Cousar. And you're
21 from where?

22 MS. COUSAR: Parkside.

23 MR. KIMMINS: Girard Parkside. That
24 was one of our groups that also started about 10
25 years ago.

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2 So we have a cross session of folks
3 from all over Philadelphia that have to deal with
4 these same issues.

5 I myself am going to address and
6 support what Commissioner Johnson just gave in
7 terms of the statistics and the facts that we see
8 each day.

9 Although we do not compile these same
10 statistics and we don't keep an accurate record,
11 what we do see are the crack houses, the crack
12 dealers, the drug dealers, the destruction to the
13 community that drugs have perpetrated on this
14 city. We see that because we spend 20 hours a day
15 on the streets. If not those folks around me
16 doing 20 hours every day, at least I am.

17 And when you live in those kinds of
18 hours on the streets of the city, you get to see a
19 lot. You get to see a lot of crime, you get to
20 see a lot of the negative stuff, and a lot of the
21 violence.

22 If there are crimes committed, as
23 Councilman Cohen addressed and the Commissioner,
24 by folks over 18, even if that's true, if you take
25 away those youngsters from 18 and younger from

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2 being on the streets in Philadelphia at 10:30 and
3 on till 11, 11:30, 12=midnight, you will see a
4 sizeable proportion in the drop of crime, the
5 propensity for crime to be committed.

6 All I have to do is take you to last
7 night, the rocks being thrown from the bridge
8 overpass on the Boulevard. Two years ago, the
9 eggs being thrown at the lady in Cheltenham on a
10 Mischief Night.

11 The propensity for peer pressure to
12 take over with our youth is contagious. What they
13 do is, they see each other brag and want to pass
14 on to this. It's a mentality of like a mob,
15 almost that we can do what we want, there's
16 permission that's been granted by the adults
17 through the ages, down through the times in this
18 city and other cities that we can almost get away
19 with this.

20 It's a custom that it's okay to throw
21 eggs, to do soap on the windows, to set bags on
22 fire so people come out their door and step on
23 'em, to even set fires itself, to give a full
24 range of permission in a way that only they
25 justify -- not the police or the grown-ups that

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2 we're out there defending or the senior citizens.

3 They justify being able to do all the mischief and
4 vandalism they want to do.

5 And it's not that there's just one
6 child that can stand up and say, Enough is enough
7 of this, I'm going to go home, I'm going to do my
8 homework. It's almost like a given that it's okay
9 not to do homework, it's okay not to obey the
10 rules and the laws of our society. We're going to
11 have this mob on the street, and don't you stand
12 up to us and don't call the police on us 'cause
13 we're going to do what want to do.

14 And I think it's high time that this
15 city enforces a curfew of this nature. I'd rather
16 see this enforced almost every weekend.

17 But then we're worried about their
18 rights. Well, what about the rights of the
19 property owner, those who vote for the City
20 Council folks, those who vote for the City Council
21 president and the mayor and the state
22 representatives. What about the rights of those
23 citizens who are paying taxes, who have to
24 struggle to know where their next dollar's coming
25 from to feed their kids, to put clothes on their

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2 backs?

3 Where are the rights of those adults to
4 have their streets safe after 10:30, that if they
5 forgot something in the car, they can walk out to
6 get it; or if they want to run to a 7-Eleven or
7 maybe go to work, they're safe doing that.

8 No, we have to worry about and we have
9 to protect the rights of those juveniles who are
10 not even being supervised at home by their
11 parents. They're out on the street causing all
12 this mayhem.

13 And it's not just the statistics that
14 Sylvester Johnson, who we follow through -- let's
15 see, he's done 17, 18 marches with us in the
16 Operation Sunrise area and in other parts of
17 Philadelphia. It's not just those statistics that
18 he elaborated upon; it's what we see. We
19 experience the hell that most of these citizens in
20 Philadelphia live through every single night --
21 the gunshots, the violence, the threats, the
22 intimidation, the loud music, the noise, the folks
23 that come in from Delaware, the folks that come in
24 from New Jersey. We see this 20 hours a day.

25 Somewhere it has to be stopped and

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2 somewhere we need a responsible grown-up who will
3 take to the fore and say, I'm going to do
4 something about that.

5 That's why I admire Councilman Kenney
6 for taking this step. And it seems like most of
7 the legislation he introduces in this city is
8 misunderstood, but it's all for the quality of
9 life, for unborn children, the children now, the
10 children coming, and for those folks that are
11 having a stake in this city's future. He wants us
12 to stay in Philadelphia, not to leave.

13 And I admire you and I give you a lot
14 of applause for --

15 COUNCILMAN KENNEY: Thanks.

16 MR. KIMMINS: -- taking this stand
17 today. It takes a lot of courage, and we've seen
18 you take courageous stands on every single bill
19 that you've introduced in this city.

20 And I for one tell you, in spending 20
21 hours in the streets, no one is paying us any
22 money. We're all volunteers, so we have no hidden
23 agenda here. We applaud and admire your courage.

24 COUNCILMAN KENNEY: Thanks.

25 And I just wanted you to understand too

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2 that there is another piece of legislation which
3 we will debate at a larger, more involved hearing
4 relative to the overall curfew issue, adjusting it
5 during the school year as opposed to the summer,
6 and dealing with those issues relative to
7 different ages.

8 For example, children who are in high
9 school who have other events and things that they
10 do at night -- dances and stuff -- when children
11 who are still in grade school should be home, in
12 my opinion, by 10 o'clock every night of the
13 week.

14 I mean, certain -- as you get older,
15 you get certain privileges granted to you based on
16 your behavior and your age that I think we need to
17 deal with again and additionally discuss why the
18 curfew doesn't seem to be enforced as it should
19 be.

20 MR. KIMMINS: Sure.

21 COUNCILMAN KENNEY: And what penalties
22 there are for parents who basically allow their
23 kids just to roam. And that's a major problem.

24 But this -- again, I appreciate your
25 testimony. But this, again, is dealing with these

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2 two particular nights, even though it's involving
3 an overall problem.

4 MR. KIMMINS: Sure.

5 I wonder if I can impose on you,
6 Councilman Cohen and Councilman DiCicco, just to
7 have Miss Campbell and Miss Sanders say a few
8 words.

9 COUNCILMAN KENNEY: Oh, yeah. Anybody
10 who wants to -- yeah, we're going to take all
11 testimony --

12 (Parties speaking over each other.)

13 MR. KIMMINS: And then you can answer
14 any questions, Mr. Cohen.

15 COUNCILMAN KENNEY: I think he has a
16 question (indicating Councilman Cohen).

17 MR. KIMMINS: Okay, you want to address
18 it now?

19 COUNCILMAN COHEN: I think you
20 misunderstood my question to the commissioner. I
21 asked him whether or not -- I did not state that I
22 was in opposition to this bill because I'm
23 supporting it.

24 MR. KIMMINS: Okay.

25 COUNCILMAN COHEN: What I did was raise

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2 the question of adults who take advantage of
3 Mischief Night, for example, to also commit
4 vandalism.

5 MR. KIMMINS: Exactly.

6 COUNCILMAN COHEN: And just in the
7 "whereas" clause, where it's now stated in the
8 original language that it has become commonplace
9 for some minors to commit acts of vandalism, I
10 didn't want just minors just singled out, because,
11 on that night, vandalism also often occurs by some
12 adults who take advantage of the fact that it's
13 Mischief Night and think that minors will be
14 blamed for their activities.

15 So all I wanted to do was to make it
16 clear that we want to fight against any of the
17 acts of vandalism, whether they're committed by
18 minors or by adults. And I am in support of this
19 bill and merely asked for words to be changed in
20 the "whereas" clause to indicate that there are
21 more than minors that may be involved in the acts
22 of vandalism.

23 MR. KIMMINS: Oh, I appreciate that,
24 Councilman. And I think that these adults --

25 COUNCILMAN COHEN: And that was the

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2 question that I addressed to the commissioner.

3 MR. KIMMINS: Sure. These adults would
4 like to see the minors get involved in the
5 activity 'cause they know there's less time that
6 they will do if they are caught. So you have
7 adults deliberately manipulating youth to do the
8 crime, figuring, If it's me, I'm a grown-up, I'm
9 going to do a lot more serious time with this.

10 Thank you.

11 COUNCILMAN KENNEY: Councilman DiCicco
12 just mentioned, and we've been going through this
13 in the South Police Division, that it's the adults
14 who are selling 'em the eggs --

15 MR. KIMMINS: That's right.

16 COUNCILMAN KENNEY: -- and the other
17 materials that are involved in it.

18 So I think that Councilmember Cohen's
19 suggestion for the amendment is very much an
20 appropriate thing to ask for, and I think we
21 needed to address the entire problem, not just
22 kind of pick on the kids.

23 Ma'am, could you please identify
24 yourself.

25 MS. CAMPBELL: My name is Ruby

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2 Campbell, and I'm from the Port Richmond Against
3 Drugs.

4 To all of the City Councilmembers, your
5 concerns should be for your constituents and
6 residents of the City of Philadelphia. Listen as
7 we speak. All we want is safety on our streets.
8 We want to take our children trick-or-treating,
9 but we don't want to get mugged, stabbed, or shot
10 as we walk down the street.

11 Trick-or-treat should be over by 9, and
12 wait patiently for the stragglers that lag
13 behind. And when 10:30 comes and they're off the
14 street, that is not a trick, but a real treat.

15 The change has definitely moved with
16 time. And yes, yes, yes, there is much more
17 crime. It isn't safe to open our doors. We, the
18 citizens of Philadelphia, are crying, How much
19 more?

20 Councilman Kenney, he knows and he
21 understands plenty. He doesn't want teenage crime
22 -- no, he doesn't want any.

23 His curfew bill he has completed. You,
24 the Councilmembers, should vote yes and not defeat
25 it. We, the citizens of Philadelphia, positively

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2 and so desperately need it.

3 Hey, City Council, it's long overdue.

4 Enforce the curfew that Councilman Kenney has
5 presented to you.

6 It shouldn't just be for Halloween, but
7 for each and every day, if you know what I mean.

8 We can prevent teenage crime if the
9 curfew law was enforced all the time.

10 So don't delay, enforce the curfew law
11 today.

12 COUNCILMAN KENNEY: Thank you very
13 much.

14 Councilman, any comments?

15 COUNCILMAN COHEN: (Shakes head.)

16 COUNCILMAN KENNEY: Thank you.

17 Would you please identify yourself,
18 ma'am.

19 MS. SANDERS: My name is Ruth Sanders.
20 I'm from the Wynnefield area.

21 As we all know, time has changed. You
22 know, years ago, Mischief Night was Mischief
23 Night. Now, it's -- it's -- people are scared to
24 even walk the street every day, not just on
25 Mischief Night.

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2 All I have to say is, like, I have gone
3 into some of the stores up on City Line because a
4 lot of times I've seen kids on Mischief Night buy
5 12 dozen of eggs. What are you going to do with
6 12 dozen of eggs? There's hungry people out here.

7 I think we should hold the store -- you
8 know, some of the stories accountable too. Like
9 the Dollar Store, I talked to the manager there.
10 If a kid comes in and buys four dozen eggs on
11 Mischief Night, you know what's up. She said she
12 would try, you know. She did say she would try,.

13 But at 7-Eleven last year, I seen a lot
14 of kids from St. Joe's. They go in there two at a
15 time, each of 'em buys three dozen of eggs. Then
16 they throw the eggs at cars, which could cause an
17 accident.

18 And, really, like I told some of the
19 kids, there's people hungry out here. Why don't
20 you -- if you're going to -- if you got money to
21 spend like that for mischief, why don't you take
22 that same money, buy the eggs, and start a
23 community fund to feed the hungry, you know.

24 And I just think this bill, you know,
25 would help. And we should, you know, put all our

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2 support behind it. That's all I have to say.

3 Thank you.

4 COUNCILMAN KENNEY: Thank you, and
5 thank you for coming in.

6 MR. KIMMINS: One more.

7 COUNCILMAN KENNEY: One more? Okay,
8 thank you.

9 I want to make sure that everyone
10 understands who's sitting up here that even if
11 you're not speaking, that your name has been
12 recorded in the record and, you know, your views
13 are being put forth by a few speakers. But
14 basically, we all know you're here, and the record
15 will know you're here.

16 Please identify yourself.

17 MS. DEL MARINO: Good morning. My name
18 is Florence Del Marino, and I am the president of
19 the Summerdale Civic Association, and I am also
20 one of the C.B. followers in the drug marches
21 across the city, and I am proud to say so. I am
22 also here to address you regarding the issue of
23 the curfew.

24 I am having a problem with the fact
25 that we have ten commandments that are written in

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2 granite, and they are not adhered to. I am a
3 little tired coming before our legislators, asking
4 for more laws that are not being enforced.

5 It's also my understanding that there
6 are some members of Council that are saying -- and
7 I hope I heard this wrong, but it's my
8 understanding that there are some members of
9 Council that find this legislation, this temporary
10 measure, discriminatory. I hope I heard that
11 wrong.

12 COUNCILMAN KENNEY: No, let me say for
13 the record that I have got -- have received no
14 complaints or criticism from any member of Council
15 on this particular issue; they've been nothing but
16 supportive.

17 I think that they recognize, as we all
18 do, that small measures like this, while not
19 solving the entire problem of what goes on in our
20 streets, creates a kind of an aura of stability
21 and rules that are being set that people need to
22 follow. But I haven't received any complaints or
23 any criticism from members of Council in this
24 regard.

25 MS. DEL MARINO: I think, if nothing

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2 else, what it has done is, it's going to help the
3 rank and file of the police department concerned.
4 We already know that there are some areas that do
5 not have as many people on the street where the
6 police rank and file are concerned, and I think
7 some of us understand why, and it's going to take
8 some time to get those numbers back up.

9 But in the meantime, for those of us
10 who are home owners, those of us who are
11 taxpayers, and those of us who are voters, are
12 deeply concerned with the welfare of our
13 communities. These kids -- this is giving them
14 cart blanche. And I know, in our particular area,
15 we have bent over backwards to try and accommodate
16 them.

17 And if I hear one more adult stand in
18 front of me and tell me that there's nothing for
19 kids to do today. . . There is more for kids to
20 do today than there's ever been in a lifetime.
21 That's number one.

22 And number two, I think these kids want
23 everything done for them. We did have a meeting
24 that Councilman Mariano did attend with some of
25 the youth from our community. And all I'm hearing

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2 the kids say is, Give me, give me, give me, and
3 this is what I want. And, of course, when you ask
4 them, What is it that you are going to give back
5 in return? they throw their hands in the air,
6 Well, we're kids.

7 Well, I think, to be honest with you,
8 there are a lot of alternatives, and I think,
9 starting with homes. And I think that once the --
10 again, and I believe that it's on the books, that
11 the parents are held accountable. They're the
12 ones that gave birth; they are responsible for
13 their kids.

14 And we have to start implementing these
15 laws, and they're not being enforced.

16 COUNCILMAN COHEN: You know that City
17 Council is not the enforcement mechanism.

18 MS. DEL MARINO: I understand that.

19 COUNCILMAN COHEN: So all we can do is
20 to pass the laws, and then it's up to the police
21 department to enforce the laws.

22 MS. DEL MARINO: I understand that.
23 And what I am -- I guess the point that I'm trying
24 to make to you is being out here on the front
25 line, in the community, what we're seeing is that

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2 the police department, their rank and file, their
3 hands are really tied. And it is up to us as the
4 voters.

5 We are in the process of educating our
6 entire civic association in letting them know that
7 the legislators that we come before to beg these
8 types of laws are our voices in the public arena.
9 And this is something that your constituents and
10 our members need to be aware of. And it's a
11 trickle-down effect, basically. But I think now
12 that the citizens are being literally held hostage
13 by these kids on the street, and this is what's
14 happening.

15 Another thing that I am appalled with
16 is this whole drug process that C.B. is doing
17 across the city has been such an eye-opener and a
18 consciousness-raising for myself. Because I am
19 finding that so many of the parents, mom and dad,
20 are both on the drugs.

21 So the thing is, we are dealing with a
22 crisis that is incredible. And once the kids are
23 under the influence of whatever substance it is,
24 they just don't care. And you know and I know
25 they don't remember.

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2 We realize that you are not the
3 enforcement. However, you are capable, you are
4 able to help us put at least a Band-Aid on this
5 hemorrhage until maybe this will be the
6 consciousness-raising to the citizens of the city.
7 You know, grab a bat, get in the game, get out,
8 register, and vote. That's basically what it is.

9 COUNCILMAN COHEN: As I understand it,
10 every police district has advisory councils and
11 has regular meetings. Have you expressed your
12 concerns at those meetings? Because that's where
13 the enforcement really begins.

14 The Council has enacted the original
15 curfew laws and, in my judgment, it's going to be
16 enacting this law, and I think Councilman Kenney
17 is right that it will be done unanimously is my
18 speculation.

19 So we're doing everything we can do,
20 but we think you have got to direct a lot of your
21 attention to the police department so that we can
22 find a way of doing it within the, you know,
23 financial constraints that exist in the city.

24 MS. DEL MARINO: Yes, sir. I --

25 COUNCILMAN COHEN: So we applaud your

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2 activities.

3 And this Council was the council that
4 originated the monetary, the fiscal support for
5 Town Watches. We have been the ones in the city
6 who have been raising the amount of fund for Town
7 Watches because we appreciate so much of the work
8 that you do.

9 MS. DEL MARINO: I know.

10 COUNCILMAN COHEN: So we're suggesting
11 that in addition to talking to us, you -- I think
12 Council has been extremely supportive. And yet,
13 I sort of sensed the feeling that maybe that's not
14 so in your mind. But this Council has done
15 everything it could do, and the problem is one of
16 enforcement.

17 And we are -- we try to -- Councilman
18 Kenney is very active in that regard, and other
19 Councilmembers are too. And most of us go fairly
20 regularly to these various meetings.

21 So we'd just like to enlist your
22 support in helping to convince the police
23 department, and they have tremendous jobs to do.
24 You know, they're limited by what they can do.

25 But express your concerns not only to

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2 us -- it's proper to express them to us -- but
3 also, you know, in these police meetings, because
4 we too would like to work with you to see that
5 people can walk the streets safely, you know, and
6 not be concerned if they're going to go to a
7 corner store to pick up a loaf of bread at night
8 and that they're not going to be harassed by gangs
9 on the corners or anywhere else.

10 MS. DEL MARINO: Yes, sir, we
11 understand that. And I thank you very, very
12 much.

13 And, Councilman Kenney, thank you.

14 COUNCILMAN KENNEY: Thank you very
15 much.

16 MR. KIMMINS: In closing, I'd just like
17 to say that, Councilman Kenney, continue to fight
18 for us. You're a hero to us. Don't worry if some
19 of your Council folks don't see that. We need
20 more heroes like you and Sylvester Johnson. He is
21 doing what Councilman Cohen talked about.

22 And we have Leona Smith and Barbara
23 Smith back here, true heroes to the city, true
24 heroines, and I'm glad to have those kind of folks
25 in our city.

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2 Thank you again.

3 COUNCILMAN KENNEY: Thank you very much
4 for your testimony.

5 Mr. Gessler and Mr. Furey.

6 (Messrs. Gessler and Furey come
7 forward.)

8 COUNCILMAN KENNEY: I apologize for the
9 wait and appreciate your patience. Please
10 identify yourself for the record.

11 MR. GESSLER: My name is Robert
12 Gessler. I'm president of the Philadelphia County
13 Board of the Ancient Order of Hibernians.

14 We're an Irish-Catholic fraternal
15 organization that have 11 divisions throughout the
16 city, 3500 members. We range from Southwest
17 Philadelphia, West Philadelphia, South
18 Philadelphia, Northeast Philadelphia, the Port
19 Richmond area.

20 And we've seen over the past an
21 escalation of these so-called random -- or not
22 random, but miscellaneous acts of violence. It
23 has taken a certain edge in the recent years that
24 it's escalated past, you know, the soaping of cars
25 and, you know, just plain mischief to, you know,

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2 violence and just to a whole 'nother level.

3 So what we've tried to do just within
4 our own organization is to sponsor some activities
5 around Mischief Night and Halloween to get these
6 kids off the streets so they're not responding as
7 much to peer pressure.

8 We have two junior divisions in high
9 schools -- one in North Catholic and one at Father
10 Judge, each with about a hundred students in
11 there, that what we try to do is sponsor
12 activities so that these gentlemen and these
13 ladies don't feel as much pressure to join in
14 these.

15 And I think it's a fantastic ordinance.
16 It's something that addresses the problem and
17 deals directly with it. So you have our full
18 support.

19 And we'd like to thank Councilman
20 Kenney and DiCicco for sponsoring this
21 legislation.

22 COUNCILMAN KENNEY: Thank you.

23 I think Councilmember Clark had a
24 comment she'd like to make.

25 COUNCILWOMAN CLARK: I want to suggest

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2 that I think you have the right idea. You can
3 either shake your fist or you can light a candle.
4 And if you provide organized activities, the
5 children who are in your activities are not
6 otherwise engaged.

7 And I thank you for your voluntary
8 effort 'cause I think that does it.

9 MR. GESSLER: You're welcome, thank
10 you.

11 COUNCILWOMAN CLARK: I notice you have
12 none in North Philly. That's coming next, right?

13 MR. GESSLER: We're trying. As far as
14 I'm concerned, I'd like to see us all over the
15 city of Philadelphia.

16 COUNCILMAN KENNEY: You want to convert
17 everybody to being Irish-Catholic is what --

18 (Laughter.)

19 COUNCILWOMAN CLARK: It was a decision
20 to make.

21 MR. GESSLER: You'd be surprised how
22 many Irish-Catholics there are out there.

23 COUNCILWOMAN CLARK: That's true.

24 COUNCILMAN KENNEY: Mr. Furey.

25 MR. FUREY: Good morning, Mr. Chairman,

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2 and members of the committee. My name is John
3 Furey. I'm president of the Broad Street West
4 Civic Association.

5 I'm here this morning to salute
6 Councilman Kenney and support his ordinance. We
7 need the public attention to this very critical
8 issue.

9 We've been active in the community,
10 circulating flyers and talking to neighbors, and
11 this is a very needed ordinance. Even though the
12 ordinance is on the books, we need to get more
13 attention to it. There needs to be enforcement,
14 and that's the bottom line.

15 I also have a letter from our local
16 Town Watch, from Mr. Frank McBride, and they are
17 in support also of this ordinance.

18 COUNCILMAN KENNEY: Fine.

19 MR. FUREY: And we thank you for it.

20 COUNCILMAN KENNEY: And we thank you
21 for coming in and again for your patience in
22 waiting for us to get in here.

23 Janet DiGiovanni. And that is the last
24 -- is Terry Youngblut and Kate -- do you want to
25 come up together. You're the last names I have on

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2 this list for today.

3 (Janet Giovanni, Theresa Young Blut,
4 and Kate Chomentowski come forward.)

5 COUNCILMAN KENNEY: And after we vote
6 this out of committee, we'll be going over across
7 the hall for a caucus. And then, hopefully, we'll
8 be back quickly for our session, which we're late
9 for now.

10 But good morning and thanks for
11 waiting, and please identify yourself.

12 MS. DIGIOVANNI: I'll make it quick.
13 My name's Janet DiGiovanni. I'm the executive
14 director of Whitman Council, Inc.

15 We're a community organization in South
16 Philadelphia. We're located at 2455 South Third
17 Street. Our service area is from Lee to Broad
18 Street, Snyder to Packard Avenue.

19 The bill introduced by Councilman
20 Kenney, Councilman Frank DiCicco, and Councilwoman
21 Ann Verna, if passed, will be more than welcomed
22 due to the fact that it will not only protect the
23 citizens of our neighborhoods, but their property
24 as well. Juveniles will have less time to get
25 into mischief.

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2 If the bill is passed, we will assist
3 in our community in distributing flyers in local
4 stores and businesses.

5 The majority of serious vandalism takes
6 place after 10 p.m. Over the past few years, the
7 4th Police District has diligently worked to
8 reduce the vandalism and suspicious criminal
9 activities in our neighborhoods on Mischief Night.

10 Operation Good Egg has been in effect
11 since 1996, and we have seen a decrease in
12 vandalism. Police officers have been visiting all
13 retail stores since the beginning of October to
14 ensure that store owners, managers, and employees
15 are mindful of the misuse of eggs.

16 Thanks to the efforts of our Councilmen
17 and our] Councilwomen, there has been a
18 significant reduction of crime due to the
19 additional police patrols, patrol cars, bike
20 patrols, and foot patrols. Vandalism has
21 declined, especially in problem areas.

22 As you may be aware, night court will
23 be in session at 3rd and the 4th Police Districts
24 located at 11th and Wharton Streets on Mischief
25 Night, Friday, October 30th. Mischief Night falls

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2 on a weekend, which will make the police
3 department's job more difficult this year. The
4 change in the curfew few from 12 a.m. to 10:30
5 p.m. will be a welcomed effort here. It only
6 enhance the efforts already in place.

7 We hope you will take this bill under
8 serious consideration. And we thank you for
9 listening to us.

10 COUNCILMAN KENNEY: And thank you for
11 coming in and for testifying.

12 MS. DIGIOVANNI: I also have here, just
13 so that you will be aware of it, the schedule in
14 the 4th Police District, who will be there and for
15 what times.

16 COUNCILMAN KENNEY: For night court?

17 MS. DIGIOVANNI: Right.

18 COUNCILMAN KENNEY: Okay, thank you.

19 Kate, could you please identify
20 yourself.

21 MS. CHOMENTOWSKI: I'm Kate
22 Chomentowski, from the Fishtown Civic Association.

23 All neighborhoods have this same
24 problem with juveniles and adults. We also have a
25 problems with Delaware Avenue with the clubs in

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2 our area that flow into our neighborhood, and they
3 could be more trouble than the juveniles after 10
4 o'clock at night.

5 We do have the cooperation of some of
6 the corner stores and the Thriftway in the
7 Richmond Plaza not to sell eggs to juveniles.

8 So -- and I'm in favor of the bill, and
9 I think it should be carried over all yearlong,
10 those hours. What are children that young doing
11 out, without guidance?

12 COUNCILMAN KENNEY: There is another --
13 we needed to expedite this bill in order to have
14 it be in effect for this year's Mischief Night and
15 Halloween. But there's a also companion bill that
16 will be scheduled for a hearing in the future,
17 which is a wider-ranging suggested change in
18 curfews for week days and weekends during the
19 school year for kids between the ages of 14 and 17
20 and under the age of 14.

21 So we're going to have a wide-ranging
22 discussion on all of those issues, plus the issue
23 of enforcement, or lack thereof. And, hopefully,
24 we can get a handle on the problem.

25 But this expedited hearing was in an

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2 effort to make it effective for this October 30th
3 and 31st.

4 MS. CHOMENTOWSKI: Well, we're going to
5 institute a program with Adaire School, that we're
6 going to let the children handle the incoming
7 calls for problems in the neighborhood -- not
8 personal problems like sewer, gangs, graffiti.

9 And then I'm going to try and make
10 connections with Frank DiCicco and yourself or any
11 other Councilperson that I need to for these kids
12 to call and get help from, to get them involved in
13 what's being done to their neighborhood. And if
14 they see what's being done and how to fix it,
15 maybe they'll go out from the school to the their
16 friends and say, This is our neighborhood, let's
17 take care of it.

18 COUNCILMAN KENNEY: To establish some
19 ownership mentality in their --

20 MS. CHOMENTOWSKI: Exactly. And it's a
21 grade school, and we're going to work with 6th-,
22 7th-, and 8th-graders to start this so that
23 they'll have their own file started in the
24 community.

25 COUNCILMAN KENNEY: It'll take a good

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2 decade to reverse --

3 MS. CHOMENTOWSKI: I know.

4 COUNCILMAN KENNEY: -- some of the
5 attitudes that have sadly come about.

6 MS. CHOMENTOWSKI: I know.

7 COUNCILMAN KENNEY: But young children,
8 I think, are the best and most open-minded to deal
9 with in moving them forward.

10 MS. CHOMENTOWSKI: Right.

11 COUNCILMAN KENNEY: Councilwoman Clark,
12 please.

13 MS. CHOMENTOWSKI: Yes, ma'am.

14 COUNCILWOMAN CLARK: I'm interested in
15 creative programming. I think it works better and
16 lasts longer than policing.

17 We, one, lack the resources; and, two,
18 I lack the will to turn this city into a police
19 state. So I am much more interested in creative
20 programming.

21 And I think you need to do a sample
22 that's small enough to get your hands around so
23 that you can evaluate objectively what gets
24 accomplished.

25 But police are, at best, a temporary

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2 fix. And so I encourage you to do the programming
3 and to let us know the areas that you're sampling
4 with young people, how enthusiastically they join
5 in, and what, if any, measurable change you're
6 able to determine.

7 MS. CHOMENTOWSKI: Okay.

8 COUNCILMAN KENNEY: Thank you.

9 Please identify yourself for the
10 record.

11 MS. YOUNGBLUT: Teresa Youngblut,
12 executive director, Northern Liberty's Neighbors
13 Association.

14 COUNCILMAN KENNEY: Good morning.

15 MS. YOUNGBLUT: Good morning.

16 On behalf of the residents of Northern
17 Liberty, I'm here to support Councilman Kenney's
18 bill to amend curfew hours under these terms and
19 conditions. This bill is necessary not only to
20 protect our residences from crime, but also to
21 protect the innocent children who may get caught
22 in the cross fire.

23 Unfortunately, you know, this is just a
24 quick fix for this immediate holiday, so I look
25 forward to the future bill on amending the curfew

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2 generally.

3 COUNCILMAN KENNEY: Thank you.

4 And, again, the purpose of this bill,
5 so it's understood for the record, is to hopefully
6 create an environment where parents will decide to
7 keep their children in. There would be nothing
8 wrong with spending a night with the family, maybe
9 with a Blockbuster movie or something in the house
10 together, as opposed to allowing children to roam
11 on that particular evening.

12 And, again, I don't want to mislead
13 anyone to think that we're going through what
14 Camden went through a number of years ago or
15 Detroit or other cities. But it is kind of those
16 minor aggravations of scraping that dry egg off
17 your window in the morning that makes you not like
18 where you're living.

19 And so that's the purpose of giving the
20 police just the kind of tool that will allow them
21 to tell a child of 12 or 13 years of age that, you
22 know, it's time to go home for the evening.

23 So we appreciate you're coming in and
24 giving us your opinion.

25 MS. YOUNGBLUT: Thank you.

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2 COUNCILMAN KENNEY: Thank you very
3 much.

4 Is there anything else anyone from the
5 committee would like to add?

6 (No response.)

7 COUNCILMAN KENNEY: If not, that will
8 conclude the testimony for this bill.

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1 COMMITTEE ON RULES - BILL NO. 980712 - PUBLIC MEETING

2 COUNCILMAN KENNEY: And the Chair
3 recognizes Councilmember Cohen for a motion to
4 approve his suggested amendment that he put forth.

5 COUNCILMAN COHEN: Mr. Chairman, I move
6 that the third "whereas" on page 1 be amended to
7 eliminate on line 2 the words "some minors to
8 commit. . . "

9 And on line 3, to add, after the word
10 "property" "to occur."

11 COUNCILWOMAN CLARK: Okay.

12 COUNCILMAN COHEN: That will indicate
13 that the acts of vandalism are not limited to
14 being committed by juveniles.

15 COUNCILMAN KENNEY: Thank you very
16 much. Do I hear a second?

17 (Duly seconded.)

18 COUNCILMAN KENNEY: It's been moved and
19 seconded. All in favor, aye?

20 There are none opposed.

21 The amendment that is proposed by
22 Councilmember Cohen is accepted.

23 The Chair recognizes Councilwoman Clark
24 for a motion on the amended bill, with the rules
25 suspension.

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2 COUNCILWOMAN CLARK: Mr. Chairman, I
3 move that we accept this bill as amended.

4 COUNCILMAN KENNEY: And a suspension of
5 the rules for first reading?

6 COUNCILWOMAN CLARK: And further that
7 the rules of Council be suspended so as to permit
8 first consideration at the next stated meeting.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: It's been moved and
11 seconded.

12 All in favor, aye?

13 There are none opposed.

14 Bill No. 980712, as amended, will be
15 reported out of this committee, with a favorable
16 recommendation. And an additional request will be
17 made for a rules suspension to allow for
18 first-reading at today's Council session.

19 Thank you very much for your attendance
20 and thank you for your time.

21 (Adjourned at 10:22 a.m.)

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RE: COUNCIL COMMITTEE ON RULES

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BILL NO. 980712

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JOSEPHINE CARDILLO,

Registered Professional Reporter