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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON PUBLIC SAFETY

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, May 13, 2004
1:20 p.m.

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9 RESOLUTION 040378 - Resolution authorizing
the City Council Committee on Public Safety
10 to hold hearings on the possible expansion
of Section 10-608 of The Philadelphia Code
11 to include the posting of the photographs
and names of individuals accused or found
12 guilty of soliciting prostitutes.

13

14

PRESENT:

15

COUNCILWOMAN DONNA REED MILLER, Chair
16 COUNCILWOMAN JOAN KRAJEWSKI, Vice Chair
COUNCILMAN DAVID COHEN
17 COUNCILMAN RICHARD MARIANO
COUNCILMAN FRANK RIZZO

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2 COUNCILWOMAN MILLER: Good

3 afternoon. The Committee on Public Safety's
4 public hearing is now in session. We have a
5 quorum. In attendance are Councilman Frank
6 Rizzo, Councilwoman Joan Krajewski, and to my
7 right, Councilman Rick Mariano.

8 Will the Clerk please read the title
9 of the resolution.

10 THE CLERK: Resolution authorizing
11 the City Council Committee on Public Safety to
12 hold hearings on the possible expansion of
13 Section 10-608 of The Philadelphia Code to
14 include the posting of the photographs and
15 names of individuals accused or found guilty
16 of soliciting prostitutes.

17 COUNCILWOMAN MILLER: Thank you.

18 We have a number of people here to
19 testify. We can start with Commissioner Joe
20 James from Public Property. Would you please
21 come up to the witness table, identify
22 yourself for the record, and proceed with your
23 testimony.

24 MR. JAMES: Good afternoon. My name
25 is Joseph James, Deputy Commissioner for the

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2 Department of Public Property. Good afternoon
3 to the Chair and Members of Council.

4 I do not have any written, but I am
5 here to speak to the specific issue of the
6 technical capability of using the City's
7 government access channel to display the
8 photographs of the individuals identified in
9 the resolution. I just want to preface my
10 comments, my comments are not considered
11 policy or do not speak to the legal matter
12 associated with doing this, but only to the
13 technical capability.

14 Technically, we run 90 percent of
15 our program is what we consider an electronic
16 bulletin board. And of that electronic
17 bulletin, we post photographs of different
18 programs throughout the City along with
19 printed material associated with that program.
20 We are set up in our government access studio
21 to work with the department or agencies
22 associated with doing this to help them design
23 the format of the material, help them to take
24 photographs in certain formats that we need to
25 be able to put it on the channel, work with

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2 them with on the display of the content and
3 the frequency at which the material will be
4 displayed. We have the capabilities to run it
5 24 hours, 365 days a year. That's basically
6 to speak to the technical part of whether or
7 not we could accomplish what City Council is
8 intending.

9 I'm open to any questions that you
10 may have.

11 COUNCILWOMAN MILLER: Does any
12 Councilmembers have any questions of this
13 witness?

14 COUNCILMAN MARIANO: I do.

15 COUNCILWOMAN MILLER: Councilman
16 Mariano.

17 COUNCILMAN MARIANO: Thanks for your
18 help, Commissioner. So basically without all
19 the legal mumble jumble, with your technical
20 expertise, you could do this if the City so
21 desires to do it?

22 MR. JAMES: Yes.

23 COUNCILMAN MARIANO: YOU would just
24 do that bulletin board, as you call it, and
25 the pictures of the people who we are trying

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2 to get or the pictures of 17 Council people
3 could be on there and you could run them once
4 every hour, once every five minutes, whatever
5 we so deem?

6 MR. JAMES: Yes. We would just need
7 to work with whoever owns the organizations
8 when they have the material to set it up.

9 COUNCILMAN MARIANO: Do you need
10 special pictures for that, or can you just
11 take pictures right out newspaper? Could you
12 use the mugshots from the Police station?

13 MR. JAMES: If they're digitized,
14 then we can use them if they're digitized. We
15 prefer them in a digitized format, they're
16 easy to work with.

17 COUNCILMAN MARIANO: Thank you.

18 Thank you. I have no further
19 questions.

20 COUNCILWOMAN MILLER: Any other
21 questions?

22 Councilman Rizzo.

23 COUNCILMAN RIZZO: This really is a
24 serious issue when you start putting people's
25 pictures on television or even in the

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2 newspaper. We're worried about digitized
3 pictures for photo enforcement for going
4 through a red light. Not that anyone's going
5 to tinker with the digital pictures, but I'm
6 more concerned who's going to be the last say
7 before you push the red button that puts the
8 stuff on television to make sure you got the
9 right guy? Because let me tell you, you
10 wouldn't want your picture or my picture to
11 somehow accidentally get on television. So
12 how confident are you if we move forward with
13 this that this is really bullet proof?
14 Because we could get sued. We could ruin a
15 family. There's so many things you could do
16 destructive here meaning to do well. So I am
17 really concerned. The concept is good. It's
18 already in the newspaper. I would hope that
19 there would be some check and balance that
20 everything that -- nothing that's not in the
21 newspaper never gets on television.

22 Commissioner, are you confident that
23 this can really be foolproof, and I'm even
24 going to use the word 100 percent foolproof,
25 with no question?

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2 MR. JAMES: Councilman, to answer
3 year question from a technical standpoint,
4 there's certain assumptions we have to make.
5 The assumptions are that we're getting the
6 information that's being provided to is coming
7 from a legally authorized source. Assuming
8 that we would be getting digitized photographs
9 from the Police Department, ultimately they
10 would have the provider of the source material
11 and they would have to verify the accuracy of
12 the material that they're sending to us. The
13 purposes of the department is going to provide
14 is basically to take that material after it's
15 already been authenticated and certified to be
16 appropriate and put it on the channel in a
17 fixed format that previously described as a
18 process. So can the Department of Public
19 Property guarantee a hundred percent
20 authenticity of the photograph that's being
21 put up; no. But we assume that the source who
22 is providing that and the source would have to
23 be someone who is able to make kind of
24 statement. So I can only say that technically
25 we can make sure that once we take a digitized

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2 photograph that the digitized photograph
3 that's given to us is the original digitized
4 and will stay in the format it was originally
5 given to us.

6 COUNCILMAN RIZZO: The Police
7 Department has a unit, I'm sure, that could
8 send you the data that's signed off by the
9 Police Commissioner. Because I would want the
10 police Commissioner to be responsible for
11 anything that's put on that City channel. Get
12 you off the hook so you don't have to do any
13 editing or compiling. Is there a way they can
14 send you a disk or whatever that you plug in
15 and you get something, a pass code that the
16 police Commissioner has said this is accurate
17 and it's his or whoever the Police
18 Commissioner maybe, their responsibility, his
19 or her responsibility, the buck stops with
20 them if there's a mistake?

21 MR. JAMES: Councilman, I can speak
22 to the way that we do it today with the
23 departments, which I think speaks to the
24 question that you ask. When we have a
25 department who has to put something on the

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2 cable channel, whether it's from the License
3 and Inspections, Water Department, they want
4 to put up some information or material, we sit
5 down with them in a session and develop the
6 format without the actual contents but what
7 the format would be and we design a format.
8 We then give it to the department. They are
9 then responsible for taking that format,
10 inserting the contents and then sending it to
11 us. We then take that content and then put it
12 into the system. So it would have to come
13 from the Police Department, I assume, in a
14 format that we would use.

15 COUNCILMAN RIZZO: My gut reaction
16 was to be opposed to this, my gut reaction.
17 And I have a feeling that the newspapers are
18 going to lose interest in this after a while.
19 Is this something -- and I'll ask the sponsor.
20 Is this something we plan to do for years and
21 years and years? Once the Daily News losses
22 interest --

23 COUNCILMAN MARIANO: Councilman, I
24 don't work for the Daily News and neither does
25 anyone at this table. I personally don't care

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2 what the Daily News does. I use it to line my
3 bird cage, the same with the Inquirer. I
4 watch all my news on Fox 29 and the other
5 station. This is something we're going to
6 follow through on. I can't expect him -- I
7 mean, I know you, your question is good. But
8 when all these people here testify, I think
9 everyone here at this table is going to
10 understand what it is to have this dirty, vile
11 act happening on their doorstep and on their
12 street. If we can be a little
13 inconvenienced -- I trust this Police
14 Department to an extent, about as much as I
15 trust anyone to an extent. There are people
16 over there that are professionals, because if
17 they're not, they shouldn't be in that unit,
18 whatever that unit is, the police photography
19 unit. They could be able to get digital
20 photographs, and if that digital photograph is
21 marked Rick Mariano, it better have Rich
22 Mariano's face when it goes on there. If it
23 has your face instead, I'm sure there's 10,000
24 lawyers that will jump on that.

25 COUNCILMAN RIZZO: Well, I watch

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2 Channel 6 and 29.

3 COUNCILWOMAN KRAJEWSKI: I watch
4 them all.

5 COUNCILMAN RIZZO: My final
6 question. I'm sure that those folks sitting
7 back there don't want to see somebody's
8 picture that doesn't -- the bad people, that's
9 fine. I just want to be absolutely as safe
10 and sure as possible that somebody's not going
11 to get victimized by it.

12 COUNCILMAN MARIANO: This is just
13 our way of making sure that a problem that
14 we've been dealing with for more than anyone
15 else here is alive, for thousands of years,
16 we've got to cut down on the demand side. The
17 supply side is always going to be there. If
18 we can scare these men from coming here and
19 doing this vile act in her house and his house
20 and in front of her business, we're going to
21 be fine. And as long as it takes. If it
22 takes 20 years, it will be on there 20 years.

23 COUNCILMAN RIZZO: But somebody top
24 up, the Commissioner will sign off before it
25 goes on television.

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2 COUNCILMAN MARIANO: I was hoping he
3 was here today, but I think he's been called
4 away. But I've had a lot of conversations
5 with him and he thinks it's a good idea.

6 And maybe I can get a commitment
7 from you as a possible mayoral candidate, if
8 you were Mayor, you would keep running it,
9 right?

10 COUNCILMAN RIZZO: Well, I would
11 have to have a little negotiation with you.
12 We'd have to do some trading.

13 COUNCILWOMAN MILLER: There been
14 some system they're putting them in the
15 newspaper. Someone must be signing off on
16 those.

17 Are there any other questions of
18 this witness from any Committee member?

19 (No response.)

20 COUNCILWOMAN MILLER: Thank you, Mr.
21 James.

22 Let's note for the record that in
23 attendance is also Councilman David Cohen.

24 Can you call the next witness.

25 THE CLERK: Yes, ma'am. Randy Hofer

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2 from Impact Services.

3 COUNCILWOMAN MILLER: Thank you for
4 coming in. Please state your name and what
5 organization you're representing.

6 MR. HOFER: Good afternoon, Council.
7 My name is Randy Hofer from Impact Services.
8 I'm the Director of Marketing there. I'm also
9 representing the K and A corridor as manager
10 for the strip. We did bring some businesses
11 with us. And what I'm going to do is give you
12 written testimony basically on the K and A
13 Business Association position.

14 COUNCILWOMAN MILLER: That's
15 testimony that we have, correct?

16 MR. HOFER: Correct.

17 COUNCILWOMAN MILLER: You can
18 proceed.

19 MR. HOFER: I'd like to paint a
20 picture of a great day in the heart of the
21 Kensington. The streets are clean. The 30 to
22 3200 block of Kensington Avenue is busy with
23 shoppers of all ages. Business is brisk and
24 families are together enjoying a stroll along
25 the Avenue sampling food and beverages. 3500

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2 people are coming to K and A because it's
3 clean and safe. The local residents for the
4 past three years have come out with their
5 families and supported the K and A Market
6 fest. They know there's a large police
7 presence and volunteer veterans from Impact
8 Services Corporation who help maintain a safe
9 environment for their families. The K and A
10 poster contest from the neighborhood
11 elementary schools illustrates flourishing
12 businesses with no vacancies and a
13 multicultural tenant mix. The SEPTA elevated
14 line pictured above brings shoppers to the
15 corridor with an overall theme of community
16 harmony.

17 That's how the children picture it,
18 and that's the way it should be. But this is
19 not a typical day in Kensington. The problem
20 is this is only one day. That's why with the
21 55 merchants from the K and A Business
22 Association, they desire to see this customer
23 traffic support. And we support this
24 resolution and any efforts that may come out
25 of it.

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2 On a typical day, and especially in
3 the evening, johns constantly drive up and
4 down the Avenue looking for prostitutes.
5 These johns also badger and proposition
6 innocent females who happen to be on the
7 street. And K and A strip is also a popular
8 internet chat room with a place to look for
9 action. The merchants know that their
10 businesses have suffered greatly from the lack
11 of customer traffic due to the stigma of
12 prostitution on Kensington Avenue. It's
13 simple. People don't feel safe to shop on the
14 Avenue. Side streets are littered with
15 condoms and families see sex acts in cars
16 parked along their streets. The police are
17 doing a great job to rid the johns and
18 prostitutes. However, they need all our help
19 by working together. We need the residents,
20 merchants, police, and City Council to support
21 this resolution.

22 The back to school clothing business
23 and children's shoe sales on the Avenue is
24 especially distressed due to customer
25 perception of K and A no longer being a nice

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2 area to bring their family to shop. Business
3 is also lost from our Avenue stores because
4 the parents of school children shop with their
5 kids at other locations. Another business
6 that has lost sales due to perception is
7 Dunkin Donuts. Customers just don't want to
8 tolerate seeing prostitutes at all hours
9 hanging around and propositioning customers
10 just to support their drug addition. We must
11 change the perception of Kensington Avenue.
12 Walgreens made a major investment on
13 Kensington Avenue in 2002. The Allegheny El
14 stop is one of the busiest SEPTA stops. We
15 need to take advantage of the traffic coming
16 off of the El at Kensington and Allegheny. We
17 need more than one attractive destination for
18 these SEPTA commuters. They need to be
19 attracted to walk the Avenue and stop at our
20 variety stores and frequent our restaurants.
21 Impact CDC, after four years of
22 diligent effort, is moving forward with plans
23 for revitalization of this area. The plan
24 includes residential and commercial changes.
25 We need help to attract new families and

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2 businesses to the K and A area, and it must
3 start with cracking down on prostitution and
4 the resulting decay that accompanies it. The
5 Kensington and Allegheny Business Association
6 appreciated the opportunity to testify today
7 and in keeping with our motto of our Fourth
8 Annual Market Fest, this can be a great start
9 to a new life in the heart of Kensington.

10 COUNCILWOMAN MILLER: Thank you.

11 Thank you, Mr. Hofer.

12 So the prostitution solicitation is
13 going on all day?

14 MR. HOFER: Well, obviously, it
15 happens. You can visibly see it. The police
16 do an excellent job to forward, to get it
17 taken care of, but it is evident. I think the
18 bigger picture here is the stigma that
19 prostitution exists on Kensington Avenue
20 whether it's day or night. That's the
21 situation that we're interested in having this
22 resolution move forward.

23 COUNCILWOMAN MILLER: Are there any
24 other questions for this witness?

25 (No response.)

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2 COUNCILWOMAN MILLER: Seeing none,
3 thank you. Thank you for taking the time out
4 to come in.

5 THE CLERK: The next set of
6 witnesses I'm going to call as a panel. I
7 would like to call Rose Wilson, Harry
8 Kirchner, Haqnawaz Chughtai and Dae Ju (ph).

9 COUNCILWOMAN MILLER: Please
10 identify yourself for the record and pull the
11 Mike up close to you so we can hear you.

12 MS. WILSON: Hi, my name is Rose
13 Wilson. I have a barbershop on the 900 block
14 of West Moreland Street. I'm a block away
15 from Ascension School, and every day I have
16 hookers that are dropped off, pick up their
17 drugs up on the corner of H and West Moreland.
18 They relieve themselves outside my window.
19 They're picked up by the johns every day,
20 dropped off, and this goes on from maybe 11
21 o'clock in the morning until I leave there at
22 5. I know it's a lot worse after I get done
23 work. I know they start waking up about 4
24 o'clock in the afternoon.

25 Now, we've been fighting this for

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2 over 10 years there. I'm a member of the
3 business association plus town watch. We have
4 done everything possibly human over there, and
5 it's just not working. We need to do
6 something drastic here.

7 MR. CHUGHTAI: My name is Haqnawaz
8 Chughtai. I'm franchisee from 7-Eleven at
9 Kensington Avenue. We have a problem on the
10 prostitution and also I'm going to add one
11 more point. The panhandling. The
12 prostitution, the people are coming in taking
13 those hookers and they're driving our
14 customers away from our stores. We are losing
15 our customers. I lost from last year 200
16 customers per day. So I don't think I can
17 afford that and I can support my family. So
18 please, we have to do something about this
19 prostitution and panhandling.

20 About the panhandling, we have
21 panhandler out there. His name David Kincaid.
22 I even gave him a notice of debarment and
23 police took him to the police station. He
24 refused to sign it. And police is trying to
25 do everything possible they can, but he refuse

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2 to do whatever. He said he is going to be
3 there no matter. Police hands are tied. They
4 cannot do anything more than -- they just
5 arrest him, take him police station --

6 COUNCILMAN MARIANO: Not to
7 interrupt you. Hold off on the panhandling.
8 We're going to see the police commissioner.
9 We'll have you talk with him if you can stick
10 around. Maybe if he gets interested in that.

11 And I just want to say -- you're
12 7-Eleven store is across from Diamond
13 Furniture, right?

14 MR. CHUGHTAI: Yes.

15 COUNCILMAN MARIANO: He has one of
16 the, if not, the best pretzels on the Avenue.
17 I don't know how they do it, but it's a place
18 that's open 24 hours a day. Good slurpies
19 too. I've never had any but Bruce Gordon from
20 Channel 29 always goes there when he's up
21 there and he tells me they're the best
22 pretzels -- I've had them. I understand. A
23 lot of prostitution stand in front of his
24 store. And when you chase them away, and I've
25 chased a number of them away, there's people

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2 constantly moving around there. Behind the
3 scenes here we'll get you to talk to the
4 Commissioner about the panhandling. We're
5 interested in that too, but today is
6 prostitution day, okay?

7 MR. CHUGHTAI: Thank you.

8 MR. DAE JU (ph): I own the food
9 store, Kensington Avenue, Humphries Market.

10 COUNCILWOMAN MILLER: Your name?

11 MR. DAE JU: My name is Dae Ju (ph),
12 Kensington Avenue, Humphries Market. I've
13 been there about 13 years. Generally,
14 prostitute bother people. What I mean is like
15 say a roach, they come stores and bother us,
16 bother people. So it's getting much better,
17 but there's still persistent, you know, still
18 there. Like bringing trouble like sometimes
19 violence. My personal opinion is we need done
20 for this soon as possible.

21 COUNCILWOMAN MILLER: Thank you.

22 MR. KIRCHNER: My name is Harry
23 Kirchner, and I have a coin store on Allegheny
24 Avenue, a half block off of Kensington. I'm
25 more affected by the perception of the

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2 prostitution because they don't walk on
3 Allegheny Avenue. But I go to a couple of
4 local coin clubs, and Councilman Rizzo has
5 been to a few the meetings and the perception
6 is --

7 COUNCILMAN MARIANO: Are you telling
8 us Councilman Rizzo is --

9 COUNCILMAN RIZZO: (Inaudible.)

10 MR. KIRCHNER: And the people say
11 they're afraid to come down to my store
12 because every time it's on the news about the
13 Kensington corridor with the prostitute,
14 they're afraid to come in the area. And I'm
15 sure it affects all the other businesses the
16 same way. So like I say, you've got to get
17 them out of there some how.

18 And the women are afraid to walk the
19 streets because they get propositioned. I see
20 guys hollering out of the cars and honking
21 their horns at them, even the young school
22 girls get it. It's just really bad.

23 COUNCILWOMAN MILLER: Thank you.

24 Councilman Rizzo.

25 COUNCILMAN RIZZO: Don't

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2 misunderstand my remarks. I'm not being
3 critical of the Police Department here. But I
4 would like to know anyone from the business
5 community or involved in this issue, when you
6 call 911 if you have a situation at your
7 business or somewhere in your area, what kind
8 of response do you get from the blue and white
9 car? Well, they're almost all white now,
10 there's very little color on them. The blue
11 and white police car when you call 911, are
12 you satisfied with the response that you get
13 or is it strictly the sting operations that
14 are arresting these people? Please comment on
15 what happens when you call 911.

16 COUNCILMAN MARIANO: Councilman, I
17 think we have some people in the next panel
18 that talk about that, unless you want to.

19 COUNCILMAN RIZZO: I'd like to hear.
20 Could you comment?

21 MS. WILSON: When I call 911, they
22 do respond. Our captain over there have been
23 fabulous. They have been fabulous. But our
24 neighborhood is just overwhelmed by everything
25 Mr. Rizzo. I mean, it's just overwhelmed

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2 between the prostitution mainly and the
3 overall -- yes, they do respond. They move
4 them.

5 COUNCILMAN RIZZO: They just move
6 them? They don't arrest them?

7 MS. WILSON: They make arrests.

8 COUNCILMAN RIZZO: Well, I don't
9 think they can just arrest them unless they
10 actually catch them.

11 COUNCILMAN MARIANO: Councilman if I
12 could just on this for a minute. We can go
13 through a whole day of problems at K and A
14 between these little motorcycles and the
15 prostitutes. I've been on this prostitute
16 thing since I was elected wholeheartedly
17 sometimes worse than others. I got to tell
18 you, since they put it in the Daily News a
19 couple weeks ago thanks, to Carla Anderson, it
20 has gotten a little better, but it is far but
21 going away. Policeman -- and the Commissioner
22 is on his way. We'll hear him testify. The
23 policeman, like anyone else, there are some
24 police that never get out of the car. There
25 are some policeman that go out of their way to

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2 help out. This is seen to them as, Kensington
3 Avenue, okay, I can stop this car here because
4 there's 20 kids in a car and pot smoke is
5 coming out and they're playing music real loud
6 or I can get this 40-year-old guy riding a
7 little mini scooter down Allegheny Avenue or I
8 can chase this prostitute. They got a whole
9 -- that's why we want to do this. We're so
10 desperate now that we're looking to cut down
11 on the demand, to embarrass these men,
12 whatever it is we can do so they don't keep
13 coming here so their life can change. I'm
14 sure some of the residents can tell you some
15 real horror stories. And the Councilman means
16 well here, but I want to move us along to get
17 you all the to say something. I'm let the
18 Police Commissioner speak for himself, so I
19 hope that's all right.

20 You're going to have cops that are
21 better than others. You could have cops 24
22 hours a day on this.

23 MR. DAE JU: And especially when
24 businessman 911, their access to the police
25 dispatcher, I think they show screens what

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2 area address so they dispatch it right away.

3 COUNCILMAN MARIANO: Thanks,
4 Councilman.

5 Let me tell you how bad it is there.
6 I go on vacation two weeks ago. I'm in the
7 airport somewhere else and it's six hours
8 behind here. My City phone rings, I take it
9 with me, and it's City Hall operator. She
10 says "Councilman, I have so-and-so from this
11 news station wants to talk to you. Now, it's
12 3 o'clock in the afternoon where I'm at, but
13 it's 6 hours more in Philadelphia.

14 "I'm at K and A, Councilman, it's a
15 Friday night. I can't find any prostitutes."

16 Now, my first thing is to say, "Well
17 I'm glad or that sounds like a personal
18 problem." But I said, "Walk north about a
19 hundred yards, and if you don't find one, call
20 me back."

21 He still hasn't called me back so I
22 suspect I found what he was looking for.

23 I mean, this never ends. It gets
24 worse in the spring, it gets better in the
25 winter, but it never ends. I personally

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2 counted 12 last night. I went to a place
3 around the corner, Mercer Cafe down the
4 street, up Allegheny to Kensington, sure
5 enough, two here, three there, all color,
6 sizes, flavors, they're there. And there's
7 cars pulling over right in front of my car
8 that looks like an unmarked police car; in
9 front of a marked police car two blocks away.
10 This is desperation time for us to do this.

11 COUNCILWOMAN MILLER: Councilwoman
12 Krajewski.

13 COUNCILWOMAN KRAJEWSKI: Thank you,
14 Madam Chair. I do have to go. I do have
15 another meeting to attend, but I would like to
16 be recorded as voting aye on this resolution.

17 Thank you all for coming in for
18 taking the time because I do think that this
19 issue is very, very important. I see it in my
20 own area. And that's the beginning of the
21 neighborhood falling down. It's the worse
22 thing that could happen, and I sympathize with
23 you and you have my full support on this.

24 COUNCILWOMAN MILLER: Thank you,
25 Councilwoman.

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2 The next panel of witnesses.

3 THE CLERK: I'D like to call Ms.

4 Valerie Lewis and Ms. Sharon Whaley.

5 COUNCILMAN MARIANO: And let me just
6 say, it's just not Kensington Avenue. I can
7 take you up to other spots, North Broad
8 Street, South Broad Street, there's a lot of
9 places we can go to. It's filtering out all
10 over the City. I just don't want to say them
11 out loud and there will be more people there
12 tonight.

13 You've got spots too, right?

14 COUNCILWOMAN MILLER: Oh, yes. This
15 is a problem that's City-wide actually. I
16 think it's just more concentrated in some
17 areas, but this is a problem that people have
18 in all kinds of neighborhoods.

19 You want to pull the Mike up to you,
20 identify yourself and proceed with your
21 testimony.

22 MS. LEWIS: Hi. My name Valerie
23 Lewis. I live in the 4000 block of North 12th
24 Street. The prostitutes really have affected
25 the quality of life for us. It's constant.

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2 I actually purchased a property next
3 door to my home to open it up as a business.
4 They're almost deterring me from that.

5 I've been in this community since
6 about 1968, and the change is unreal. I left
7 it briefly for about five years. But it's
8 continuous.

9 I call the police. If they ever had
10 a log, I'm sure that my name and number comes
11 up every night. I call between two and two
12 times a night. I call between the hours of 12
13 midnight and 3 a.m., because I live on the
14 corner and usually my window is cracked and I
15 constantly hear it. We also have -- we're a
16 little special. We have the homosexual
17 prostitutes now. So they're dominating the
18 area at night. It's constant. It's condoms
19 on the ground. They defecate. They urinate.
20 They tear down our neighborhood. The area
21 itself, we're trying everything that we can to
22 build our neighborhood back up, and they're
23 doing everything that they can to tear it
24 down.

25 We have a huge problem with

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2 vandalism and stuff because of the
3 prostitution. And I'm only mentioning it
4 because when they see prostitutes standing on
5 the corner, they think that's somewhere they
6 can dump trash at, and they do it. My husband
7 cleans the front every morning. It's really
8 -- it's terrible.

9 And in response to what the police
10 do, I can't say they don't come; they do. The
11 problem is the amount of time it takes them to
12 get there, they're usually just about gone or
13 they hide behind cars or they do whatever they
14 have to do so that the police don't catch
15 them.

16 COUNCILMAN RIZZO: Could I ask a
17 question?

18 COUNCILWOMAN MILLER: Councilman
19 Rizzo.

20 COUNCILMAN RIZZO: I know how busy
21 our police are. And again, I'm not being
22 critical. But if you see it, why don't you
23 the police on patrol see it?

24 I know Councilman Mariano is going
25 to jump here any second. But I'm concerned

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2 that our uniformed police on patrol, our
3 special police that are out there to make
4 these arrests because they need evidence to
5 make an arrest, aren't they seeing -- and I'm
6 asking a question here that you can't answer
7 aren't they seeing what you see? And we need
8 to maybe ask the Police Commissioner today --
9 and that system at police radio is very
10 sophisticated and I know it well. They can
11 prioritize, until we get this situation under
12 control, the response. When a person calls to
13 911, they can raise the priority of that
14 particular dispatch so it doesn't, what you
15 just described occur, it doesn't take a long
16 time. But they are so very busy going from
17 point A and to point B that that is sometimes
18 a delay. But the system itself -- I'm not
19 even sure, Councilman, what the priority is
20 when those are put into the computer, that
21 kind of call. But I think I would appeal to
22 the Police Commissioner to raise until we get
23 this situation stamped out, this problem,
24 raise the level of response so it gets a
25 higher response.

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2 We all know how it works. The most
3 serious crime gets dispatched first, and you
4 want the most serious crime to receive police
5 attention. But we also want to make sure that
6 three hours later the police don't show up to
7 investigate something that's nonexistent,
8 that's gone.

9 COUNCILMAN MARIANO: Councilman, if
10 I could just on that, I would suspect --and I
11 don't know her. I think Carla Anderson spoke
12 to me a little bit about you. But if her
13 husband was a policeman or her son and had to
14 live there, things would probably change. The
15 policemen are basically good. It's just
16 something they don't see. If it was in front
17 of your house or my house or the Mayor's house
18 or Commissioner Johnson's house, it would end
19 because of the stature we hold in the
20 community, not that she doesn't -- I know you
21 understand. His father was the Police
22 Commissioner and the Mayor. He knows. He's
23 playing devil's advocate. He's not trying to
24 be bad. I know him well. But it's just
25 something that --

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2 COUNCILMAN RIZZO: I agree with the
3 Councilman. What happens, when these young
4 police officers come to that community, they
5 see what we see. But when they spend 8 hours
6 a day, 10 hours a day -- I've talked to police
7 officers at a particular intersection and four
8 of these high-powered motorcycles went racing
9 down the street. I kind of turned and I was
10 amazed that they weren't as outraged or
11 focused. The officer said to me, "This goes
12 on all day long. That's all we would be doing
13 if we focused on that."

14 So what I think Councilman Mariano
15 is saying is that they get kind of into the
16 community and what we think is a big deal
17 isn't necessarily a big deal to them.

18 MS. LEWIS: I think if the
19 Councilpeople get behind this issue and get
20 this advertised and put it on the cable
21 television and the police officers see that
22 Council is behind it, I feel that the police
23 will respond differently. But if you have
24 everybody sitting back not doing anything
25 about it and not talking about it, it's not

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2 going to change. Because, I mean, everybody
3 here basically know that the problem exists.
4 But we're there and nobody is doing anything
5 about it. But you guys are in the position to
6 make a difference by putting it on television,
7 showing it so that the police officers know
8 that this is a priority and that they have to
9 take care of this.

10 COUNCILMAN RIZZO: It will certainly
11 be good for the City cable TV ratings.

12 MS. LEWIS: Well, the ratings, I'm
13 not so concerned about the ratings as I am
14 about my neighborhood. I could care less
15 about the cable ratings; I care about my
16 neighborhood.

17 COUNCILMAN MARIANO: We're concerned
18 about your quality of life. That's why we're
19 here. When your guys are done, the
20 Commissioner is here. But I will tell you,
21 this is the beginning of something. I can't
22 see any Councilpeople voting against this and
23 I can't see the Administration not wanting to
24 do this.

25 MS. WHALEY: Council has been aware

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2 of this for quite a while. This is not new.

3 My name is Sharon Whaley, and I live in the

4 1300 block of Colwyn Street. My mother has a

5 home in the 4000 of Old York Road.

6 COUNCILMAN MARIANO: You guys are up

7 near Old York and Luzerne near the bus depot?

8 COUNCILWOMAN MILLER: You're in the

9 Logan area.

10 MS. WHALEY: Yes. Now, anybody who

11 rides on Old York Road and Erie Avenue, you

12 know you're going into a dark place. So

13 Council is not just finding this out. This

14 has been out there for a while.

15 And I have seen -- you've got to

16 remember when you're dealing with prostitutes,

17 you're dealing with a whole other different

18 mind. I have walked across that bridge at

19 points and I have seen prostitutes out there.

20 I've seen Highway Patrol out there stopping

21 them, pick them up, and then they scream and

22 yell "rape, rape." What is Highway Patrol to

23 do? And I think they're the baddest ones;

24 they're badder than the Philadelphia Police.

25 And they can't control the prostitutes out

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2 there because then the girls will go in and
3 tell a lie about what they saw. I told them,
4 "If you need a witness, I seen everything.
5 But that doesn't always happen. They co go
6 lie on the police. They go in and they will
7 lie on the police. They will say, This one
8 raped me, this one did that, he's been paid
9 off." This has happened to us time and time
10 again.

11 So the prostitutes are picked up one
12 night, they're back out the next. We have
13 houses in the area that house the prostitutes.
14 They con go in, turn their tricks and the
15 people get paid. But we have to live among
16 that, and it's not fair to us.

17 I have been an activist for quite a
18 while. I have not just become one; I have
19 been for a while. I have been to large
20 community communities to very small community
21 meetings and I have gotten absolutely no help.

22 COUNCILWOMAN MILLER: Well, you
23 know, I used to represent a small area in that
24 section.

25 MS. WHALEY: I remember.

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2 COUNCILWOMAN MILLER: And we had a
3 town meeting and we had vice there and
4 whatnot. And what vice reported is that they
5 at that time they most of their arrests for
6 prostitution in that area near that park. So
7 we know -- and Old York Road we know
8 inherently has been a problem for years. The
9 larger picture is drugs, drug prevention et
10 cetera.

11 COUNCILMAN MARIANO: You need to
12 scare these men. On Kensington Avenue a
13 couple months ago -- and I talked to a few
14 prostitutes about three weeks ago, I said,
15 "Didn't you see what went on in the paper?"

16 They said, "About what? Oh, yeah,
17 about a couple months ago some prostitutes may
18 have been getting killed."

19 They're still out there. They're
20 going to be out there for whatever social and
21 economic reasons. If we can scare the johns
22 away, for lack of a better word, this will
23 eventually -- it's never stop totally, but
24 it's got to slow it down.

25 MS. LEWIS: Really, if you would see

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2 some of the people that come by pick
3 prostitutes up, I really think they need to be
4 placed on television. We have Lexuses, we
5 have limos, we have the electric company, we
6 have the cable company, we have the news. We
7 have every walk of life that comes and picks
8 up prostitutes at 12th and Luzerne that you
9 can imagine.

10 COUNCILMAN MARIANO: Not Channel 6
11 and 29, right?

12 MS. LEWIS: I haven't seen them yet.
13 I haven't seen those guys yet, but I'm going
14 to be looking for them.

15 (Laughter.)

16 MS. LEWIS: It's really that
17 serious.

18 MS. WHALEY: I walked through the
19 park earlier today because I had to take care
20 of some business and I had get from Old York
21 Road to Ninth Street. I walk through the
22 park. The park looked really nice. I didn't
23 necessarily see any prostitutes, but I seen a
24 lot of johns trying to pick me up. I'm
25 minding my own business. I'm taking care of

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2 my own business, but I have men stopping along
3 the way.

4 My son is a senior in high school.
5 He graduates this year. He runs track. Well,
6 he started his practices during the summer.
7 He would go over to the track, it's a City
8 park, and practice his running five miles on
9 the track. He was solicited quite a few by
10 males. Now, this a young man trying to do
11 something with himself. Our children aren't
12 even safe from this kind of behavior.

13 My mother moved on Old York Road. I
14 was there. I'm second generation. My son is
15 there, he's third generation. When he goes to
16 college, he won't come back. And it's sad and
17 it's not fair. He should be able to do
18 anything he wants to do, wanting to come back,
19 this is Grandmom's house, this is Mommy's
20 house, but he don't want to come back because
21 the area just has gone to that point and it's
22 not fair. It really isn't fair because once
23 upon a time it would be generation after
24 generation that would stay in the area, but
25 it's not happening anymore because of what's

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2 happening in our communities.

3 Prostitutes in our area is not going
4 to go far from where the drugs are. Wherever
5 the drugs are, the prostitutes are going to
6 be.

7 COUNCILWOMAN MILLER: Councilman
8 Rizzo.

9 COUNCILMAN RIZZO: I have another
10 commitment. I'm glad I was able to come here
11 today to express my support for your
12 resolution. But again, I just want to restate
13 before I leave, and I think everyone here is
14 concerned that some person that was arrested
15 for another crime mug shot doesn't wind up on
16 television. This can be devastating, and
17 that's why I would hope that the Police
18 Commissioner would be the one to sign off on
19 any photos that the City channel would show
20 before they show them because we don't want to
21 see someone broadcast -- you wouldn't want to
22 see your son or my nephew on there that didn't
23 deserve to be on there if he happened to be
24 make contact with the law in some area, some
25 other way.

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2 So that's one of the things,
3 Commissioner, I'm going to ask that before
4 those photos get released and put on
5 television that you okay them. Thank you.

6 COUNCILWOMAN MILLER: Thank you.
7 Thank you, Councilman Rizzo.

8 COUNCILMAN MARIANO: Thank you,
9 ladies.

10 COUNCILWOMAN MILLER: Thank you for
11 taking the time.

12 The next witness is the Police
13 Commissioner. You're the last one.

14 Please proceed.

15 COMMISSIONER JOHNSON: I apologize
16 for being late.

17 COUNCILWOMAN MILLER: Actually,
18 you're just right on time. It's perfect
19 timing.

20 COMMISSIONER JOHNSON: I'm here with
21 legal counsel Karen Simmons. Good afternoon,
22 Councilwoman Miller and members of the Public
23 Safety Committee and City Councilmembers.
24 First, thank you for allowing me to speak on
25 the such an important topic that clearly

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2 undermines the quality of life in far too many
3 neighborhoods throughout our City.
4 Prostitution and the resultant urban decay and
5 stress it creates among our neighborhoods has
6 always been a major concern of mine and the
7 Philadelphia Police Department.

8 Regrettably, due to the high drug
9 addiction rates in Philadelphia and other
10 large urban cities across the country, far too
11 many women and men are forced by addiction
12 into prostitution. Therefore, this is not a
13 situation that law enforcement alone will ever
14 eliminate without help from social services;
15 counseling, drug treatment, education,
16 training and employment opportunities to name
17 just a few. I have always said that the City
18 can never arrest our way out of the problems
19 of drugs. This is also true with the
20 consequential problems like prostitution that
21 it creates.

22 However, this does not mean nor
23 should anyone believe that I and the
24 Philadelphia Police Department are complacent
25 or believe that we shall give up. Quite the

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2 opposite. I feel we have a duty to the
3 citizens of Philadelphia to address all crimes
4 that undermines the quality of life in our
5 City regardless of the cost. Children should
6 not have to witness prostitution in cars and
7 alleys and their parents should not be left to
8 clean up the disgusting mess often left
9 behind.

10 Eradicating prostitution from our
11 streets and alleys is a high priority of the
12 City-wide Vice Unit and Philadelphia Police
13 Department. I applaud Councilman Mariano for
14 looking for all alternate solutions to help
15 reduce or even eliminate the problem. In
16 2002, there were 1,609 arrests for
17 solicitation and prostitution. In 2003, there
18 was a total of 1,284 arrests for solicitation
19 and prostitution. Prostitution thrives not
20 because of drug addiction, because people are
21 willing to pay for sex. If we can eliminate
22 the market for prostitution we can reverse
23 this trend in the neighborhoods and force the
24 addicts to get help.

25 Accordingly, I fully support in

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2 theory the Councilman Mariano's resolution
3 broadcasting the names and photographs of
4 those recently arrested for solicitation. In
5 a perfect world, this alone should deter those
6 willing to patronize prostitutes. After all,
7 if there are no johns, there would be no
8 prostitutes, so the theory goes.

9 Thank you, Councilman Mariano and
10 members of the Committee of Public Safety.
11 This concludes my testimony on this
12 resolution. At this time, I would be happy to
13 answer any questions that any members may
14 have.

15 COUNCILWOMAN MILLER: Thank you.
16 Thank you, Commissioner.

17 I remember when the Guardian Angles
18 were present in the Philadelphia when they had
19 a heavy presence here. One of their methods
20 to deter drug sales was to run away the
21 customers, to bring attention to the corner.
22 So I think it's a good strategy when we figure
23 out a way we can deter the johns from coming
24 to a particular area.

25 One of the other things I was

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2 thinking, you know, we all get together and
3 sometimes we do a March on corners that have
4 drug problems. I was wondering have you guys
5 ever tried that prostitution corners.

6 COMMISSIONER JOHNSON: Councilwoman,
7 we have. Again, I think as far as drugs is
8 concerned and prostitution, if there is no
9 buyers, there's no sellers. And the thing we
10 have to be a lot more proactive than we ever
11 been before. Again, I totally agree with this
12 resolution and will support it.

13 COUNCILWOMAN MILLER: Councilman
14 Mariano.

15 COUNCILMAN MARIANO: Let me make a
16 statement and tell another story that may make
17 sense to everyone here, but it's very germane
18 to this. I have acquaintance that I went to
19 grade school with. I'll 49 years old in July.
20 You do the math. I see him once every 10
21 years. His mom still lives in the
22 neighborhood I live in, but we're not really
23 good friends. I get a call from a mutual
24 friend that says "So-and-So got arrested
25 Friday night. Can you help him?"

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2 I said, "What for?"

3 He said, "He picked up a girl on
4 Kensington Ave."

5 I said, "I can't help him, but what
6 I can do is I can call the Bail Commissioner
7 and find out for you how long he'll been
8 there. It could be 20 hours. I can't help
9 him, he's in there."

10 So he got out eventually in a day or
11 so he calls my friend and they both call me to
12 thank me. And I said, "Have you lost your
13 mind? What's going on?"

14 He said, "You know, I went through a
15 bad divorce" -- I'm paraphrasing this. He
16 needed female companionship, he thought he
17 did.

18 I said, "How long have you lived in
19 Juniata?"

20 He says, "Same as you, Rick, 40
21 years."

22 I said, "How many times have you
23 gone down Kensington Avenue and seen
24 prostitutes?"

25 He said, "I couldn't count that

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2 high. Into the thousands."

3 I said, "I understand. Handle it
4 some way else. Why tonight did you stop pick
5 up this prostitute?"

6 "Because she was real good looking."

7 Well, she was real good looking
8 because she was a police woman, okay. Duh.
9 Light bulb goes off, police woman. But if we
10 can scare these guys, if these guys are going
11 to be scared and go, "Well, this maybe police
12 woman." Maybe she won't be. Not that he has
13 any ugly police women but he had some not too
14 attractive ones that might fit in a little
15 better. The captain or lieutenant that
16 handles that does different things, and he's
17 not say that in a public meeting. But if
18 these guys are scared where they may see their
19 picture in the paper and on this cable
20 station, they're still going to do it.
21 They're going to do it another way. They're
22 going to take care themselves another way. We
23 can leave that up to our imagination.
24 Something's going to happen. They may go to
25 Camden. They can go to Cherry Hill. They can

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2 go to Wildwood, New Jersey, as much as I care,
3 but not in front her house or her house or his
4 house. That's all we're doing here. This
5 thing will be around the wold dead and gone
6 and bones, dust in the bone yard. We've got
7 to do this because this never ends. I can see
8 this, like I said, last night. As the sun's
9 out, we'll go up there right now on the way
10 home, anyone who wants to ride with me, I bet
11 you about 6 o'clock tonight we can pick any
12 flavor, size, color, male, female to get
13 anything we want. And that's bad.

14 The woman has the business there.
15 My friend's got a tattoo parlor at Kensington
16 and Allegheny, Philadelphia Ink Danny. So a
17 lot of tattoo guys going in there. Them women
18 come in there; he chases them out. They go
19 into what used to be the drug store; they
20 chase them out. They go across the street to
21 the bar to try to drink. He chases them out.
22 But it never ever ends.

23 This is just one little thing that
24 we can do. It's not going to be the end all,
25 we have to do this. We've done marches. I've

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2 down marches. I'm beyond marches for this. I
3 actually can't go there anymore alone. I have
4 to have a witness in the car with me. And not
5 that I'm this great crusader, but I fear what
6 that lady there said, "Hey, this guy grabbed
7 me." I don't want that so I've got to make
8 sure someone's with me. Sometimes I have my
9 wife with me when we're driving up the Avenue.
10 She says, "Don't you dare stop." I've got to
11 say something; it's nice. "Ladies, can't you
12 leave. You know what? There's a police car
13 right behind me because I'm calling them."
14 That's what we need.

15 Me question to you is -- and this
16 was Councilman Rizzo's question actually. We
17 don't want to break any laws here. I know you
18 probably signed off for the Daily News to have
19 the names. We own this cable station. Is
20 there anything illegal about us putting those
21 pictures there? And if so, I'm sure my
22 colleague Councilman Cohen is going to want to
23 know are we infringing on anybody's civil
24 rights?

25 COUNCILWOMAN MILLER: Identify

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2 yourself, please.

3 MS. SIMMONS: We've asked the Law
4 Department to look at that exact issue because
5 when we got the request from the Daily News,
6 it came to us as a public records request
7 under to Right to Know Act. And it was clear
8 to us because the request was made to us that
9 it was not anything illegal. It was clearly
10 in a discretionary area.

11 COUNCILMAN MARIANO: And onus would
12 be on the Daily News if it was illegal.

13 MS. SIMMONS: And it was nothing
14 illegal about that. It wasn't protected
15 information under any law. It wasn't Criminal
16 Record Information Act that we couldn't turn
17 over, so it was discretionary information that
18 the City could turn over.

19 Now, what we've asked them to look
20 at is that because the City would be -- in
21 this case it's the City doing it, at this
22 point we don't think it's anything different.
23 We're asking them to just take a look at that.
24 And at this point they don't believe it's
25 anything different in doing that than it was

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2 in turning it over to the Daily News.

3 COUNCILMAN MARIANO: Because we have
4 some real good things. We have one idea where
5 we're going to put a big banner at K and A
6 near Atlantic Street on Kensington and on 12th
7 Street that says, "Welcome to my neighborhood.
8 But if you came here to commit a crime, no
9 matter what that crime is, you will be
10 prosecuted to the fullest extent of the law.
11 If you're thinking about committing a crime
12 with a prostitute, forget it because you're
13 going to be in the Daily News and maybe even
14 the Inquirer will start and you'll be on our
15 cable station."

16 Plus, if this doesn't work, I'll
17 personally get T-shirts printed up every
18 Friday with the pictures of all these people.
19 And those people and all the people I know
20 will wear these T-shirts. Or put billboards
21 up. We've got to do something.

22 MS. SIMMONS: Because right now the
23 Police Department on many cases we will give
24 out pictures of individuals who commit crimes
25 as long as it's contemporaneous with the time

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2 that they're rested. We've gotten a sign-off
3 when we've done the research that that is not
4 protected information and that has clearly
5 been shown to be public record.

6 COUNCILMAN MARIANO: My friend got
7 arrested there on Kensington Avenue for that
8 crime. His picture gets on the Daily News and
9 on there. If it's his first offense -- and
10 this question has to be asked -- and he says
11 -- and I'm sure of this because I've known him
12 on and off. He can get in that program and
13 then his picture wouldn't be, right?

14 MS. SIMMONS: Well, a number of
15 people may get into the ARD program and then
16 their records may get expunged, and that may
17 happen along the line after the fact. But
18 what the law says is that the picture at the
19 time you're arrested is not protected
20 information, which means it's a public record
21 at the time you are arrested. So once you're
22 arraigned, it's public. Once it gets
23 expunged, the onus becomes on you or on the
24 Daily News or whoever has that record to also
25 do whatever the order may say. But when the

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2 Police Department and the City gets an order
3 from the judge that says expunge that person's
4 record, the Police Department will expunge
5 whatever record we have. Now, the onus is not
6 on the Police Department to expunge anything
7 that's not in our custody. So then that
8 person, if they want to, will have to try to
9 get an order that says Daily News or whatever
10 other news --

11 COUNCILMAN MARIANO: This is a
12 little jump ahead here because this is
13 something I always wanted to know. In that
14 case, if that record is expunged in
15 Philadelphia by this department, the
16 individual goes for a job in Dallas, Texas,
17 that's still on his record, the FBI thing,
18 right?

19 MS. SIMMONS: It should not be.
20 When it's expunged -- well, it's according
21 what the judge's order say. The answer is
22 kind of like a legal, it depends. If the
23 judge under the ARD Program, which is
24 Accelerated Rehabilitated Disposition Program,
25 it says that once you enter that program the

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2 record is expunged as if the crime was never
3 committed. So it should be expunged from your
4 record.

5 COMMISSIONER JOHNSON: I think what
6 happens sometimes, they may still have an FBI
7 number, and that FBI number will come up.

8 COUNCILMAN MARIANO: I'm not a cop
9 or a lawyer, never wanted to be, but I suspect
10 the FBI doesn't expunge anything. It must be
11 in your record forever from jaywalking to
12 guns.

13 COUNCILWOMAN MILLER: So there's a
14 timeline then for when you could use the
15 picture and when you couldn't? If someone
16 signs up for ARD, you can't really use the
17 photo, correct?

18 MS. SIMMONS: That's not true.
19 Based on what the law is, we can use the
20 picture at the time you're arrested under the
21 law. But based on what the Law Department has
22 said and based on what the research says, once
23 you're arrested, your picture is taken after
24 arraignment. And that picture is public.
25 It's a public record.

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2 Now, if you get into the ARD Program
3 and you successfully complete the ARD program
4 and once the judge signs an order and says
5 your record should be expunged, the Police
6 Department and the courts would then expunge
7 your record. And that picture that we have in
8 our custody, the Police Department would then
9 destroy that picture.

10 COUNCILWOMAN MILLER: So to sign up
11 for ARD is given one opportunity for
12 first-time offenders?

13 MS. SIMMONS: Yes.

14 COUNCILWOMAN MILLER: Okay.

15 MS. SIMMONS: And that's not an
16 automatic thing. That's not something that's
17 guaranteed to first-time offenders for any
18 specific crime. That's something that has to
19 be offered by the District Attorney's Office
20 and they have to accept you into that program.

21 COUNCILMAN MARIANO: To clear up a
22 couple more things while we have both of you
23 here, again, I'm not a lawyer, but there's a
24 couple different ways. A policeman goes to
25 car and there's a man and woman engaging in

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2 sex and they he arrests them. That's not as
3 serious as a man soliciting or a woman
4 soliciting an undercover police officer,
5 right? That's above a summary offense, right?
6 What's more serious here?

7 The problem they always got was,
8 well, I can't do nothing because I'm not
9 catching them do it. I mean, a cop rolls on
10 the scene, sees something happen, can he
11 arrest them? Does he have to see money
12 exchange hands?

13 COMMISSIONER JOHNSON: Well, I can
14 give you my opinion and she can give you her
15 opinion. I think it is indecent exposure if
16 he catches them in an uncomfortable position
17 and then they could be arrested. I think it's
18 also a misdemeanor. It really depends. The
19 fact that he goes out to catch them in a
20 sexual act no matter what that sexual act is,
21 it is indecent exposure and I think it is also
22 as serious, at least in my opinion -- it may
23 not be more serious than solicitation, but
24 they are more or less borderline or equal to
25 each other.

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2 COUNCILMAN MARIANO: For a
3 misdemeanor do you get fingerprinted and
4 photographed?

5 COMMISSIONER JOHNSON: Yes.

6 COUNCILMAN MARIANO: But if they
7 just pick up a woman for street-walking or
8 obstruction of the highway, can they
9 fingerprint and photograph them for that?
10 I've heard various opinions of that over the
11 last five years. Is that a summary offense?

12 MS. SIMMONS: That's a summary
13 offense, obstruction of the highway. It can
14 be escalated. Obstruction is a summary
15 offense. Under our Crimes Code, under the
16 Rules of Criminal Procedure, you do bring them
17 in.

18 COUNCILMAN MARIANO: No fingerprints
19 or photographs?

20 MS. SIMMONS: No.

21 COUNCILMAN MARIANO: So therefore,
22 if I'm a female and I'm out there and I'm a
23 prostitute --

24 MS. SIMMONS: A male can be a
25 prostitute.

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2 COUNCILMAN MARIANO: Okay. But I'm
3 a known prostitute but the policeman may be a
4 new guy and he don't know, he might have just
5 got there, they take me and give me a summary
6 offense, I might have done it 13 times in the
7 last two weeks, nobody knows me because I'm
8 not doing it on 12th Street, now I'm somewhere
9 else. They just give me a ticket for a
10 summary offense. Nobody checks to see if I
11 have any priors or anything?

12 COMMISSIONER JOHNSON: They normally
13 always check prior.

14 COUNCILMAN MARIANO: How do you do
15 that without fingerprints and photographs?

16 COMMISSIONER JOHNSON: Well, they
17 check to see if they have any identification.
18 If they don't have any identification, then
19 normally what we find most prostitutes have 10
20 or 15 different names. So it's an system, and
21 most of them are not honest. But we can't
22 force them to be fingerprinted at that point.
23 But if they give a name, we'll check the name
24 that they give and the date of birth.

25 MS. SIMMONS: And if you don't have

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2 identification or we can't identify you, then
3 we may have to do the fingerprints for
4 identification purposes.

5 COMMISSIONER JOHNSON: But what
6 happens a lot of times too is that they take
7 the wrong photographs a lot of times, the
8 Polaroids. In a lot of districts what they do
9 is they put their names into a book so they
10 will bring up the book and look and identify
11 this person. A lot of detective divisions, a
12 lot of districts, especially City-wide vice
13 has pictures of these prostitutes. And
14 because a lot of times they give different
15 names and they would know even prior to
16 fingerprinting them.

17 COUNCILMAN MARIANO: Commissioner,
18 it's past the statute of limitations, so I can
19 tell you this. I had a driver that passed
20 away and he actually worked for Congressman
21 Blackwell. He was in Captain Ferguson's
22 squad, and you're an old timer, I know you
23 remember Fergie squad.

24 COMMISSIONER JOHNSON: I'm not that
25 old.

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2 COUNCILMAN MARIANO: You weren't
3 there, but you remember it. You heard the
4 stories. But they did everything. Harry told
5 me that when a politician would call -- now
6 this is 30, 40, 50 years ago, during them
7 days. Harry said when they knew that
8 Kensington Avenue was hot box -- and we're not
9 recommending we do this -- they used to
10 actually send the wagons out, round them up,
11 dump them on the other side of the bridge.
12 I'm not saying you should do that, but
13 desperate times, desperate measures. So is
14 there something like that we can do without
15 violating somebody's civil rights, like maybe
16 take them to the mission to get some donuts
17 and coffee and let them out at 6:00 in the
18 morning?

19 COMMISSIONER JOHNSON: No, I don't
20 think we can force them to do anything. We
21 can't break the law to enforce the law. We
22 would wind up getting locked up ourselves.

23 COUNCILMAN MARIANO: That would be
24 like that sting when everybody comes in
25 because they think they won tickets to the

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2 Super Bowl and they're all drug dealers.

3 Something like that. I mean, we're laughing,
4 but this is desperate.

5 And if I lived on Kensington Avenue,
6 I would have lost my mind by now. If I lived
7 at her house, I would have lost my mind.

8 I know it's not your fault and I
9 know you're a good guy.

10 COMMISSIONER JOHNSON: I appreciate
11 everything City Council has done to make us do
12 things that are legal. We'll try eradicate
13 this type of problem. I understand what the
14 neighborhoods go through. I think in one year
15 we made 1,600 arrests. I might be saying
16 something out of line, but I'm probably going
17 to say it anyhow. I think the judges have to
18 get involved in this too. We can't be
19 arresting people 25, 30 times for prostitution
20 and nothing happens to them and they know
21 there's nothing going to happen to them so to
22 be arrested and be inconvenienced for a day or
23 two days and come right back into the exact
24 same thing over, there's no deterrent.

25 COUNCILMAN MARIANO: I think you're

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2 right and everyone in the audience. What I
3 want to do is get all your names and phone
4 numbers. Maybe we need to have like instead
5 of a -- you know how if a crime's committed
6 against you, someone in the victim's assistance or
7 maybe between my office and maybe some of the
8 other Council people's office. If there's a
9 prostitute and there's an arrest, maybe we can
10 go down and remind that judge, whoever they
11 are, that what a scourge this person is to our
12 community.

13 But he's right. He's been a cop --
14 not as long as I wanted him to have been a
15 cop, but he's been a cop for a while. So he
16 knows it's the judges too. And we elect them
17 every 10 years and you go in that booth and
18 you're like, that sounds like a nice Italian
19 name, I'll vote for him. You never know
20 because you don't know them. They can't talk
21 about what they're going to do; it's against
22 the law for people running for judge. So let's
23 all get each other's names and maybe we can
24 work on that with our staffs.

25 Thank you, Commissioner.

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2 COUNCILWOMAN MILLER: Thank you.

3 Thank you, Commissioner.

4 Are there any other questions for
5 the Commissioner?

6 (No response.)

7 COUNCILWOMAN MILLER: Thank you both
8 for coming in.

9 Is that all the witnesses today?

10 THE CLERK: Yes, that's all on our
11 witness list.

12 COUNCILWOMAN MILLER: We conclude
13 the public hearing and move the committee into
14 the public meeting.

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COUNCIL OF THE CITY OF PHILADELPHIA

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PUBLIC MEETING

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COMMITTEE ON PUBLIC SAFETY

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Thursday, May 13, 2004

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9 Public meeting conducted by the
Committee on Public Safety, held in Room 400,
10 City Hall, Philadelphia, Pennsylvania, on the
above date, to consider action on the
11 following:

12

RESOLUTION 040378.

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PRESENT:

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COUNCILWOMAN DONNA REED MILLER, Chair
COUNCILWOMAN JOAN KRAJEWSKI, Vice Chair
16 COUNCILMAN DAVID COHEN
COUNCILMAN RICHARD MARIANO
17 COUNCILMAN FRANK RIZZO

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1 05/13/04 - PUBLIC SAFETY- PUBLIC MEETING

2 COUNCILWOMAN MILLER: Councilman
3 Mariano, I'd like to entertain a motion.

4 COUNCILMAN MARIANO: I make a motion
5 that Resolution No. 040378 be voted out of
6 this Committee with a favorable
7 recommendation.

8 (Duly seconded.)

9 COUNCILWOMAN MILLER: Councilwoman
10 Krajewski and Councilman Rizzo voting aye.

11 All in favor?

12 (Aye.)

13 COUNCILWOMAN MILLER: Opposed?

14 (No response.)

15 COUNCILWOMAN MILLER: Thank you.

16 The resolution passes.

17 (Council adjourns at 2:23 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Thursday, May 13, 2004, were
reported fully and accurately by me, and that
this is a correct transcript of the same.

RE: COMMITTEE ON PUBLIC SAFETY

Lisa C. Bradley, RPR