

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall  
Philadelphia, Pennsylvania  
Tuesday, October 10, 2017  
1:10 p.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR  
COUNCILWOMAN JANNIE L. BLACKWELL  
COUNCILMAN DEREK S. GREEN  
COUNCILMAN WILLIAM K. GREENLEE  
COUNCILMAN BOBBY HENON  
COUNCILMAN KENYATTA JOHNSON  
COUNCILMAN AL TAUBENBERGER

BILL 170674 - An ordinance amending Section  
10-825 of The Philadelphia Code, entitled  
"Stun Guns," by further providing for the  
regulation of stun guns, also known as  
electric or electronic incapacitation  
devices...

- - -

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1 10/10/17 - PUBLIC SAFETY - BILL 170674

2 COUNCILMAN JONES: Good  
3 afternoon. This is a hearing and it's  
4 now called to order. I see the presence  
5 of a quorum with Councilman Henon,  
6 Councilman Greenlee, Councilman  
7 Taubenberger, and Councilman Green and  
8 myself.

9 This is the City Council  
10 Committee on Public Safety. The purpose  
11 of this public hearing is to hear  
12 testimony on Bill No. 170674.

13 And will the Clerk please read  
14 the title of the ordinance.

15 THE CLERK: Bill No. 170674, an  
16 ordinance amending Section 10-825 of The  
17 Philadelphia Code, entitled "Stun Guns,"  
18 by further providing for the regulation  
19 of stun guns, also known as electric or  
20 electronic incapacitation devices, under  
21 certain terms and conditions.

22 COUNCILMAN JONES: Thank you,  
23 Ms. Williams.

24 And before I begin, the record  
25 should reflect that this Committee will

1       10/10/17 - PUBLIC SAFETY - BILL 170674  
2       not hear testimony on Resolution No.  
3       170223 because it is being held at the  
4       request of the sponsor.

5               And with that, I just want to  
6       kind of open this up and say that Bill  
7       No. 170674 will prohibit the ownership  
8       and use and possession, sale or transfer  
9       of stun guns by persons under the age of  
10      18. So why is that important? State law  
11      has already recognized that firearms are  
12      dangerous devices, should not be  
13      possessed by unsupervised children, but  
14      the state stun gun statute does not  
15      address the use of stun guns by minors.

16             Like guns, stun guns are  
17      dangerous weapons that can severely  
18      incapacitate individuals and can be, in  
19      the wrong hands, an instrument of crime.

20             So what we want to do is take  
21      the position that we should protect our  
22      young folk. At the point that the state  
23      law doesn't go far enough, we do have the  
24      ability as a municipality to go a little  
25      further.

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2 And with that, I'm going to ask  
3 the Clerk to read the first panel to  
4 testify and hopefully the only panel to  
5 testify.

6 THE CLERK: Sergeant Matthew  
7 White.

8 (Witness approached witness  
9 table.)

10 COUNCILMAN JONES: Welcome. Is  
11 this your first time testifying?

12 SERGEANT WHITE: It is, sir.  
13 Thank you.

14 COUNCILMAN JONES: Well, see,  
15 first time for everything.

16 Do any of my Committee members  
17 have a comment on this ordinance?

18 (No response.)

19 COUNCILMAN JONES: Seeing none,  
20 state your name for the record and please  
21 begin your testimony.

22 SERGEANT WHITE: My name is  
23 Sergeant Matthew White from the  
24 Philadelphia Police Department.

25 Good afternoon, Chairman, other

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2 members of the Committee. I'm an Advisor  
3 to Commissioner Ross. I work for Captain  
4 Fran Healy, who I'm sure many of you have  
5 met before. First, on behalf of the  
6 Commissioner, I'd like to thank you for  
7 giving the Police Department the  
8 opportunity to voice its opinion  
9 regarding Bill 170674 relating to stun  
10 guns.

11 Stun guns that expel  
12 projectiles, otherwise known as  
13 electronic incapacitation devices, are  
14 not toys or novelties. In fact, they are  
15 dangerous weapons that can cause serious  
16 injury or even death. For this reason,  
17 the Philadelphia Police Department fully  
18 supports the amendments being proposed to  
19 City Code Section 10-825. Under no  
20 circumstance should children be permitted  
21 to use or possess these devices.

22 While Pennsylvania Crimes Code  
23 Section 908.1 clearly addresses the use  
24 and possession of electronic  
25 incapacitation devices, the statute does

1        10/10/17 - PUBLIC SAFETY - BILL 170674  
2        not address the use or possession of this  
3        equipment by minors. Firearms are  
4        dangerous devices, and the State  
5        Legislature recognizes this fact by  
6        enacting Crimes Code Section 6110.1 to  
7        restrict the possession of firearms from  
8        unsupervised children. Despite the  
9        inherent danger of the electronic  
10       incapacitation devices, there's  
11       regrettably no corresponding safeguard  
12       provided in the state code. This bill  
13       provides those safeguards to the children  
14       in Philadelphia.

15                With the advanced technology  
16       and prevalence of these devices in our  
17       city, the Police Commissioner truly  
18       appreciates the efforts of Councilman  
19       Jones to protect our children.

20                This concludes my testimony. I  
21       would be happy to answer any questions at  
22       this time.

23                COUNCILMAN JONES: A couple of  
24       questions. So the electronic device  
25       known as stun guns, they range in

1       10/10/17 - PUBLIC SAFETY - BILL 170674  
2       different kinds of capacities and  
3       intensities. I've seen the ones that are  
4       handheld that look like a shaver, a  
5       razor, electronic razor, and then there  
6       are those that are shot from projectiles  
7       and put two wires in you basically.

8               So can you give us a little --  
9       so this would cover all of those devices;  
10      is that correct?

11             SERGEANT WHITE: I am not  
12      certain if this would cover all those  
13      devices. I would be happy to research  
14      that and get back to you with a  
15      conclusive answer. I wouldn't want to  
16      speak freely. I know that the language  
17      does involve projectiles, but also  
18      references electronic incapacitation  
19      devices, which are described in the state  
20      statute as being more encompassing.

21             COUNCILMAN JONES: So for the  
22      intent of this law, we want it to cover  
23      all of those devices. We are not or do  
24      not project ourselves as experts on which  
25      ones incapacitate a little bit, which

1        10/10/17 - PUBLIC SAFETY - BILL 170674  
2        ones incapacitate a lot. So we want to  
3        put a prohibition on all of them.

4                Second question I would have,  
5        have we noted any commissions of crimes  
6        with stun guns? Is that something we  
7        know about?

8                SERGEANT WHITE: In general  
9        terms, I believe crimes have been  
10       committed using these devices. However,  
11       I don't have any data or statistics I  
12       could present to you today, but I would  
13       also be happy to do additional research  
14       on that.

15               COUNCILMAN JONES: So because  
16       you went to law school with all of our  
17       staff here, I'm going to stop my  
18       questions at this point, but next time  
19       you won't be new.

20               Councilman Taubenberger.

21               COUNCILMAN TAUBENBERGER: Thank  
22       you, Mr. Chairman.

23               Most stun guns then are ones  
24       that you actually have to hold up against  
25       another person? I mean, other than there

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2 are some that shoot a projectile that's  
3 sort of like, I guess, a harpoon.

4 SERGEANT WHITE: So there are  
5 two different types of devices that I am  
6 aware of, at least one that is contact  
7 based and one that is projectile based as  
8 far as the prongs. As far as which one  
9 has sold more units or which one is more  
10 prevalent, I wouldn't be able to speak to  
11 that without some research.

12 COUNCILMAN TAUBENBERGER: And  
13 please don't interpret these questions --  
14 I should really make it very clear for  
15 the record. I'm in support of this  
16 legislation. I applaud the Chairman for  
17 coming up with it, but while you're here,  
18 just for sake of gaining some knowledge,  
19 how often are they used with Philadelphia  
20 Police? Do they use them quite a bit or  
21 not at all?

22 SERGEANT WHITE: Are you asking  
23 how often police officers use their --

24 COUNCILMAN TAUBENBERGER: Yes.  
25 Does each police officer have a stun gun?

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2 SERGEANT WHITE: There are a  
3 number of officers that --

4 COUNCILMAN JONES: I'm going to  
5 help you out, because I was up at the  
6 Academy. The answer is no. There is  
7 specific training that each officer must  
8 have --

9 COUNCILMAN TAUBENBERGER: Must  
10 have before they get one.

11 COUNCILMAN JONES: -- before  
12 they get one.

13 COUNCILMAN TAUBENBERGER: And  
14 to your knowledge, has anyone ever been  
15 hurt severely -- or hurt, hurt severely  
16 or died because of a stun gun anywhere in  
17 the City of Philadelphia?

18 SERGEANT WHITE: I can  
19 certainly -- I have no knowledge of  
20 anyone ever dying, no. The device, I  
21 understand, can cause pain. So if the  
22 question is does it hurt people, then,  
23 yes, it has hurt people.

24 COUNCILMAN JONES: I think it  
25 was you, Councilman Henon, didn't we go

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2 up together? Did we go to the Police  
3 Academy together?

4 So there was a tradition that  
5 in order to get a stun gun, you had to  
6 subject yourself to getting stunned, and  
7 the union stepped in and said that that  
8 practice would no longer be tolerated.  
9 But there was a time you had to, in order  
10 to administer, you had to know what it  
11 felt like. And I would have never had a  
12 stun gun ever. It's almost like being  
13 hazed. It was for anyone who wanted to  
14 actually carry one, new guys too, but  
15 yeah.

16 COUNCILMAN TAUBENBERGER: And  
17 when did this practice end?

18 COUNCILMAN JONES: Well, we  
19 were up there, I got to believe, three  
20 years ago. And don't hold me to that,  
21 but shortly they stopped on it, and I  
22 think rightfully so, because it's nothing  
23 to play with. It is painful. One hell  
24 of an initiation. If we had something  
25 like that in Council, there probably

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2 would be no Councilpeople.

3 COUNCILMAN GREEN: Well, maybe  
4 for new republican at-large members.

5 COUNCILMAN JONES: New  
6 republican at-large members only?

7 So we'll stop with that. Does  
8 anybody --

9 COUNCILMAN TAUBENBERGER:  
10 Mr. Chairman, I'm done with my questions.  
11 I thank you, and I'm fully in support of  
12 your bill.

13 COUNCILMAN JONES: Thank you.  
14 So are there any other  
15 witnesses to testify on this legislation?

16 THE CLERK: No.

17 COUNCILMAN JONES: Okay.  
18 Councilman Green.

19 COUNCILMAN GREEN: Quick  
20 question. Technology is always evolving  
21 and changing, and listening to the  
22 testimony of my colleagues, are there new  
23 types of stun guns that are coming out  
24 that this legislation may not cover or is  
25 that too challenging to speculate? That

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2 you may not see in use now, but that  
3 people are using in other jurisdictions  
4 or using other -- maybe they're being  
5 used for law enforcement or military that  
6 are not available commercially, but could  
7 be in the future?

8 SERGEANT WHITE: I think that's  
9 a great question. Thank you. And I am  
10 not aware of anything at this time, but I  
11 am happy to look into that. I would  
12 certainly like to know if there's  
13 something in the pipeline that would be a  
14 device that would not be covered.

15 COUNCILMAN GREEN: The reason I  
16 ask the question, because from the  
17 military perspective, there are new types  
18 of devices that are coming out that may  
19 not be available commercially, but may be  
20 available commercially in the future that  
21 are currently being used by the military  
22 in various points of war or other type of  
23 military operations. So I was curious.

24 Thank you.

25 SERGEANT WHITE: Thank you.

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2 COUNCILMAN JONES: So are there  
3 any other questions for this witness?  
4 Councilman Henon.

5 COUNCILMAN HENON: No. I was  
6 just going to make a comment on the bill  
7 that's being held.

8 COUNCILMAN JONES: Councilman  
9 Henon, please.

10 COUNCILMAN HENON: Thank you,  
11 Mr. Chair.

12 I have no questions for you,  
13 unless any other members do. That will  
14 be up to the Chair whether to excuse you  
15 and all. I wanted to make a brief  
16 statement on the bill that's being held.

17 COUNCILMAN JONES: Thank you  
18 for your testimony.

19 SERGEANT WHITE: Thank you very  
20 much.

21 Councilman Henon.

22 COUNCILMAN HENON: Thank you,  
23 Mr. Chairman. And, first, I want to  
24 remind everybody, if they don't know  
25 already, and help me wish our colleague

1        10/10/17 - PUBLIC SAFETY - BILL 170674  
2        and friend, Councilman Squilla, happy  
3        birthday today. It's his birthday. I  
4        don't see him here, but if he's looking,  
5        happy birthday to Councilman Squilla.

6                But on the resolution that's  
7        being held at the request of the sponsor,  
8        Councilwoman Bass, Resolution 170223  
9        regarding crossing guards, I want to  
10       thank her and the colleagues that had  
11       signed on to bringing it to the  
12       attention, because it's a very dire  
13       situation we are in in staffing that's  
14       occurring across the City and throughout  
15       my district as well, and I know that the  
16       Councilwoman and other members share that  
17       same desire to ensure that all our  
18       children are able to get to school to and  
19       from safely. That's why crossing guards  
20       are so important.

21               I just happened to be with a  
22       crossing guard -- as a matter of fact, I  
23       was speaking with you, Councilman,  
24       earlier in the morning. I think it was  
25       like 7 o'clock in the morning. So who

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2 says that City government closes?

3 Because it is always open on our end,

4 because we're 24/7 employees, thanks to

5 the people. We were discussing some

6 other issues, but at 7 o'clock in the

7 morning, I was on the corner with a

8 crossing guard. She's been there for 30

9 years, and it happened to be one of those

10 corners where she was there for 30 years.

11 A woman who was crossing the street, her

12 mother had the corner before this young

13 lady who was there for 30 years. So

14 between this woman's mother and her,

15 there was 70 years of crossing guard

16 experience, and they were crossing people

17 who I remember crossing -- she was

18 saying, This woman that's coming up, I

19 crossed her. I crossed her brothers and

20 sisters. Now, look, I'm crossing her

21 kids. Right?

22 So that's the fabric of the

23 City of Philadelphia when a crossing

24 guard understands the community, and we

25 pay attention to who is helping protect

1        10/10/17 - PUBLIC SAFETY - BILL 170674  
2        and serve our community in addition to  
3        our law enforcement. It is our crossing  
4        guards. And when it's vacant, we miss so  
5        much more, so much more than just a  
6        corner with safety. It was a tough job.  
7        I almost crossed a staffer when traffic  
8        was coming along pretty good.

9                So I put in a request to the  
10       Police Department regarding the status of  
11       the streets that have crossing guards and  
12       the intersections that are not as  
13       fortunate, and I'm looking forward, like  
14       my colleagues, an updating on how these  
15       vacancies came about, what are they doing  
16       to fulfill them and as far as developing  
17       a plan to fulfill them and the timeline.

18               So I understand that the  
19       resolution is being held to the call of  
20       the Chair, and I expect that the  
21       information that has been requested from  
22       the Department will be in front of us in  
23       advance to having the hearing at the call  
24       of the Chair.

25               But I just do want to say that

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2 crossing guards really do provide much  
3 more than safety. They provide  
4 information. They provide the  
5 connectivity. They provide  
6 relationships. They provide mentorship,  
7 and they provide the comfort I think our  
8 city deserves. So I want to thank them  
9 for what they do.

10 Thank you, Mr. Chair.

11 COUNCILMAN JONES: Thank you,  
12 Councilman. And we appreciate you  
13 standing up for the young people that  
14 have to go through those dangerous  
15 intersections and crossing guards who  
16 protect them.

17 So the Chair also --

18 COUNCILMAN TAUBENBERGER:  
19 Mr. Chairman, if I can.

20 COUNCILMAN JONES: Councilman  
21 Taubenberger.

22 COUNCILMAN TAUBENBERGER:  
23 Mr. Chairman, I just wanted to echo and  
24 actually thank Councilman Henon for what  
25 he just said. I couldn't agree with him

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2 more. I think he said it very  
3 eloquently, and I look forward to these  
4 hearings, because I think they're very,  
5 very, very, very important on this  
6 particular subject.

7 But I want to raise something  
8 while I have the attention of this  
9 Committee here and, that is, that the  
10 Police Department, who is in charge of  
11 this at this moment, of the hiring of  
12 crossing guards, really should have their  
13 act together in the sense that when  
14 school opens in September, all these new  
15 hires and people should be in place as  
16 opposed to some corners I've been told  
17 that is in my neighborhood, they're going  
18 to be there maybe in November, maybe,  
19 maybe December. That's a long time. And  
20 I truly believe what Councilman Henon  
21 just said, once again very eloquently, it  
22 gives a safety comfort, a comfort, to  
23 both parents and students, and I think  
24 it's important that they be in place day  
25 one when school opens. They certainly

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2 have that summertime to do that, to do  
3 the hiring, and they certainly have the  
4 knowledge of what the budget has for the  
5 hiring in late June already. So this  
6 thing should go very, very timely, almost  
7 like a train leaving the station.

8 COUNCILMAN JONES: Well said.

9 COUNCILMAN TAUBENBERGER: Thank  
10 you.

11 COUNCILMAN JONES: Well said.

12 COUNCILMAN TAUBENBERGER: Thank  
13 you, Mr. Chairman.

14 COUNCILMAN JONES: Seeing no  
15 other comments, this concludes the public  
16 hearing. We will now go into our public  
17 meeting to consider the action to be  
18 taken on Bill No. 170674.

19 And I will also note for the  
20 record Councilman Johnson has joined us.

21 The public meeting on motion --  
22 I'm looking for a motion on Bill No.  
23 170674.

24 The Chair recognizes Councilman  
25 Greenlee.

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2 COUNCILMAN GREENLEE: Thank  
3 you, Mr. Chairman. I move that Bill No.  
4 170674 be reported out of this Committee  
5 with a favorable recommendation and that  
6 the rules of Council be suspended to  
7 allow first reading at our next session  
8 of Council.

9 (Duly seconded.)

10 COUNCILMAN JONES: It has been  
11 moved and properly seconded that Bill No.  
12 170674 be reported from this Committee  
13 with a favorable recommendation and  
14 further moved that the rules of Council  
15 be suspended to permit first reading of  
16 this bill at our next session of Council.

17 All those in favor will say  
18 aye.

19 (Aye.)

20 COUNCILMAN JONES: All those  
21 opposed?

22 (No response.)

23 COUNCILMAN JONES: The bill  
24 carries.

25 This concludes the Committee.

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2 COUNCILWOMAN BLACKWELL: Aye.

3 Aye. I'm here.

4 COUNCILMAN JONES: Councilwoman  
5 Blackwell will be recorded as saying aye  
6 to the bill and her presence duly noted.

7 This concludes our hearing.

8 Thank you.

9 (Committee on Public Safety  
10 concluded at 1:25 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the  
proceedings, evidence and objections are  
contained fully and accurately in the  
stenographic notes taken by me upon the  
foregoing matter, and that this is a true and  
correct transcript of same.

-----  
MICHELE L. MURPHY  
RPR-Notary Public

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|-----------------------------------------|------------------------------------------|-----------------------------------------------|----------------------------------------------|---------------------------------------------------------|----------------------------------------------|-------------------------------------|---------------------------|
| <b>A</b>                                | <b>available</b><br>13:6,19,20           | <b>certainly</b><br>10:19 13:12<br>19:25 20:3 | 12:23 13:18<br>16:18 17:8                    | 1:12,12,13<br>2:2,5,6,6,7<br>2:22 4:10                  | <b>D</b>                                     | 5:13,24 6:9<br>6:24 7:5,18          | <b>fulfill</b> 17:16      |
| <b>ability</b> 3:24                     | <b>aware</b> 9:6                         | <b>CERTIFIC...</b><br>23:2                    | <b>comment</b><br>4:17 14:6                  | 4:14,19<br>6:18,23<br>7:21 8:15                         | <b>danger</b> 6:9                            | <b>eloquently</b><br>19:3,21        | <b>fully</b> 5:17         |
| <b>able</b> 9:10<br>15:18               | <b>aye</b> 21:18,19<br>22:2,3,5          | <b>certification</b><br>23:20                 | <b>comments</b><br>20:15                     | 8:20,21<br>9:12,24<br>10:4,9,11                         | <b>dangerous</b><br>3:12,17<br>5:15 6:4      | <b>employees</b><br>16:4            | <b>further</b> 1:16       |
| <b>Academy</b><br>10:6 11:3             | <b>B</b>                                 | <b>CERTIFY</b><br>23:3                        | <b>commercially</b><br>13:6,19,20            | 10:13,24,25<br>11:16,18<br>12:3,5,9,13                  | <b>data</b> 8:11                             | <b>enacting</b> 6:6                 | 2:18 3:25                 |
| <b>accurately</b><br>23:5               | <b>back</b> 7:14                         | <b>certifying</b><br>23:24                    | <b>Commissio...</b><br>5:3,6 6:17            | 13:15 14:2<br>14:4,5,8,8<br>14:10,17,21                 | <b>day</b> 19:24                             | <b>encompassi...</b><br>7:20        | 21:14                     |
| <b>act</b> 19:13                        | <b>based</b> 9:7,7                       | <b>Chair</b> 1:10                             | <b>commissions</b><br>8:5                    | 14:22 15:2<br>15:5,23<br>18:11,12,18                    | <b>death</b> 5:16                            | <b>enforcement</b><br>13:5 17:3     | <b>future</b> 13:7        |
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