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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON PUBLIC SAFETY

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Room 400, City Hall

Philadelphia, Pennsylvania

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Tuesday, December 5, 2006, 1:25 p.m.

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Bill 060441 - Amending Chapter 10-300 of the
Philadelphia Code entitled "Minors" by
amending the hours of the curfew...

10

Bill 060700 - Amending Chapter 10-800 of the
Philadelphia Code entitled "Safety" by adding
a new section entitled "Failure to Report Lost
of Stolen Firearms"...

11

12

13

Bill 060856 - Held at request of sponsor.

14

15

COUNCILMEMBERS PRESENT:

16

Donna Reed Miller, Chair

Darryl Clarke

17

William K. Greenlee

James F. Kenney

18

Joan Krajewski

Blondell Reynolds-Brown

19

Frank Rizzo

20

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3 COUNCILWOMAN MILLER: Good
4 afternoon, everyone. The Committee on
5 Public Safety is now in session.

6 And to verify our quorum, the
7 Councilpersons that are in attendance
8 and members of this committee is
9 Councilman Jim Kenney to my right,
10 Councilman Greenlee and Councilwoman
11 Joan Krajewski; and to my left
12 Councilman, Rizzo.

13 Good afternoon, everybody. Hi.

14 Okay. Will the clerk please
15 read the title of the first bill.

16 THE CLERK: Bill 060441, an
17 ordinance amending Chapter 10-300 of the
18 Philadelphia Code entitled "Minors" by
19 amending the hours of the curfew for
20 minors and by amending the enforcement
21 provisions, including, but not limited
22 to, increasing the penalties for minors
23 who violate the provisions of the
24 chapter, and for parents and operators
25 of establishments who knowingly permit

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2 minors to violate the chapter, and by
3 making certain technical changes, all
4 under certain terms and conditions.

5 COUNCILWOMAN MILLER: Thank
6 you.

7 Because of time constraints,
8 we're going to call one witness for this
9 bill, and then -- and that portion, and
10 we'll pick this bill up later.

11 Judge DeLeon needs to get back
12 to court, and he does have some
13 testimony that he wants to give on this
14 Bill, 060441.

15 (Witness comes forward.

16 JUDGE DeLEON: Good afternoon,
17 Madam Chairman -- Madam Chairlady.

18 COUNCILWOMAN MILLER: Good
19 afternoon.

20 JUDGE DeLEON: And good
21 afternoon, distinguished members of
22 Council. My name is Judge James DeLeon
23 of the Philadelphia Municipal Court, and
24 I am here at the request of Councilwoman
25 Blondell Reynolds-Brown.

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2 And I say to you that any city
3 ordinance such as this, which is
4 designed to assist the administration of
5 justice for juveniles, could help
6 eliminate many of the needless juvenile
7 homicides in our city. I offer you my
8 help in any way that I can as to this
9 and the Youth Commission.

10 And I thank you for allowing me
11 to give this testimony before you today.

12 COUNCILWOMAN MILLER: Thank
13 you, thank you.

14 I also want to note that we do
15 have Councilwoman Reynolds-Brown and
16 Councilman Darryl Clarke in the
17 chambers.

18 Will the clerk please read the
19 title of next bill. We will come back
20 to this other bill.

21 THE CLERK: Bill 060700, an
22 ordinance amending Chapter 10-800 of the
23 Philadelphia Code entitled "Safety" by
24 adding a new section entitled "Failure
25 to Report Lost or Stolen Firearms" by

1 12/5/06 PUBLIC SAFETY - BILL 060441
2 requiring prompt notification of lost or
3 stolen firearms and imposing penalties.

4 COUNCILWOMAN MILLER: Okay.
5 Excuse me just a second. Who has the
6 witness list?

7 I'm going to assume that
8 Commissioner Sylvester Johnson is going
9 to testify on this bill? Okay. Would
10 you please come up to the table. Thank
11 you.

12 (Witnesses come forward.)

13 COUNCILWOMAN MILLER: First,
14 Councilman Clarke wants to make an
15 opening statement.

16 COUNCILMAN CLARKE: Thank you,
17 Madam Chair.

18 Good afternoon, Madam Chair and
19 members of Council. Just a brief
20 opening statement on these two bills.

21 As you know, Councilwoman
22 Miller and myself have sponsored a
23 series of gun bills, none of which we
24 were able to get State authorization
25 yet.

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2 It our hope that given the --
3 and I'm keeping my fingers crossed --
4 likelihood that the Democrats will
5 control the State house as we move ahead
6 in next year's legislature, that there
7 will be, at a minimum, the possibility
8 of getting a public hearing on some of
9 the those bills to get State
10 authorization.

11 These two bills today, one of
12 which we believe will require State
13 authorization, we're asking for support
14 so we can position that bill similar to
15 the other bills that we have currently
16 listed in the event that there is a
17 public hearing to move in on the State
18 level to authorize any of these
19 particular very important bills.

20 Additionally, there's a second
21 bill that you will be hearing next. It
22 is our belief, based on a ruling from
23 the Law Department, that we will be able
24 to deal with the handling/possession of
25 illegal weapons and weapons that we may

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2 not need State authorization on, so it
3 is our hope that we will be able to get
4 that bill passed and have the City of
5 Philadelphia and the Police Department
6 enforce that particular bill.

7 Thank you.

8 COUNCILWOMAN MILLER: Thank
9 you. Thank, you Councilman Clarke.

10 Commissioner, please proceed
11 with your testimony.

12 COMMISSIONER JOHNSON: All
13 right. I'm Commissioner Sylvester
14 Johnson of the Philadelphia Police
15 Department. Good afternoon, Madam
16 Chairwoman, Councilpersons, and guests.

17 Thank you for inviting me to
18 speak today regarding two very important
19 bills, one regarding the reporting of
20 lost and stolen firearms and the other
21 regarding the responsibility of
22 preventing a child from gaining access
23 to firearms.

24 As you know, I am an avid
25 supporter of legislation requiring

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2 owners of lost or stolen guns to report
3 the loss or theft of those weapons. It
4 is no surprise that I am here to
5 advocate for laws that will create a
6 duty to report lost or stolen firearms
7 as well as to keep weapons out of the
8 hands of children.

9 A stolen gun is a gun in the
10 hands of a criminal. Good police work
11 requires accurate intelligence. The
12 reporting of lost and stolen firearms
13 will allow the police to immediately
14 assess the situation on the streets,
15 create new strategies to recover as many
16 of those weapons as possible. After
17 all, an illegally obtained weapon is not
18 stolen with good intent.

19 With the record number of
20 shootings against civilians and police,
21 this information is also important to
22 help officers remain safe while trying
23 to protect the safety of others. Fewer
24 illegal guns will likely result in fewer
25 shootings with those weapons.

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2 The requirement to report lost
3 and stolen firearms would also impact
4 our (indiscernible) straw purchases
5 problem. Straw purchases illegally
6 transfer guns to people who cannot
7 legally obtain them. These are guns
8 that are often used in crimes.

9 The reporting statute would
10 create liability for not reporting these
11 transaction as well as draw suspicions
12 with the report of large numbers of
13 weapons disappearing creating, negative
14 consequences for the straw purchasers.

15 In addition to making the
16 streets safer, there is also the added
17 benefit to the owner. There's currently
18 no criminal or direct civil liability
19 for not reporting loss of stolen guns.
20 However, civil liability is also a
21 possible (indiscernible) of weapons left
22 negligently used to hurt or kill someone
23 else. Documenting the loss would access
24 a mitigating factor in allowing police
25 to obtain to get the weapon off the

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2 streets before it is used to harm
3 someone.

4 This year, four children were
5 tragically lost their lives because they
6 or their young friends were playing with
7 a gun. It is a fact that juveniles are
8 also committing crimes with handguns and
9 killing each other. Children should
10 never have access to such a dangerous
11 weapon.

12 The Second Amendment and the
13 right to bear arms comes a great
14 responsibility. We owe our children the
15 duty to keep them safe by protecting
16 them from those weapons and giving them
17 chance to just be a kid.

18 Thank you. I will take any
19 questions at this time.

20 COUNCILWOMAN MILLER: Thank
21 you, Commissioner.

22 Are there any questions for
23 this witness by any members of the
24 committee or any Councilmembers?

25 (No questions.)

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2 COUNCILWOMAN MILLER: All
3 right. Are there other police personnel
4 who are going to testify?

5 LT. HEALY: No, ma'am.

6 COUNCILWOMAN MILLER: Do you
7 have a question, Councilman Rizzo?

8 COUNCILMAN RIZZO: Yes.
9 Commissioner, there was some media this
10 morning about a Police Department
11 initiative. Could you tell us a little
12 bit about that, the retired detectives,
13 et cetera?

14 COMMISSIONER JOHNSON: What it
15 is, is that Senator Fumo gave us
16 \$5 million, gave, you know, the Police
17 Department and the District Attorney's
18 Office and the Attorney General's Office
19 money just to attack guns.

20 And what happens is that, under
21 the District Attorney's Office, they've
22 hired four police officers at this
23 point, retired police officers, and an
24 assistant district attorney who was also
25 retired.

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2 They're going to go into our
3 divisions and just deal with gun and gun
4 violence. That's the only thing they're
5 dealing with.

6 Right now, we're starting off
7 in the Southwest Division because that
8 has the highest crime rate as far as
9 shootings is concerned. In any other
10 district, 60 victims is the highest in
11 the division. I think out of the 375
12 homicides we've had, close to 95 are in
13 southwest. So the first four
14 detectives -- they're retired homicide
15 detectives -- will be work in Southwest.

16 The next will be East.
17 Eventually, we will have them in every
18 single division in the entire City of
19 Philadelphia.

20 We feel as though that will
21 benefit not just the Philadelphia Police
22 Department but the citizens of
23 Philadelphia, and their own
24 responsibility is guns, and the Police
25 Department's committed to that along

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2 with the District Attorney and the
3 Attorney General, where the money's
4 going to be funded from.

5 COUNCILMAN RIZZO: Thank you,
6 Commissioner.

7 COMMISSIONER JOHNSON: Thank
8 you.

9 COUNCILWOMAN MILLER: Okay.
10 Councilman Kenney?

11 COUNCILMAN KENNEY: Thank you.
12 Good afternoon, Commissioner.

13 COMMISSIONER JOHNSON: Good
14 afternoon.

15 COUNCILMAN KENNEY: Are we
16 doing anything in an effort to trace
17 back where these young people are
18 getting these guns and attempting to,
19 maybe in conjunction with the IRS or
20 other federal authorities, to really go
21 after the illegal gun dealers?

22 Obviously, the tragedy is
23 multifaceted by the time it gets into
24 the hands of one of our young people who
25 kill somebody else, but in the meantime,

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2 I'm sure there are people in
3 Pennsylvania and in Virginia and in
4 Maryland and in other places that are
5 living fat and happy off a lot of the
6 guns that are being sold on our streets.

7 And is there some way that we
8 could figure out a way to work our way
9 back to the chain so that we can maybe
10 take some of these people's assets and
11 put them in jail, where they belong?

12 COMMISSIONER JOHNSON: Well,
13 we're working very close with ATF; as a
14 matter of fact, we have a task force. I
15 have approximately seven or eight
16 detectives that are assigned 24 hours a
17 day to the ATF to trace guns.

18 You know, some of the
19 difficulty that we have is with some of
20 the laws that ATF just can't give us;
21 you know, that's one of the problems.
22 And there is some sort of legislation in
23 the Congress right now that would
24 prevent them from giving further
25 information.

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2 Every division at this point
3 now in the City of Philadelphia, the
4 Detective Division, has a gun person
5 that is assigned just to handle the
6 guns. The people that we just hired
7 right now will be additional people.

8 Interviewing young children,
9 they're saying they get them from the
10 older people, and we know the older
11 people are getting them from straw
12 purchases.

13 So we're working along not with
14 just people in the City of Philadelphia,
15 but I'm going up next week to talk to
16 the Police Commissioner of New York.
17 The police commissioners themselves are
18 getting together, you know, on the east
19 coast to find out where these guns are
20 coming from and how we can prevent the
21 straw purchase.

22 But these legislations that you
23 have put into place -- or are about to
24 be put in place hopefully will help us
25 in a large way.

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2 COUNCILMAN KENNEY: I know you
3 guys are working hard, and I just know
4 that when it comes to big-time criminals
5 like these major gun dealers are -- and
6 I would argue that a lot of them, or
7 some of them, are probably legitimate
8 licensed gun dealers within their own
9 states but are doing stuff out the back
10 door for the dollar.

11 The way you really get these
12 big guys, as you know, is, the IRS has a
13 way of getting everybody, including Al
14 Capone, and that's how they actually, as
15 you know, took him down.

16 And I'm just wondering if the
17 IRS component in this makes any sense,
18 and when you have your discussions with
19 the various commissioners throughout the
20 east coast that perhaps we try to engage
21 them, because the real way of taking
22 people's assets, putting them in jail,
23 taking their homes, taking the things
24 they've acquired through this illegal
25 business, is the IRS more than anybody

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2 else.

3 COMMISSIONER JOHNSON: Well, on
4 board is Pat Meehan from the U.S.
5 Attorney's Office, the Attorney General
6 from the State, and District Attorney
7 Lynn Abraham, and so these are the
8 people that normally do the
9 prosecutions, and they're strategizing
10 right now to help law enforcement.

11 COUNCILMAN KENNEY: Okay.

12 COMMISSIONER JOHNSON: And I'm
13 sure these things will be brought up.

14 COUNCILMAN KENNEY: I
15 appreciate all your efforts, and I
16 really would appreciate it if maybe they
17 haven't raised the issue, somebody
18 raises the issue that the IRS is a
19 pretty frightening group when they want
20 to be, and it would be nice to bring
21 them into the process.

22 COMMISSIONER JOHNSON: Yes.

23 COUNCILMAN KENNEY: Thank you.

24 COUNCILWOMAN MILLER: You know,
25 a few months ago, I read in the paper,

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2 there was an article about people that
3 were arrested because they were involved
4 in purchasing guns. It was a straw
5 purchase. And that was actually the
6 first time I read an article about that.

7 And I think that those types of
8 -- that type of information needs to be
9 published in the newspapers more and
10 more, because I don't know that people,
11 young people in particular, take it
12 serious when they're buying a gun from
13 someone else or if somebody asks them to
14 go purchase -- those that are of age to
15 go purchase weapons for them.

16 But I don't think people know a
17 whole bunch of information about what is
18 a straw purchase, and that's something
19 I'd like to see happen more.

20 LT. HEALY: Well, I agree with
21 that Councilwoman.

22 Lieutenant Francis Healy with
23 the Police Commissioner's Office.

24 The lead agency on a lot of
25 this collaborated effort is the ATF.

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2 They routinely does press releases and
3 coordinated releases when they do have a
4 straw purchase.

5 The big thing is the time that
6 the individual usually gets; it's
7 usually substantial. You're talking 25,
8 30 years for gun sales, illegal gun
9 sales.

10 We are a part of that task
11 force and we work with them hand in hand
12 routinely, and this is something we will
13 reach out to and make sure we can do
14 maybe a little more PR, but the PR is
15 usually generated by the ATF because
16 they are the lead agency and they do
17 work with the Justice Department
18 directly.

19 But I do agree, and we will
20 work to see if we can get out more of
21 that information. It does have a
22 chilling effect, and the kids know
23 what's going to really --

24 COUNCILWOMAN MILLER: It really
25 does. Okay, thank you.

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2 Councilman Kenney?

3 COUNCILMAN KENNEY: Just one
4 follow-up question on the other line I
5 was on before.

6 Have there been any successful
7 recent prosecutions or actions against
8 so-called legal gun dealers who are
9 doing illegal activity anywhere in the
10 region that you're aware of?

11 COMMISSIONER JOHNSON: I
12 believe in Upper Darby.

13 COUNCILMAN KENNEY: Upper
14 Darby. How about the one that was
15 pretty much publicized and -- are they
16 shut down now?

17 LT. HEALY: I believe so, yes.

18 COMMISSIONER JOHNSON: They
19 shut 'em down, and I think they had a
20 large amount of guns for the last four
21 or five years that were used in crimes
22 committed in Philadelphia.

23 COUNCILMAN KENNEY: That were
24 tracked back from our people with
25 crime-scene information?

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2 COMMISSIONER JOHNSON: That's
3 correct.

4 COUNCILMAN KENNEY: 'Cause I'm
5 wondering -- I mean, I see what Men
6 United have done, you know, with Urban
7 Outfitters and that insanity with the
8 Christmas ornament made into a gun, and
9 I'm wondering whether or not if we could
10 start identifying some of these people
11 to start putting some public protest
12 pressure in front of their stores even
13 throughout the suburbs or the rural
14 areas, where people don't think they
15 have the gun problem -- it's all in the
16 city.

17 The problem is, the guns are
18 coming from those places in the rural
19 and suburban areas many times, and I'm
20 wondering whether or not we could
21 coordinate a public -- a kind of a civil
22 action against these people once we know
23 who they are.

24 LT. HEALY: Well, along those
25 lines, the Law Department -- Eleanor

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2 Ewing from the Law Department has been
3 working with the Mayor's Office in
4 tactics along those lines.

5 One of the big stumbling blocks
6 that you have currently is there's a
7 limitation on the amount of information
8 that the ATF is now allowed by law to
9 give us. So just can't ask them for all
10 of the information on where the guns
11 track back to.

12 We used to a couple years ago,
13 but there was a recent appropriations
14 bill through Congress that actually
15 limited what the ATF could provide to
16 local law enforcement.

17 COUNCILMAN KENNEY: And this
18 was an effort to protect them?

19 LT. HEALY: It was actually --
20 now this is my own comment, but it's a
21 result of the New York lawsuit. A lot
22 of the information that was routinely
23 given out by the ATF was actually used,
24 I believe, in that lawsuit.

25 COUNCILMAN KENNEY: So the U.S.

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2 Congress was attempting to thwart the
3 efforts of the New York City police and
4 their efforts to curb guns in their
5 cities?

6 LT. HEALY: I don't know what
7 the reason was --

8 COUNCILMAN KENNEY: I'm not
9 looking for you to confirm it; I'm
10 saying it is.

11 LT. HEALY: Right. I don't
12 know the reason why, but there was --

13 COUNCILMAN KENNEY: And was
14 that done recently, or how long ago was
15 that --

16 LT. HEALY: Several years. The
17 lawsuit is ongoing, I believe.

18 COUNCILMAN KENNEY: Yeah, but
19 how long ago was the restriction on the
20 ATF information?

21 LT. HEALY: I believe it was
22 last year's appropriation bill -- last
23 year or the year before.

24 COUNCILMAN KENNEY: Well, now
25 that the Senate and the House are

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2 perhaps Democratic, perhaps we could --

3 LT. HEALY: Well, I believe
4 they're also trying to make it a
5 permanent amendment to the ATF bills,
6 where the ATF will be -- it's their
7 computerized databases.

8 They generate some great
9 information. They track every gun that
10 we take into our custody in
11 Philadelphia; it gets run through this
12 system.

13 And so the ATF could tell where
14 all the guns came from, where they
15 originally came -- not the second or
16 third sellers, but from the original
17 seller.

18 COUNCILMAN KENNEY: That's what
19 I'm interested in, the original seller.

20 LT. HEALY: Well, from the
21 experience we've seen, a lot, if not
22 all, but a handful of licensed dealers
23 are legitimate. The problem is, they
24 have lawful people coming in and buying
25 guns and then handing them to other

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2 people out the door. And it's next to
3 impossible for the gun dealer or the
4 police, and that's something we need to
5 either --

6 COUNCILMAN KENNEY: Well, but I
7 would argue that maybe some of them are
8 abiding by the letter of the law, not
9 the spirit of the law.

10 LT. HEALY: Quite possibly.

11 COUNCILMAN KENNEY: You know,
12 the idea that "It's not my problem, it's
13 somebody else's."

14 LT. HEALY: Exactly.

15 COUNCILMAN KENNEY: All right.
16 Thank you.

17 COUNCILWOMAN MILLER: The
18 article I read was about some young
19 people from Philadelphia that went and
20 purchased guns, and I've never read
21 another article since that.

22 I just think we have to really
23 publicly educate people because I don't
24 -- I don't think that young people
25 actually realize the impact of what

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2 they're doing. And they are getting a
3 lots of time -- 25 years, that's a lot
4 of time to serve in prison.

5 People need to know that, and
6 maybe that will help us too with this
7 whole effort to decrease straw
8 purchases.

9 LT. HEALY: If I could just add
10 to that.

11 COUNCILWOMAN MILLER: Yes.

12 LT. HEALY: Half the problem
13 is, there's a double system of
14 prosecution: There's the federal level
15 and then there's the state level.

16 The state level does its best
17 to do its prosecutions, but on the
18 federal level, the penalties are much
19 more severe. And it's an incredible
20 wealth of ammunition to the government
21 or to the law enforcement on the federal
22 level.

23 There have been other
24 jurisdictions -- namely Richmond,
25 Virginia, which instituted a program

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2 called "Project Exile" back in the early
3 '90s. It had a rising homicide problem.
4 In that situation, instead of some cases
5 going to the state level and some going
6 to the federal, the U.S. Attorney down
7 in that area agreed to take all gun
8 cases that fit within certain
9 parameters.

10 And what that did is, 90
11 percent of the gun cases went into the
12 federal court system. That gave a lot
13 more power and control, and so when they
14 did have a they press release, they
15 said: If you get caught with an illegal
16 gun, you're going to do 25 years. It
17 was true.

18 In Pennsylvania, it depends on
19 whether you go into the federal system
20 or the state system, so it's very hard
21 to send a very strong message when you
22 have differing court system.

23 It would be very nice to be
24 able to have all of our cases adopted
25 federally, but the feds can't solve all

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2 of the problems.

3 COUNCILWOMAN MILLER: That's
4 true.

5 LT. HEALY: But they have a
6 great system, and it would be nice to
7 have that, 'cause you would be able to
8 say without any reservation: Caught
9 with a gun and you have a drug history,
10 you're going to jail for 15 years.

11 COUNCILWOMAN MILLER: Right.

12 LT. HEALY: As it stands right
13 now, we can't absolutely say that, and I
14 wish we could 'cause we could send that
15 stronger message out there, which we
16 need to send.

17 COUNCILWOMAN MILLER: And what
18 is the state penalty here in
19 Pennsylvania?

20 LT. HEALY: It all ranges on
21 what the -- possession of a legal gun is
22 a felony, but how they're sentenced is
23 up to the sentencing judge.

24 I mean, but they can do state
25 time. Mere possession of a gun alone

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2 with anything -- assuming you had no
3 other prior convictions and you were
4 otherwise eligible -- and this is one of
5 the arguments the Commissioner and I
6 objected to under the state law.

7 If you're otherwise eligible to
8 get a gun permit and you just fail to do
9 so -- meaning you're carrying a gun out
10 there illegally, you don't have a gun
11 permit, but you just haven't gotten
12 caught doing anything else -- the crime
13 gets downgraded to a misdemeanor.

14 COUNCILWOMAN MILLER: Okay.

15 LT. HEALY: What that does is,
16 that takes it out of the Common Pleas
17 system and puts it into the Municipal
18 Court system. So now, these persons who
19 are just a trigger pull from a shooting,
20 their crime has been downgraded to
21 misdemeanor.

22 We personally believe that
23 that's a flaw in the system. Carrying
24 an illegal gun, whether or not you're
25 eligible to carry a permit or not, is a

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2 felony and should be treated as such.
3 We've argued that in previous hearings
4 and we would still support that
5 contention.

6 COUNCILWOMAN MILLER: You have
7 a lot work to do, don't you?

8 LT. HEALY: We're working on
9 it.

10 COUNCILWOMAN MILLER: And I
11 appreciate your efforts.

12 LT. HEALY: Thank you.

13 COUNCILWOMAN MILLER: And all
14 of the Police Department.

15 Are there any other questions
16 of these witnesses?

17 (No further questions.)

18 COUNCILWOMAN MILLER: Okay.
19 Thank you. Thank you very much.

20 COMMISSIONER JOHNSON: Thank
21 you very much.

22 COUNCILWOMAN MILLER: Next
23 we'll have Diane Edbril from CeaseFire
24 PA and Bryan Miller from CeaseFire NJ.

25 (Witness come forward.)

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2 COUNCILWOMAN MILLER: Good
3 afternoon. Please identify yourself for
4 the record and proceed with your
5 testimony.

6 MS. EDBRIL: Good afternoon,
7 Councilwoman. My name is Diane Edbril,
8 and I'm here today on behalf of
9 CeaseFire Pennsylvania, the
10 commonwealth's leading organization
11 dedicated to preventing gun violence.

12 Thank you and all of the other
13 members of City Council who, once again,
14 are making the prevention of gun
15 violence a priority in the work that you
16 do.

17 Today's proposals under
18 consideration to require the
19 safe-keeping of firearms in the home and
20 mandating the reporting of lost and
21 stolen weapons to the police would each
22 be a significant step towards keeping
23 guns, especially handguns, out of the
24 wrong hands.

25 While, admittedly, Pennsylvania

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2 is a state with a long tradition of gun
3 ownership, we must always strive to
4 balance the rights of law-abiding
5 individuals to owning used guns with the
6 rights of all citizens to be free from
7 the plague of violence that
8 irresponsible or, worse yet, criminal
9 activity leads to.

10 Even though as a practical
11 manner, many efforts by this thoughtful
12 body are impeded by the State's
13 preemption law, it is essential to keep
14 making a record and to, as far as the
15 law allows, try to address this deadly
16 problem.

17 CeaseFire PA commends you for
18 your persistence and pledges to support
19 your efforts in any and every way that
20 we can.

21 We are all familiar with the
22 tragedies that ensue when a lawfully
23 owned firearm that's improperly stored
24 so that a curious youngster can get to
25 it with little or no effort. The

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2 proposed ordinance, 060804, would help
3 raise awareness among lawful gun owners
4 about proper storage practices and,
5 through its penalty provisions, create a
6 strong incentive for compliance.

7 We understand that many
8 Philadelphians want to keep a firearm in
9 their home for self-protection, but
10 given that a gun in the home is 22 times
11 more likely to injure or kill a member
12 of that household than an outsider bent
13 on doing harm, it is essential that gun
14 owners lock their guns so that no child
15 or other unauthorized person can get to
16 them.

17 Even more powerful, in
18 CeaseFire view, would be the enactment
19 of Proposal 060700, an ordinance to
20 require the reporting of lost and stolen
21 firearms.

22 Gun violence in Philadelphia is
23 almost exclusively perpetrated by
24 handguns that have been obtained by
25 prohibited persons -- e.g., felons and

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2 youths -- from a supplier known as "a
3 straw purchaser."

4 Under current state law, there
5 is no penalty for failing to report a
6 lost or stolen firearm, so it's an easy
7 out for those who buy them through the
8 illegal market, knowing full well that
9 they will never be penalized, even if a
10 gun they bought was used in a murderous
11 rampage.

12 Mandatory lost and stolen
13 reporting would eliminate this easy out
14 and make straw purchasers easier to
15 prosecute when their actions have
16 enabled someone else to get their hands
17 on a gun for illegal purposes.

18 I want to take a moment to
19 address some of the remarks that came up
20 in the contest of the previous
21 witnesses' statements and questions and
22 answers.

23 As incredible as it is to
24 believe, I think that the Councilman's
25 questions about the motivations of

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2 Congress were exactly on point, and I
3 think for the last four or five years,
4 all of us working in this area of public
5 policy have seen a brazen and really
6 outrageous rolling-back of all sorts of
7 tools that law enforcement have to
8 identify and pinpoint and go after
9 illegal handgun traffickers.

10 The amendments that were
11 discussed referred to as the "T.R.
12 amendments," which are named for the
13 member of Congress who introduced them.

14 And for the last four years, in
15 the appropriations bill that funds the
16 Bureau of Alcohol, Tobacco, Firearms and
17 Explosives, information-sharing by
18 agents of this organization have been
19 prohibited, specifically prohibited, as
20 a use of the funds that have been
21 allocated to run the agency.

22 Time and again, we've seen
23 federal law enforcement's hands tied in
24 whatever efforts of cooperating there
25 have been trying to be made between the

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2 state -- between states, between state
3 and federal governments and between
4 state and local governments.

5 When you look at patterns of
6 gun violence here in Philadelphia, the
7 sparse information that we have access
8 to points to Pennsylvania as the
9 primary-source state for the guns that
10 are being used to commit crimes on the
11 streets.

12 Moreover, as I'm sure Bryan
13 Miller will go into, Pennsylvania's guns
14 are the number-one problem for people in
15 New Jersey as well.

16 Prior to moving to this state,
17 I worked in the District Attorney's
18 Office in Brooklyn, New York, and I
19 can't tell you how many confessions I
20 took where people said that they got
21 their guns right here in Pennsylvania.
22 Pennsylvania ranks higher than the state
23 of New York as the source for illegal
24 handguns used in crimes in New York
25 City.

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2 We urge the members of this
3 august body to work With city government
4 throughout the region to come up with
5 regional policies and efforts and
6 coordinated campaigns to reduce illegal
7 guns.

8 The Pennsylvania General
9 Assembly has not shown a willingness to
10 respond to Philadelphia's gun violence
11 crisis to date; we're hopeful for some
12 changes in the future.

13 However, it is essential that
14 members of this body reach out to local
15 governance throughout this state and
16 throughout our neighboring states in the
17 region to come together to put pressure
18 on the legislators that do have it
19 within their power to make larger steps
20 and more effective steps to really
21 combat the tide of illegal guns that are
22 sweeping nation.

23 I'll be happy to yield to Bryan
24 Miller at this point and take any
25 questions that you may have.

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2 COUNCILWOMAN MILLER: Before
3 you start, Mr. Miller, Councilman
4 Kenney?

5 COUNCILMAN KENNEY: Who is
6 T.R.?

7 MR. MILLER: That's the U.S.
8 rep from Kansas.

9 COUNCILMAN KENNEY: What's his
10 name.

11 MR. MILLER: Todd Tihart,
12 T-I-H-A-R-T.

13 COUNCILMAN KENNEY: Okay, fine.
14 That's it. Thank you.

15 MS. EDBRIL: Councilman, I'll
16 be happy to send you a text of the
17 amendments that he's attached to the
18 appropriations bills.

19 COUNCILMAN KENNEY: Okay.
20 Thank you.

21 By the way, did the NRA openly
22 support those appropriations bills?

23 MR. MILLER: Definitely.

24 COUNCILMAN KENNEY: So it's a
25 bit hypocritical that they talk about

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2 how they don't want gun control and they
3 want law enforcement, so when law
4 enforcement tries to go after the bad
5 guys, they step in the way to try to
6 keep the information from law
7 enforcement.

8 So this whole hypocrisy of "we
9 only care about enforcing the laws" is
10 pretty hollow.

11 MS. EDBRIL: We're very
12 grateful that you understand that.

13 COUNCILWOMAN MILLER: Yes,
14 Mr. Miller?

15 MR. MILLER: I'm Bryan Miller
16 from CeaseFire NJ, and just before I go
17 over my prepared remarks, I see that
18 Councilman Kenney may be leaving soon, I
19 want to comment on one of his questions
20 or points about where the guns come
21 from.

22 And the fact is, as Diane said,
23 the guns that are recovered from crime
24 in Pennsylvania overwhelmingly come from
25 Pennsylvania. It's totally unlike all

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2 the other states in the northeast. In
3 all the other states, the guns came from
4 somewhere else, but in Pennsylvania, not
5 only did this come from Pennsylvania,
6 but according to ATF data, they're
7 generally covered within ten miles of
8 the gun shop from where they were
9 purchased, which is very, very unusual
10 in the northeast.

11 Pennsylvania, in many ways, has
12 replaced Virginia, which used to be
13 considered the supermarket for illegal
14 guns on the east coast until they
15 enacted the one-handgun-a-month law, and
16 now Pennsylvania is that supermarket.

17 COUNCILMAN KENNEY: And with
18 all due respect to the state legislature
19 which has just changed hands to
20 Democrat, and I respect those members
21 there, including the potential future
22 Speaker of the House, Bill DeWeese.

23 If you've ever been in his
24 office, there's a very large rug which
25 is an emblem of the NRA symbol, which is

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2 about as big as the middle of this floor
3 here, so you can understand the cultural
4 issues that we're up against when we
5 talk about any kind of control, so...

6 MR. MILLER: Absolutely.
7 We're -- although many people in this
8 room are devoted to getting the message
9 beyond Philadelphia because we need the
10 whole state to be involved. In fact,
11 every city and community of any size in
12 the state suffers from the same gun
13 violence that Philadelphia has.

14 So we're optimistic that over
15 time, we will change things and that
16 we'll be able to succeed.

17 COUNCILMAN KENNEY: Thank you.

18 And thank you, Madam Chair.

19 MR. MILLER: But we'll need
20 your help.

21 COUNCILWOMAN MILLER: I just
22 want to make a comment on the remarks
23 you just made.

24 I was helping my daughter do a
25 take-home-one-gun-a-month for a public

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2 speaking assignment she had, and I was
3 pretty shocked when we were doing the
4 research at how many states
5 Pennsylvania's gun laws or lack of laws
6 really impact, and it was just a
7 whole -- a whole list of states that
8 actually are -- that would actually like
9 to see Pennsylvania's gun laws tightened
10 up, and it really kind of shocked me.

11 MR. MILLER: Well, that's why
12 I'm here.

13 COUNCILWOMAN MILLER: I know.

14 I mean, you know, we always
15 think about New Jersey, but when they
16 start listing Detroit and so many other
17 places, I was really astounded.

18 So I'll be quiet and let you
19 proceed with your testimony.

20 MR. MILLER: Thank you.

21 As I said I'm Bryan Miller, and
22 I'm the executive director of CeaseFire
23 NJ. We're the Garden State's leading
24 organization devoted to reducing gun
25 violence, and I'm pleased for the

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 opportunity to address you today on
3 Council Bill 060700, which, in fact, is
4 critical legislation for the citizens of
5 Philadelphia and the neighboring
6 jurisdictions.

7 And you may wonder why this
8 bill would concern the citizens of New
9 Jersey, and the answer is simple:
10 Because it's Pennsylvania's guns that
11 are killing New Jerseyans.

12 A few facts. There are no gun
13 stores in the City of Camden, New
14 Jersey, none. And this city was, until
15 recently, described as "America's most
16 dangerous" for two years in a row; it's
17 now dropped to fifth, which is some
18 help, I guess. Yet Camden has a very
19 high rate of handgun homicides and
20 aggravated assaults.

21 The State of New Jersey has
22 among the nation's strongest gun laws,
23 which effectively prohibit the movement
24 of guns from legal sale in New Jersey
25 gun stores to illegal streets sales.

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2 Straw purchasing, which you've
3 heard about, which is the linchpin of
4 gun-trafficking is virtually absent in
5 the Garden State. Furthermore, New
6 Jersey's relatively strict
7 handgun-purchase system has led our
8 state to enjoy one of the lowest per
9 capita statewide gun violence rates in
10 the country, and yet Camden remains one
11 of the five most dangerous cities in the
12 nation.

13 We believe that it's because of
14 Camden's proximity to Philadelphia,
15 which is only a short bridge ride away.

16 Gun-trace data from the Federal
17 Bureau of Alcohol, Tobacco, Firearms and
18 Explosives show clearly that
19 Pennsylvania is, by far, the main source
20 state for crime guns recovered in
21 Camden.

22 In fact, not only is
23 Pennsylvania the most important source
24 in Camden, but Pennsylvania's share is
25 growing dramatically.

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2 According to the ATF data, guns
3 from Pennsylvania accounted for 23
4 percent of crime guns traced in Camden
5 in the year 2000. By the year 2003,
6 Pennsylvania's portion had grown
7 to 32 percent and further 40 percent in
8 2004.

9 In contrast, the proportion of
10 Camden crime guns originally purchased
11 in New Jersey fell from 23 percent to
12 16, less than half of Pennsylvania's
13 share during the same period.

14 You hear and have heard from
15 other speakers about the mechanics of
16 the illegal-gun business, but it is
17 clear to those of us at CeaseFire NJ
18 that Pennsylvania's relatively weak gun
19 laws enable the creation, development,
20 and maintenance of illegal gun
21 trafficking rings, rings that supply
22 illegal guns to thugs, drug dealers, and
23 violent teens in Philadelphia, Chester,
24 and in Camden.

25 A May 2005 article in the

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2 Philadelphia Daily News described a
3 too-typical case of a Camden-based gun
4 trafficker who repeatedly crossed the
5 Ben Franklin Bridge and employed his
6 honorary uncle to make numerous buys of
7 several handguns at a time in
8 Philadelphia and then returned to Camden
9 to sell his ill-gotten gains on street
10 corners.

11 Clearly, the permanent
12 disruption of the illegal handgun
13 trafficking trade based upon
14 Pennsylvania's weak laws and flourishing
15 especially in Philadelphia is of prime
16 importance to New Jersey.

17 We believe that enactment of
18 the lost or stolen reporting requirement
19 would discourage straw buyers in
20 Philadelphia from making bulk purchases
21 to traffickers, which would shrink the
22 supply and raise the price of illegal
23 handguns, both in Philadelphia and in
24 Camden.

25 This would make it far less

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2 likely that young men would be able to
3 carry handguns than they do currently,
4 which would likely mean fewer shootings,
5 less death and injury.

6 CeaseFire NJ urges City Council
7 to pass this important legislation for
8 the sake of the citizens in Philadelphia
9 and in Jersey.

10 Thank you.

11 COUNCILWOMAN MILLER: Thank
12 you.

13 Do any members of the committee
14 have any questions for this witness?

15 (No questions.)

16 COUNCILWOMAN MILLER: Thank
17 you.

18 MR. MILLER: Thanks.

19 COUNCILWOMAN MILLER: Thank you
20 very much.

21 The next witnesses are Shelly
22 Yanoff, Executive Director of PCCY, and
23 Harold Mr. Rosenthal.

24 (Witnesses come forward.)

25 COUNCILWOMAN MILLER: Please

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 identify yourself for the record and
3 proceed with your testimony.

4 MS. YANOFF: Good afternoon.
5 I'm Shelly Yanoff off with Philadelphia
6 Citizens for Children and Youth.

7 Before I start, I just wanted
8 to note that in a community survey that
9 PHNC conducted a year-and-a-half ago,
10 they found the following, and these were
11 self-reported, okay?

12 That among households with
13 firearms in Philadelphia, nearly one in
14 five did not use a trigger lock or have
15 the firearms in a locked in place.

16 Almost four out of ten
17 household with firearms kept one or more
18 guns loaded, among households with
19 children who reported having firearms.
20 So this is a lower count.

21 One in ten did not keep their
22 firearms locked. That's about 1600
23 households.

24 And almost one in three did
25 keep their firearms loaded, okay?

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2 That's 5200 households.

3 So that's a framework for
4 thinking about this issue.

5 Thank you very much for holding
6 this hearing and for introducing this
7 legislation.

8 I want to thank you also for
9 being persistent in your commitment to
10 doing what you can to make this city
11 safer for children and families.

12 We've been seeking to improve
13 the lives and life chances of the
14 region's children for more than 25
15 years. During those years, we and City
16 Council have taken some major steps to
17 make this community a better place for
18 parents to raise children and for
19 children to grow up in.

20 We've been excited to
21 participate with Council and state and
22 city administrations in developing ways
23 the help parents keep their children
24 safe and improved in affordable
25 child-care spending.

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2 We've been pleased to work with
3 many of you to develop more after-school
4 programs so that kids could be safer
5 while their parents worked.

6 We've been glad to work with
7 our schools to make them safer and have
8 successfully advocated for more family
9 support and better child welfare
10 programs so that children were safer in
11 their homes.

12 And we've worked with you to
13 improve the libraries and recreation
14 centers and the playgrounds to make this
15 city a safer place for all of our
16 children.

17 And when we discovered the
18 depth of the lead problem, we were
19 pleased to work with you to take much of
20 the lead out of children's homes and
21 their child-care programs.

22 Because of the work, we have
23 made a major impact on keeping children
24 safer.

25 But we stand here today -- or

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2 sit here -- to underscore that all of
3 this means little unless we can take the
4 guns out of our children's lives, for as
5 we improve their child care, they can
6 get caught in the crossfire of guns. As
7 we take the lead out of their homes and
8 make their schools safer, they can and
9 do find guns in those homes that can, in
10 a moment's notice, take their breath
11 away.

12 If people who could not buy a
13 gun legally and can, quote, find one
14 that's registered to someone else who's
15 not reported it as lost or stolen, we
16 are all vulnerable.

17 Several years ago, a
18 pediatrician that I know examined a
19 toddler who suffered from rickets, a
20 disease that we thought had all but
21 disappeared in much of our world. This
22 child was kept inside with little
23 exposure to sunlight because of the
24 parents' fear of guns.

25 We also have known of many

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2 youngsters who have been seriously
3 traumatized by having seen or heard so
4 many guns that they are afraid to go to
5 their neighborhood playground, and when
6 fear (discern) childhood, all of us
7 suffer.

8 We know, all of us, that we
9 need to take many steps to make our
10 children safer from many things,
11 including.

12 Guns. We know that good
13 playgrounds and basketball courts
14 diminish in appeal if they are in a
15 neighborhood that can easily become a
16 shooting gallery.

17 And we know that one of the
18 problems in limiting gun circulation is
19 that currently, gun owners can deny that
20 they give the gun to someone else; they
21 can simply say it was stolen.

22 This proposed new section of
23 the safety amendment will at least treat
24 guns as important to keep track of. We
25 support it and hope that it will become

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2 a part of city and state law eventually.

3 The other proposal before you
4 presents a combination of a small step
5 in common sense. The proposal simply
6 says that adults have the responsibility
7 to avoid possession and discharge of
8 firearms by children. How many children
9 have to be maimed before we take this
10 action?

11 The bills before you are a very
12 small but important step and can have a
13 big impact on children and their
14 families as well as the grownups who
15 live in the city. We urge that you
16 support them.

17 Thank you.

18 COUNCILWOMAN MILLER: Thank
19 you. Thank you for your testimony.

20 Are there any questions for
21 this witness?

22 (No questions.)

23 COUNCILWOMAN MILLER: Thank
24 you.

25 Okay, Mr. Rosenthal.

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2 MR. ROSENTHAL: Yes. Harold
3 Rosenthal. I'm a Philadelphian. Thank
4 you for this opportunity to testify on
5 behalf of Bill 30630700 [sic].

6 First, I'd like to congratulate
7 the new Councilperson, James Greenlee.
8 Although he is an old participant in
9 City Council --

10 COUNCILMAN GREENLEE: Excuse
11 me, Madam Chair.

12 For the record, Mr. Rosenthal,
13 I know you knew my uncle better; he's
14 James. I'm William, okay?

15 (Laughter.)

16 MR. ROSENTHAL: Uh, this bill,
17 as Councilperson Clarke pointed out, I
18 think will be the shoehorn to begin to
19 change the atmosphere of the state in
20 terms of this very, very serious problem
21 that's been talked about by prior
22 speakers.

23 My wife, Sue Rosenthal, and I
24 organized 45 people in March and we went
25 into the legislative district of the

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2 chair of the committee, the state
3 committee, that's holding up a parallel
4 bill to this and the bill to limit it to
5 one handgun a month. And in two hours,
6 we collected 2,039 signatures of people
7 demanding that he move on those bills.
8 Despite our meeting with him, nothing
9 happened.

10 Mayor Street, with his
11 tremendous support and also with Loree
12 Jones of his office and Lance Haver,
13 helped to organize, which we
14 participated in, a meeting in Harrisburg
15 of 2,000 people calling for the moving
16 of these two bills, a parallel bill to
17 this one and the one-handgun-a-month
18 bill, and we were totally ignored by the
19 legislative body that was taking place
20 inside.

21 That's why I think Councilman
22 Clarke may have the direction that he
23 pointed out in his remark as to what
24 this may do.

25 I think passing this bill will

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2 tell the new legislative body, which
3 has, as Councilman Clarke mentioned,
4 certain changes and to begin to
5 recognize that this is not just a
6 Philadelphia problem; it's a statewide
7 problem. And as Bryan Miller pointed
8 out, it is a problem that goes well
9 beyond the confines of the State of
10 Pennsylvania.

11 We've got to move these bills.
12 By passing this particular bill, I think
13 that the State will begin to recognize
14 that it has to come up and also move
15 this bill and the one-handgun-a month
16 bill.

17 Thank you for the opportunity
18 to testify.

19 COUNCILWOMAN MILLER: Thank
20 you.

21 Councilman Greenlee?

22 COUNCILMAN GREENLEE: Thank
23 you. Very quickly.

24 Mr. Rosenthal, or maybe the
25 chair or somebody else can answer this.

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2 I mean, some of these bills are -- I
3 certainly support the concept of all of
4 what you're doing, but you at least can
5 see some rationale of why there's
6 opposition to some of it. I might not
7 agree with the opposition, but I
8 understand it.

9 The failure to report a lost or
10 stolen firearm, when you were going
11 around lobbying, what could possibly be
12 the rationale for opposing a thought
13 like that or an act like that?

14 MR. ROSENTHAL: Councilman, it
15 was even crazier than that. We had
16 members, when we were running this
17 petition drive, members of the NRA, who
18 came up to us and asked us, why are we
19 against guns?

20 And we pointed out to them that
21 we are not against guns, but we are only
22 talking about the illegal sale of
23 handguns.

24 What we're really dealing with
25 is a wholesale market because an

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2 individual has right to buy a gun, can
3 buy as many guns as he wants to, put
4 them in the trunk of his car, go to the
5 nearest school or whoever, and sell them
6 at a profit.

7 That's what this bill and the
8 one-handgun-a-month bill will do. It
9 will cut out wholesale trade because you
10 can't make a living if all you can do is
11 buy one handgun a month, all right?

12 What I'm saying is that members
13 of the NRA who approached us agree that
14 this bill and the one-handgun-a-month
15 bill are good bills. You don't use
16 handguns to hunt and you don't use
17 rifles to kill people and hold up; that
18 doesn't normally happen.

19 So what we're dealing with
20 really is what was pointed out in that
21 carpet of the potential new Speaker of
22 the House, the NRA. That's really
23 what's behind it.

24 That's what was pointed out was
25 behind some of the problems that

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2 Councilperson Kenney pointed out in
3 terms of the restrictions on the federal
4 government on the FDA's ability to pass
5 information.

6 It's even worse than that.
7 They are now limited to only being able
8 to make one visit to a licensed handgun
9 dealer a year, so if you're a licensed
10 handgun dealer and they come in and
11 examine you in January, you have a free
12 run for 11 months to do what you want to
13 'cause they're not allowed to come back
14 by Congressional (indiscernible).

15 So there's a lot to be done,
16 and what I'm saying is, I think what
17 you're doing is the first olive out of
18 the bottle, the shoehorn, whatever
19 bromide you want to use, that may
20 eventually embarrass the state
21 legislature to pass this and the
22 one-handgun-a-month bill so that we can
23 begin to save the lives of children.

24 COUNCILWOMAN MILLER: I agree
25 and I thank you for your comments.

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2 And I think part of it is, you
3 know, Councilman Greenlee, is that they
4 just keep saying that these bills
5 impinge on their second-amendment
6 rights, the right to bear arms.

7 We're not saying you can't bear
8 arms. We're just saying that instead of
9 100 guns a month, maybe you could only
10 buy 12 a year, one gun a month.

11 And it's Democratic and
12 Republican, so it's not the party.

13 COUNCILMAN GREENLEE: But I
14 guess my point is, Madam Chair -- and I
15 certainly agree with you, but when you
16 were saying that you lose a firearm or
17 it's stolen, what the heck is wrong with
18 putting that on the record?

19 I mean, you know, unless you're
20 taking it to the Nth degree and saying
21 well, then that could be resold.

22 MR. ROSENTHAL: Well,
23 obviously, illegally resold.

24 COUNCILMAN GREENLEE: I mean, I
25 don't get that at all.

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2 COUNCILWOMAN MILLER: Okay.

3 Councilman Rizzo.

4 COUNCILMAN RIZZO: I sat in on
5 all of those meetings in Harrisburg.

6 MR. ROSENTHAL: Yes, you did.

7 COUNCILMAN RIZZO: I was with
8 many of the people that I considered
9 very rude to us.

10 And I saw no fight on the
11 requirement to report the stolen gun. I
12 think that there was the possibility of
13 that -- some movement there. So I just
14 wanted to make sure that that part, I
15 think, could happen.

16 You know, I'm a little
17 confused, and I apologize if I'm wrong.
18 Did you just say that the Speaker of the
19 House had an NRA rug? That was not the
20 Speaker of the House.

21 MR. ROSENTHAL: No, the new --

22 MS. YANOFF: The potential new
23 Speaker --

24 COUNCILMAN RIZZO: No, it was
25 not. I was there at the meeting.

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2 It was a Philadelphia State
3 senator that had the NRA carpet in his
4 office, and because he did not want to
5 be rude to the delegation, we moved the
6 meeting from his office to an office
7 where it was more appropriate.

8 So I don't want to name names,
9 but I just wanted to tell you that it
10 was A democratic state senator that had
11 the rug on his floor that said "NRA."

12 So it's -- and I apologize if
13 I'm wrong.

14 MR. ROSENTHAL: And I
15 apologize. I was simply repeating the
16 words of Councilman Kenny.

17 (Indiscernible; parties talking
18 over each other.)

19 COUNCILMAN RIZZIO: And that
20 person was a good friend of the
21 Councilman that had that NRA rug.

22 MR. ROSENTHAL: Yeah, yeah.
23 The NRA is a pervasive organization.
24 It's really what is behind the entire
25 situation.

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2 COUNCILWOMAN MILLER: Right.

3 And there are members from both sides of
4 the aisle, very strong, ardent members.
5 And we've talked to them.

6 MR. ROSENTHAL: Absolutely.

7 And there's a lot of work to be done,
8 and many of us are going to continue the
9 work until the state understands its
10 responsibility.

11 COUNCILWOMAN MILLER: Okay.

12 Thank you.

13 MR. ROSENTHAL: Thank you.

14 COUNCILWOMAN MILLER: Thank
15 you.

16 Okay. Next we'll have Mark
17 Harrell and Mothers in Charge.

18 Okay, Mark evidently left, I
19 guess. Oh, he's coming back? So who's
20 going to testify...

21 (Witnesses come forward.)

22 COUNCILWOMAN MILLER: Good
23 afternoon.

24 MS. RYAN: Good afternoon. My
25 name is Sherri Ryan. I am a member of

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2 Mothers in Charge, an organization of
3 mothers, aunts, sisters, cousins who
4 have all lost -- mostly have lost
5 children to the senseless violence in
6 the streets of Philadelphia.

7 I would like to say that
8 Mothers in Charge supports these two
9 bills because anything or any bill or
10 legislation that can be passed that
11 would help save the lives of the
12 children, we support that.

13 Mothers charge, we are out here
14 doing all we can to bring down the
15 numbers of deaths. We go to schools and
16 talk to children about the gun safety,
17 we talk to their parents; we talk to
18 anybody that will listen concerning gun
19 safety, and these bills fall right in
20 line with that.

21 We also talked to the students,
22 and we ask the students: How available,
23 how available are guns? And they're
24 very available to them.

25 So we know that if we cut that

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2 number down, if they're not available,
3 then they can't use the guns.

4 We come here all the time. I'm
5 here every time there's a gun
6 legislation or a gun bill to be passed.

7 We are here. We bring our
8 signs, we bring our tears. You know,
9 I'm kind of like tired of begging for
10 someone to do something to help with
11 this situation here. We have to do
12 something.

13 And I know the NRA's a big
14 organization, I know that, but they have
15 not suffered what we have suffered.

16 So all we could do is depend on
17 the people who are introducing these
18 bills to go there and really fight for
19 these bills to be passed.

20 We're tired of going to
21 funerals. I'm tired of wearing these
22 buttons every day. Something has got to
23 be done. And we appeal to everyone.

24 Councilperson Clarke and
25 Councilperson Miller, we thank you for

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 bringing these bills up. And we support
3 those bills. We need help and we want
4 to help you, and we need you to help us.

5 We are on this battlefield and
6 we are going to stay on this battlefield
7 until we bring these numbers down, until
8 we get these bills passed.

9 COUNCILWOMAN MILLER: We have a
10 long fight ahead, but we do appreciate
11 you coming in. And you're right; you
12 come every time. Every time we ask you,
13 you're right here.

14 And it's just a hard battle.

15 Eighty percent of Philadelphia
16 voters voted at the referendum to let
17 Philadelphia control its own gun laws,
18 but our fight is at the state; you know
19 that.

20 MS. RYAN: Mm-hmm.

21 COUNCILWOMAN MILLER: You've
22 been a part of it. So we have to just
23 continue to fight. And maybe we need to
24 get more people.

25 I mean, if Mr. Rosenthal passed

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 a petition in the state senator's
3 district and acquired more than 2,000
4 signatures, then that, to me, should
5 send a message to that state senator,
6 but evidently, it's not.

7 So we just have to keep doing
8 things like that, you know, and bring it
9 to the public's attention.

10 MR. ROSENTHAL: If I may.
11 We're going to be doing it in other
12 legislative districts.

13 COUNCILWOMAN MILLER: Okay.
14 You're next young lady.

15 MS. BRUNSON: Yes. My name is
16 Teresa Brunson, I'm the Mothers in
17 Charge Director of Community Education,
18 and I would just briefly like to thank
19 Councilwoman Reed-Miller and Councilman
20 Clarke for proposing this legislation.

21 Before I started working with
22 Mothers in Charge, I was a prosecutor in
23 the D.A.'s Office for ten years, and so
24 I saw a lot of the gun cases go by the
25 wayside because, as someone previously

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 said, it would be knocked down to
3 misdemeanors, even though the
4 legislature enacted the law for it to be
5 a felony offense.

6 And so I just appreciate any
7 effort that City Council is putting
8 forth now to address the gun issue in
9 the city because they are -- we all know
10 what the problem is, and it is hard for
11 prosecutors whose hands are tied by the
12 way the laws are sort of imposed by the
13 judge.

14 And so we appreciate any
15 efforts that are being put forth to try
16 to strengthen or give teeth to the
17 legislation that exists for prosecutors
18 in this city.

19 COUNCILWOMAN MILLER: Thank
20 you.

21 We appreciate the help that
22 groups like Mothers in Charge and Men
23 United and so many other groups that are
24 out and all of the individuals that are
25 helping in this battle, because it's

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 certainly something that we have to
3 fight as a coalition against and not
4 separately, so we also appreciate your
5 support.

6 And City Council basically has
7 been on board, and we pass these bills,
8 and the fight is in Harrisburg; we've
9 been saying this for a while now.

10 Any questions for these
11 witnesses?

12 COUNCILMAN RIZZO: I've got a
13 question for Councilman Clarke.

14 MS. RYAN: Thank you.

15 COUNCILWOMAN MILLER: Okay.
16 Councilwoman Brown has a question.

17 COUNCILWOMAN BROWN: Thank you,
18 Madam Chairlady.

19 Good afternoon, ladies. Let me
20 appeal, plead, beg you not to become
21 discouraged. Your leadership on this
22 issue really helps create the net or the
23 web that's needed going forward. We at
24 government for sure, obviously, cannot
25 do it alone, and it's really going to

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 take partnerships like Mothers in Charge
3 and Men United for a Better Philadelphia
4 and others, A, who get it; but, B, are
5 willing to work collectively
6 incrementally inch by inch going
7 forward.

8 So do not become discouraged.
9 We have to continue to raise the voice
10 for very, very obvious reasons, because
11 every day you find another child in the
12 paper who was at a place we don't want
13 him to be. We need your good work.

14 Thank you.

15 MS. RYAN: Thank you.

16 COUNCILWOMAN MILLER: Okay.

17 Councilman Rizzo.

18 COUNCILMAN RIZZO: I have a
19 question for Councilman Clarke.

20 COUNCILWOMAN MILLER: Councilma
21 n Clarke?

22 COUNCILMAN RIZZO: Did earlier
23 you allude to something that we're
24 looking at to possibly do something,
25 something, that we might not need

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2 Harrisburg? And have we looked at
3 every -- Councilwoman Miller, have we
4 looked at every possibility that
5 wouldn't need enabling legislation out
6 of Harrisburg?

7 COUNCILMAN CLARKE: Yes,
8 Councilman. One of the bills we're
9 hearing today, 04, we believe -- i.e.,
10 the drafters of the bill in the Law
11 Department believe that we're not
12 required to have state authorization
13 that talks about the possession of
14 handguns.

15 There are two issues as it
16 relates to children possession handguns.
17 One, there is currently a criminal
18 penalty associated with the possession
19 of handguns by a minor. Our bill talks
20 about a penalty associated with the
21 adult who was the responsible party for
22 that particular minor.

23 There is no preemption
24 currently, and I'm hoping that someone
25 from the state doesn't run out and try

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 to put a preemption on us trying to
3 impose a penalty on that adult.

4 Additionally, based on an
5 amendment that we will be offering on
6 this whole issue, the state preemption
7 talks about it prevention; it does not
8 talk about handling. So if a young
9 person handles a gun, picks up a gun on
10 a momentary basis, there is no state
11 preemption for us to impose a penalty on
12 that particular issue, so we will be
13 offering an amendment that incorporates
14 the language of handling in this
15 particular bill.

16 And we believe under the
17 current law, under the state -- current
18 state statute, we locally and
19 municipally are in a position to impose
20 on an adult that allows a child to
21 handle a firearm.

22 COUNCILMAN RIZZO: I appreciate
23 your hard work and surely the attorneys
24 that developed that strategy. And
25 hopefully there may be more that we can

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 do that doesn't require Harrisburg's
3 seal of approval.

4 COUNCILMAN CLARKE: Correct.
5 And it is our hope if, somehow, the
6 state views this as a preemptive issue,
7 it is our hope that the city will move
8 ahead and start to enforce this bill.

9 At the end of the day if it
10 requires us, the City, being in court as
11 a defendant, I think that's acceptable
12 since we've not been able to get in, to
13 date, as a plaintiff.

14 And so at the end of the, day
15 if we have an opportunity to be involved
16 in litigation, I welcome it either as a
17 defendant or as a claimant.

18 COUNCILMAN RIZZO: Thanks for
19 your effort, Councilman Clarke.

20 COUNCILMAN CLARKE: You're
21 welcome.

22 COUNCILWOMAN MILLER: Okay,
23 thank you.

24 Are there any other questions
25 for these witnesses?

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2 (No further questions.)

3 COUNCILWOMAN MILLER: Thank
4 you. Thank you for coming.

5 Mark, are you ready?

6 (Witnesses come forward.)

7 COUNCILWOMAN MILLER: Please
8 identify yourself, and proceed with your
9 testimony.

10 MR. HARRELL: My name is Mark
11 Harrell, and I'm Executive Director for
12 Men United for a Better Philadelphia.

13 MR. LITTLE: Mitch Little,
14 facilitator for Concerned Men of Pointe
15 Breeze. I'm also the area coordinator
16 for (inaudible).

17 MR. HARRELL: Good afternoon,
18 Chairwoman Reed-Miller and other members
19 of the Public Safety Committee and other
20 members of Council. I want to thank you
21 for this opportunity to testify at this
22 hearing as you consider the business of
23 the Philadelphia Code entitled "Safety."

24 First and foremost, I want to
25 say that on behalf of Men United a for

1 12/5/06 PUBLIC SAFETY - BILL 060700

2 Better Philadelphia, we are in support
3 of the proposed amendment entitled
4 "Failure to Report Loss or Stolen
5 Firearms," which will require the prompt
6 notification of loss or stolen firearms,
7 with penalties, especially in light of
8 the fact that the ATF's intelligence
9 shows that Philadelphia is source a city
10 for firearms used in crimes that were
11 previously reported lost or stolen, in
12 crimes across the country.

13 We are also here to testify in
14 support of the proposed amendment in
15 Section 10-834 entitled "Responsibility
16 to Avoid Possession and Discharge of
17 Firearms by Children," which prohibits
18 adults from allowing children to have
19 unsupervised access to firearms.

20 Nearly all childhood
21 unintentional shootings deaths occurred
22 in and around homes. Most childhood
23 unintentional shooting deaths involve
24 guns that are kept loaded and accessible
25 to children. Most children are killed

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2 or kill other children while playing
3 with handguns that are found in their
4 homes or the homes of families or
5 friends.

6 One study found that 54 percent
7 of handguns were stored unlocked, and
8 another 30 percent were kept unloaded,
9 and an additional 13 percent were kept
10 both locked and loaded -- both unlocked
11 locked and loaded.

12 A gun in a home is 43 times
13 more likely to kill a family member or a
14 friend than used in self-defense. One
15 study found that when a gun was in the
16 home, 80 percent of young children knew
17 where the gun was kept. And of the gun
18 owners, 85 percent say that they never
19 worry about someone in their home being
20 injured by a gun.

21 The cost of these incidents can
22 be phenomenal. One study showed that
23 the average hospital charges for
24 treating a child with a firearm injury
25 was more than 14,000. And each year, an

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2 estimated lifetime cost for
3 unintentional shootings in children ages
4 14 is under 3.7 billion. And among
5 children ages 14 and under,
6 unintentional firearm injuries account
7 for more than half of the total cost of
8 all firearm injuries.

9 Nearly two-thirds of firearm-
10 owning parents of school-aged children
11 believe they keep their firearms safely
12 away from their children. However, one
13 study found that when a gun was in the
14 home, 75 to 80 percent of 1st- and
15 2nd-graders knew where it was kept.

16 Few children under the age of
17 eight can reliably distinguish between
18 real and toy guns or fully understand
19 the consequences of their actions, yet
20 children as young as three are strong
21 enough to pull the trigger of many
22 handguns.

23 This is one of the reasons why
24 I bring one of our members, Mr. Mitch
25 Little, to testify with me today.

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2 When we go into schools and the
3 classrooms, we ask young people, How
4 many of you can put your hands on a
5 firearm if you had to today or tomorrow?
6 An overwhelming number of youths raise
7 their hands, well over 50 percent.

8 In some classrooms, it's like
9 90 percent of the young people --
10 whether it's in the elementary school or
11 middle school or high school -- raise
12 their hands to say that they can put
13 their hands on a handgun.

14 Some say, Well, do the children
15 know how to use a handgun? They know
16 how to use it, and they can practice
17 using it.

18 One of the parents of the young
19 men in a program that Mr. Little
20 oversees in South Philadelphia brought
21 to his attention a situation that's
22 happening all over the city right now,
23 where young people are purchasing toy
24 handguns that look like real handguns.
25 They're spray-painting these

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2 handwritings, and they're so realistic
3 that we weren't even allowed to bring
4 the full item into the City Council
5 chambers today to show you the full
6 impact of what this looks like.

7 This is an opportunity for
8 children to practice using these
9 handguns so that when they get the real
10 handgun that they know how to get, they
11 know where they are, and they have
12 access to, it's no problem for them to
13 use it.

14 I'm going to ask Mr. Little to
15 demonstrate what we were able to bring
16 into the chambers to show you how
17 realistic it is for these young people
18 and how easy it is for these young
19 people to access this item.

20 MR. LITTLE: This item here is
21 a toy pellet gun. It is a replica of a
22 true model handgun, Six Sawyer, P223 --
23 230, all right?

24 The pellet gun comes equipped
25 with a clip, a fire and a safety button,

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 a clip release. You would load the clip
3 as you would a handgun and cock back on
4 it. I don't know if heard that sound,
5 but sounds just like a regular handgun
6 cocking back, okay?

7 A father brought this in; his
8 child purchased this on his own at
9 Wal-Mart, at 11 years old, at 11 years
10 old.

11 Children all across the city
12 are painting these guns black so that
13 they look like the real thing. There's
14 no stopper in front, there's no writing
15 on it that says this is a toy, a toy
16 manufacturer. It actually has all of
17 the detailed writing of an actual
18 handgun, and it even has some weight to
19 it.

20 Young people are firing this at
21 passing cars, pulling it out on the
22 street. They're riding their bikes with
23 the handle of the gun exposed. It is a
24 very serious situation, and we think
25 it's a threat to public safety as well.

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2 That young person at 11 years
3 old was so enthralled with his new
4 purchase, that he went back -- he earned
5 a little bit more money and went back
6 and brought his seven-year-old a
7 .25-caliber version of that handgun

8 COUNCILWOMAN MILLER: How much
9 are they?

10 MR. LITTLE: About \$23. About
11 16 to \$23.

12 COUNCILWOMAN MILLER: The Chair
13 recognizes Councilman Greenlee.

14 COUNCILMAN GREENLEE: What
15 genius entrepreneur makes these guns?
16 Is it one particular company that came
17 up with this, or do many do this?

18 MR. LITTLE: I was not able to,
19 in the short time that we had in looking
20 for the manufacturer. It would not go
21 into further detail other than it's an
22 overseas manufacturer.

23 It is -- it would be very
24 interesting if legitimate gun companies
25 did not have something to do with it,

1 12/5/06 PUBLIC SAFETY - BILL 060700

2 just from its markings alone. If you
3 look on line at the actual version of
4 the 6R in this model, it's an exact
5 replica of this model of gun.

6 COUNCILMAN GREENLEE: And you
7 said this one could be purchased at
8 Wal-Mart?

9 MR. LITTLE: Or K-Mart.

10 COUNCILMAN GREENLEE: Or
11 K-Mart? I was going to say, are there
12 are a lot of other stores that sell
13 them?

14 MR. LITTLE: We've researched
15 Wal-Mart and K-Mart in the Philadelphia
16 area, and they also have them on in
17 stock, on line.

18 COUNCILWOMAN MILLER: Thank
19 you.

20 Councilman Rizzo?

21 COUNCILMAN RIZZO: I might need
22 the Police Department. This fires a
23 projectile?

24 MR. LITTLE: A pellet.

25 COUNCILMAN RIZZO: A pellet. I

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 believe we have -- I remember growing up
3 and wanting a BB gun really bad and
4 couldn't get one because they were
5 illegal.

6 And I would assume that the
7 ordinance that's already on the books
8 should cover this gun, this handgun,
9 unless it's limited to long guns. I
10 think that we need to amend -- is it a
11 BB projectile? Or when you say "a
12 pellet," what exactly comes out of this
13 thing? Can it be hurtful?

14 MR. LITTLE: It could be, it
15 could be. There are fully automatic
16 versions. There are handgun
17 semiautomatic versions like that. Some
18 of the versions hold up to 99 BBs or
19 pellets.

20 COUNCILMAN RIZZO: And I don't
21 want to blindside the lieutenant or the
22 Council, but could someone answer the
23 question?

24 We have an ordinance on the
25 books that prohibits -- could Lieutenant

1 12/5/06 PUBLIC SAFETY - BILL 060700

2 Healy come to the desk?

3 (Witness comes forward.)

4 COUNCILWOMAN MILLER: Are the
5 pellets soft rubber or hard rubber?

6 MR. LITTLE: They're hard
7 plastic.

8 COUNCILWOMAN MILLER: Hard
9 plastic.

10 COUNCILMAN RIZZO: Maybe that's
11 the loophole. The point is, BB guns are
12 illegal in the City of Philadelphia; is
13 that correct?

14 LT. HEALY: To the best of my
15 knowledge, yes. It's air rifles or air
16 projectiles, which would be BB's or
17 light pellets.

18 The introduction of a plastic
19 pellet, I don't think, would usurp the
20 law. It's still an air projectile,
21 which should be prohibited under the
22 current ordinance.

23 COUNCILMAN RIZZO: So it would
24 be important -- we don't want to dump on
25 K-Mart or Wal-Mart, but hopefully they

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 are aware or not aware that they might
3 be selling something that's illegal; is
4 that correct?

5 LT. HEALY: They may not be
6 aware. I know they don't carry BB guns
7 or air rifles, per se. This may be
8 actually going under the radar 'cause
9 it's a toy of sorts versus an air rifle
10 or an air pistol.

11 COUNCILMAN RIZZO: So we need,
12 I guess, to get either the Police
13 Department's legal opinion or a Law
14 Department opinion on whether or not
15 this is --

16 LT. HEALY: Prohibited under
17 the statute.

18 COUNCILMAN RIZZO: Exactly. If
19 not, we need to do an amendment to bring
20 this into that.

21 LT. HEALY: If it's shooting a
22 projectile -- I mean there's no -- in
23 this current ordinance it makes no
24 determination of what a projectile is.
25 I mean, we'll come up with a legal

1 12/5/06 PUBLIC SAFETY - BILL 060700

2 definition of what we believe, but --

3 COUNCILWOMAN MILLER: Excuse
4 me. Lieutenant, you need to identify
5 yourself.

6 LT. HEALY: I'm sorry.
7 Lieutenant Healy once again from the
8 Philadelphia Police Commissioner's
9 Office.

10 COUNCILMAN RIZZO: And an
11 attorney for the Police Department.

12 LT. HEALY: So I would believe
13 that to be illegal personally.

14 COUNCILMAN RIZZO: You believe
15 it be illegal?

16 LT. HEALY: Right.

17 COUNCILWOMAN MILLER: We'll
18 sure look into it.

19 MR. HARRELL: And if you can
20 remember the days of Philadelphia when
21 zip guns were the gun of choice in gangs
22 in the City of Philadelphia, anything
23 with a spring action, loaded action can
24 be converted to shoot bullets. So, I
25 mean, we need to take that into

1 12/5/06 PUBLIC SAFETY - BILL 060700
2 consideration as well.

3 And in closing, I also just
4 want to say that some parents think that
5 their children aren't at risk because
6 they don't own guns. Others think their
7 kids are safe because they do own guns,
8 and their kids know the rules.

9 The truth, is all children are
10 potentially at risk of unintentional
11 firearm injury and intentional firearm
12 injury. However, knowing how or why
13 injuries occur and taking action like
14 these laws will do can substantially
15 reduce that risk.

16 I want to thank you for
17 inviting us to testify today, and I'm
18 looking forward to continued doing the
19 work that needs to be done with your
20 support.

21 COUNCILWOMAN MILLER: Thank
22 you. Thank you for coming. And we
23 certainly appreciate your support.

24 Are there any other questions
25 of these witnesses?

1 12/5/06 PUBLIC SAFETY - BILL 060441

2 (No further questions.)

3 COUNCILWOMAN MILLER: Okay.

4 Seeing none, thank you, thank you, thank
5 you.

6 MR. LITTLE: Thank you.

7 COUNCILWOMAN MILLER: Thank you
8 for all of your hard work.

9 Is there anyone else here to
10 testify on these two weapons bills?

11 (No response.)

12 COUNCILWOMAN MILLER: Seeing
13 none, we will move on to the next bill.

14 THE CLERK: We're going to move
15 back to 060441, an ordinance amending
16 Chapter 10-300 of the Philadelphia Code
17 entitled "Minors" by amending the hours
18 of the curfew for minors and by amending
19 the enforcement provisions, including,
20 but not limited to increasing the
21 penalties for minors who violate the
22 provisions of the chapter and for
23 parents and operators of establishments
24 who knowingly permit minors to violate
25 the chapter and by making technical

1 12/5/06 PUBLIC SAFETY - BILL 060441
2 changes, all under certain terms and
3 conditions.

4 COUNCILWOMAN MILLER: Okay.
5 Thank you.

6 Our first witness is Dr. Arthur
7 Evans.

8 (Witnesses come forward.)

9 COUNCILWOMAN MILLER: Could you
10 state your name for the record. And
11 proceed with your testimony.

12 DR. EVANS: Good afternoon.
13 I'm Dr. Arthur C. Evans, Acting
14 Commissioner for the Department of Human
15 Services. I have with me Mr. Ron
16 George, who is the project manager for
17 our curfew, truancy, and violence
18 prevention programs.

19 COUNCILWOMAN MILLER: Please
20 proceed.

21 DR. EVANS: I want to thank
22 you, and I had intended to testify both
23 on the truancy legislation as well as
24 the curfew legislation.

25 I want to first thank you for

1 12/5/06 PUBLIC SAFETY - BILL 060441
2 the opportunity to speak in support of
3 the bills sponsored by Councilmembers
4 Reynolds-Brown, DiCicco, Miller, Kenney,
5 and Clarke, which amends the hours and
6 enforcement provisions of the City's
7 curfew laws.

8 The escalating wave of violent
9 crime in Philadelphia is a complex and
10 intractable problem for which there is
11 no single cause and no single solution.
12 It is a crisis that we as a city must
13 attack on all fronts, with multiple
14 responses and approaches.

15 While more stringent curfew
16 laws alone will not solve this problem,
17 they do represent a proactive approach
18 that engages police, the social services
19 community, parents, and young people
20 themselves in stemming the tide of
21 violence perpetrated by and against
22 youth.

23 I'm going to abridge my
24 comments for the sake of time, but you
25 have my full testimony for the record.

1 12/5/06 PUBLIC SAFETY - BILL 060441

2 By enabling police to pick up
3 curfew violators, these laws help us to
4 identify youths at greatest risk for
5 involvement in violence. Through the
6 city's new curfew centers, we can then
7 link these youths and their families to
8 needed social services and supports as
9 well as to academic, recreational,
10 job-readiness, and another delinquency-
11 prevention programs.

12 Another thing that we know
13 about reducing juvenile delinquency and
14 violence is that parents play a crucial
15 role. The proposed law imposes more
16 stringent penalties on parents of youths
17 in violation of curfew and would,
18 therefore, provide strong motivation for
19 parents to become more actively involved
20 in monitoring their children's behavior.

21 We recognize that there are
22 costs associated with extending the
23 curfew hours for young people in
24 Philadelphia. Enforcing this law will
25 not only require more police staffing,

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2 but will also mean expanded hours of
3 operation for the city's curfew centers.

4 If the curfew hours are
5 extended to 9 p.m -- or 9 a.m, costs to
6 run to the city's six planned curfew
7 centers will increase by 120,000 to
8 \$150,000.

9 There will be additional costs
10 if we open the curfew centers seven days
11 a week during the summer, as planned.
12 We, however, feel that the benefits of
13 these laws far outweigh the costs.

14 In the few months since its
15 enactment, the city's curfew enforcement
16 initiative is already having a positive
17 effect in the community. Residents have
18 expressed that their communities are
19 quieter as a result of the significant
20 decrease in youth out after curfew
21 hours.

22 In addition, more at-risk youth
23 are being identified and linked to
24 services. Since July, 577 youth have
25 been picked up by the Police Department

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2 for violating the curfew during weekend
3 nights. And 184 of those youth have
4 received an intake assessment and a
5 behavioral-health assessment at the
6 Curfew Center.

7 The children of the city
8 represent our future. We must take
9 every possible precaution to keep them
10 safe. Amending the curfew laws is one
11 approach that represents a logical
12 component of a comprehensive strategy
13 for ending the cycle of violence.

14 We, therefore, encourage you to
15 enact this bill.

16 Thank you.

17 If there are no questions, I
18 would like to testify on the truancy
19 bill.

20 COUNCILWOMAN MILLER: I'm
21 sorry. Say that again.

22 DR. EVANS: If there are no
23 questions, I would also like to testify
24 on the truancy bill by Councilman
25 Clarke.

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2 COUNCILWOMAN MILLER: All
3 right. Well, that bill is going to be
4 held today.

5 DR. EVANS: Okay.

6 COUNCILWOMAN MILLER: Are you
7 going to testify, sir?

8 DR. EVANS: No. He's with me
9 in case there are questions about
10 operation of the Curfew Center.

11 COUNCILWOMAN MILLER: Okay.
12 Are there any questions of these
13 witnesses?

14 (No questions.)

15 COUNCILWOMAN MILLER: We had a
16 meeting in my district to do an
17 additional curfew center, and I was just
18 really shocked to know that there are
19 actually volunteers that -- I mean, I
20 knew it was a call for volunteers, but
21 there are people that man those centers
22 from 10 p.m. until 6 a.m. And that, you
23 know, it's really great to hear that the
24 adult volunteers are really living up to
25 their commitment to actually be there

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2 overnight. That's not easy.

3 DR. EVANS: It is not. And we
4 have been pleasantly surprised at
5 people's commitment, not only initially,
6 but they have remained committed.

7 We've had over 60 people to
8 volunteer. They're there, as you said,
9 really overnight. They come
10 consistently on most shift. There are
11 two to three people and sometimes as
12 many as five or six people who are there
13 volunteering.

14 And it has had the added
15 benefit of the community being much more
16 engaged in the issues and the problems
17 that these young people face. So that's
18 been an unexpected benefit of doing
19 this.

20 COUNCILWOMAN MILLER: Okay.
21 That's really great. I thought it was
22 really good.

23 COUNCILWOMAN BROWN: A
24 follow-up question, Madam Chairlady.

25 COUNCILWOMAN MILLER: Yes.

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2 COUNCILWOMAN BROWN: The
3 truancy program is being run out of
4 which department, the Managing
5 Director's Office, the DHS, the School
6 District? Where?

7 DR. EVANS: The truancy or the
8 curfew?

9 COUNCILWOMAN BROWN: Truancy.

10 DR. EVANS: Truancy -- the lead
11 is really the Managing Director's Office
12 but there are a number of departments
13 that are involved in that, including
14 Behavioral Health, DHS, and others.

15 COUNCILWOMAN BROWN: And the
16 curfew centers?

17 DR. EVANS: The same thing,
18 although DHS is really the lead agency
19 in the operation of the centers.

20 COUNCILWOMAN BROWN: Okay,
21 then. Thank you very much for your
22 testimony.

23 COUNCILWOMAN MILLER: Thank
24 you. Thank you.

25 DR. EVANS: Thank you.

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2 COUNCILWOMAN MILLER: Any other
3 questions?

4 COUNCILMAN GREENLEE: One real
5 quick question. How many curfew centers
6 are there?

7 DR. EVANS: Currently, there is
8 one. There's a plan to expand it to six
9 in January.

10 MR. GEORGE: That's right.

11 COUNCILWOMAN MILLER: Identify
12 yourself for the record.

13 MR. GEORGE: I'm sorry. Ronald
14 George, Department of Human Services,
15 Project Manager for Violence Prevention
16 Initiatives.

17 We currently have one curfew
18 center that will start in South
19 Philadelphia in July. We will open up
20 an additional five curfew centers in
21 January of 2007. And the goal is to
22 open up an additional six and bring it
23 up to twelve by July of 2007 to cover
24 the entire city.

25 COUNCILMAN GREENLEE: And the

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2 ones that are being opened in January,
3 where are they, roughly?

4 COUNCILWOMAN MILLER: Well, one
5 is in my district.

6 MR. GEORGE: Actually, I do
7 have the list.

8 COUNCILWOMAN MILLER: To
9 distribute?

10 MR. GEORGE: Yes. What we did
11 was, we targeted the areas that had the
12 highest numbers of shootings. In
13 conjunction with the Police Department,
14 we looked at the areas where there were
15 the most shootings throughout the city,
16 and those are the areas that are getting
17 these curfew centers first.

18 COUNCILWOMAN MILLER: Can you
19 tell us where? Do you have the list
20 with you?

21 MR. GEORGE: Yeah. In general,
22 in the 12th Police District; the 15th
23 Police District; the 22nd and 23rd,
24 which are north, which is the third
25 center; the 39th Police District, which

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2 will include three sectors of the 35th,
3 which will be the fourth center; and
4 fifth area is the 25th Police District,
5 inclusive of P sector for the 24th
6 District.

7 COUNCILWOMAN MILLER: Okay.
8 Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 COUNCILWOMAN MILLER: Any other
12 questions?

13 (No further questions.)

14 COUNCILMAN GREENLEE: Thank
15 you.

16 DR. EVANS: Thank you.

17 COUNCILWOMAN MILLER: Thank you
18 for your testimony.

19 Lt. Healy.

20 (Witnesses come forward.)

21 COUNCILWOMAN MILLER: Hi.
22 Identify yourself.

23 LT. HEALY: Good afternoon. My
24 name is Francis Healy, and I'm Special
25 Advisor for Police Commissioner Johnson.

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2 At the outset, thank you for
3 letting us, the Philadelphia Police
4 Department, comment on this legislation.

5 Let me just say that the intent
6 of this legislation is fully supported
7 by the Philadelphia Police Department,
8 without a doubt. There's no higher duty
9 for both City Council and for the Police
10 Department than the protection of our
11 children.

12 Accordingly, I would like to
13 respectfully take the time to address
14 each part of the amendment and comment
15 on how it would affect police actions on
16 the street.

17 While I believe most of the
18 amendments would simplify the curfew
19 procedure, there are some amendments
20 that could interfere with police
21 operations or reduce current discretion
22 available to police officers, and I'll
23 touch on them briefly, and I don't think
24 they're major obstacles.

25 The first obvious change in the

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2 ordinance would be the bifurcation of
3 curfew times between minors under 13
4 years of age and those at ages 13 to 17.
5 This is an excellent idea.

6 As we all know, children under
7 the age of 13 have no business being out
8 and about late at night. While they are
9 clearly targeted by adults due to their
10 immaturity, they are -- they also
11 succumb to the peer pressure of older
12 juveniles.

13 As a case in point, I recently
14 attended a hearing for a friend's child
15 who's 12 years old, who was caught
16 setting small fires behind a bowling
17 alley up in the Northeast. And when I
18 said to him, "Why would you ever do such
19 a thing?" he said, "Because the older
20 kids thought it was cool."

21 And that drives home, I think,
22 the importance of this program.

23 Consequently, the bifurcated
24 curfew times between very young children
25 and the older juveniles is a very good

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2 idea.

3 Now let me just turn now to the
4 conduct of the parents. The proposed
5 amendments drastically simplify the
6 requirements of parents in the city,
7 which is definitely a good thing, so
8 they understand what their obligations
9 are.

10 However, in the course of
11 simplifying the legislation, a valuable
12 exemption currently in the code seems to
13 have been lost. This exemption, which
14 is currently Chapter 10, Section 304,
15 Subsection 3, has been completely
16 deleted.

17 Specifically, this provision
18 allows for an exemption to any parent
19 who accompanies a minor or to a parent
20 who directs a minor upon an errand or
21 other legitimate business or to a parent
22 of a minor engaged in gainful, lawful
23 employment during curfew hours. As we
24 all know, nothing is absolute; and
25 exemptions, while not the norm, should

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2 be available in any well-balanced
3 legislation.

4 Next is, the responsibility of
5 the owners and operators of
6 establishments has been simplified.
7 This, too, is a very good thing.

8 Individuals who personally
9 profit off of juveniles after curfew
10 hours should be held accountable. While
11 these operators may be able to somewhat
12 protect juveniles in their facilities in
13 the same manner as they could any other
14 business invitee, they have no control
15 once a juvenile leaves.

16 Establishments that are known
17 to cater to minors after curfew hours,
18 in essence, create an attractive
19 nuisance. They imminently endanger the
20 children who frequent these locations.
21 As such, the Police Department believes
22 the increased penalty provisions and the
23 possibility of a business license
24 revocation are entirely appropriate and
25 suitable.

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2 I'm turning now to the
3 enforcement issues surrounding the
4 proposed amendments. I understand that
5 there's been much concern on how the
6 police will enforce a bifurcated curfew
7 system. Most of the concerns I've heard
8 involve whether such a system would, as
9 a consequence, require children to carry
10 identification.

11 This is not the case
12 whatsoever. The police currently
13 enforce the curfew ordinance without any
14 such requirements and will be able to
15 continue to do so even with a bifurcated
16 system.

17 Nothing has really changed from
18 a police perspective. We're currently
19 enforcing the under-17-years-of-age
20 requirement without requiring all
21 juveniles to carry identification. The
22 same will hold true in the proposed
23 version.

24 Before a police officer can
25 transport or cite an individual, even a

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2 child -- more importantly, a child --
3 probable cause must exist. Probable
4 cause are facts and circumstances which
5 would lead the police officer to believe
6 the individual has committed or
7 committing an offense or a violation.

8 Thus, an officer on the street
9 must do an investigation, no matter how
10 brief, to determine if the child is in
11 violation of the curfew laws; whether
12 they're under 17 or over 13, it makes no
13 difference.

14 The difference will be those
15 stops by police based on reasonable
16 suspicion. As it stands, police
17 officers are justified in stopping a
18 person after curfew hours if he
19 reasonably believes they are less than
20 18 years of age.

21 Currently, curfew stops cannot
22 begin until after 10:30 p.m. during the
23 week and 12:00 midnight on the weekends.
24 As a result of the proposed amendment,
25 the police would now be authorized to

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2 stop minors who they reasonably believe
3 are less than 13 years of age after
4 9 o'clock during the week and after
5 10 o'clock on the weekends.

6 If, after the investigation, a
7 child is in violation of the ordinance,
8 appropriate action will be taken; but if
9 the child is older than 13, he would
10 promptly be released, just as if he were
11 an adult in the old scenario.

12 Turning lastly to the
13 penalties. The Department supports the
14 overall increase in penalties for any
15 violation of the curfew code. As I
16 mentioned, the increase in penalties for
17 business owners is completely
18 appropriate.

19 The Department would only offer
20 one suggestion. As it stands, minors
21 who violate the curfew law can be
22 sentenced to community service in lieu
23 of monetary fines. This is a great
24 provision.

25 However, it may serve the

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2 purpose of these overall amendments to
3 include such a provision for the parents
4 as well. The reasoning is twofold:

5 Many parents in the city will
6 not be able to afford the fines, and
7 those that can may just write a check
8 without any care whatsoever.

9 Accordingly, the availability
10 of community service should also be
11 available to parents. Parents who
12 cannot afford these fines can avoid
13 becoming scofflaws, and parents with
14 means will need to sacrifice valuable
15 time.

16 Both can have a positive impact
17 on the minors who actually caused the
18 problem for their parents. Actually
19 knowing the parent has to do manual
20 labor because of their actions may go
21 much farther than any fine that could be
22 levied.

23 I would like to make one more
24 suggestion, actually, which is certainly
25 going to need work, and this is actually

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2 from personal experience as well.

3 There are many parents in the
4 city who have uncontrollable children,
5 quite frankly. There single parents
6 torn between making a living and being
7 home, trying to take care of their
8 children. These are impossible
9 situations.

10 In these situations, resources
11 should be available to the parent to
12 help them. Continually fining the
13 parents of an uncontrollable minor is
14 really pointless, and we need to give
15 those parents additional help, and I'm
16 not really sure where the help should
17 come from, but it should be recognized.

18 Mostly, I think this is
19 probably the biggest impacts on the
20 Police Department. The proposed
21 amendment has deleted one of the options
22 that is currently available to police
23 officers on the street, which we believe
24 is critical in effectively enforcing the
25 actual ordinance.

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2 Specifically, the current
3 ordinance allows police officers, among
4 other things, to order the minor to go
5 home immediately. Under the proposal,
6 this discretion has been removed. In
7 essence, the police officer must
8 transport the minor home or to a police
9 station for processing.

10 While this may seem petty, we
11 must be remembering that we're dealing
12 with children who are incredibly
13 impressionable and who range widely in
14 maturity. Many times officers on the
15 street know which children will go home
16 as home and those that will not.

17 Forcing all children into a
18 police car, when many could more easily
19 run home, serves no purpose. Taking
20 this discretion away from the officer is
21 akin to taking an element of the force
22 away. It's an element the officers use
23 on the street, and we're actually taking
24 a tool.

25 Instead of the officer saying,

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2 "If I see you out this late, I'm going
3 to have to take you home," the officer
4 is going to be forced to say, "Get back
5 in the car." This make a very big
6 difference on the street.

7 I would strongly recommend that
8 this discretion remain in the proposed
9 ordinance, especially since we will be
10 dealing with younger and younger
11 children as a result of the bifurcated
12 system.

13 As I mentioned at the
14 beginning, there is no higher duty for
15 both City Council and the Police
16 Department than to protect our children,
17 so the Police Department fully supports
18 the intent of this legislation and hopes
19 this committee will support some of the
20 minor recommendations suggested prior to
21 any passage.

22 This concludes my testimony.
23 And, obviously, I'd be happy to answer
24 any questions.

25 COUNCILWOMAN MILLER: Thank

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2 you. Thank you for testifying.

3 Councilwoman Reynolds-Brown.

4 COUNCILWOMAN BROWN: Thank you,
5 Madam Chair.

6 Good afternoon, and thank you
7 for the support of this bill.

8 One of the critical factors for
9 consideration is the potential
10 impediment in the enforcement of the
11 curfew measures.

12 LT. HEALY: Right.

13 COUNCILWOMAN BROWN: So has the
14 Department looked at that? Because only
15 then does it mean anything.

16 LT. HEALY: Correct.
17 Councilwoman, quite frankly, the change
18 in the ages makes no distinction for the
19 Police Department. We enforce the
20 current ordinance, which is 17 and
21 under, and we don't require -- there's
22 no mandatory requirement for anyone to
23 have identification on their persons.

24 So officers will make stops
25 after the curfew hour based on a

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2 reasonable suspicion. Basically, if the
3 kid looks like a young kid, then he gets
4 stopped. If he proves to be an adult,
5 he's released. If not, he's taken in.
6 And if later it's determined that he's a
7 juvenile, he's released.

8 COUNCILWOMAN BROWN: Okay.

9 LT. HEALY: Oftentimes, our
10 police officers on the street are much
11 smarter than a lot of people give them
12 credit for.

13 They do the brief investigation
14 on the street, they throw a few dates
15 out there: "When were you born?"

16 COUNCILWOMAN BROWN: Okay.

17 LT. HEALY: It's very easy to
18 trip up a juvenile. The next thing you
19 know, they're saying they're 42 years
20 old, and you got 'em there. So that's
21 really not a problem.

22 COUNCILWOMAN BROWN: Okay.

23 LT. HEALY: I don't think it
24 will be any harder. It actually may be
25 a little easier with the younger

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2 children 'cause they're not quite as
3 quick with the math yet.

4 COUNCILWOMAN BROWN: Then the
5 second question is around establishments
6 honoring the measures of this
7 legislation.

8 A is, you know, we can't hold
9 anyone responsible for that which we
10 have not brought to their attention. So
11 whose responsibility is it to make sure
12 establishments are aware of this?

13 And then the enforcement:
14 Where's the trigger for L&I?

15 LT. HEALY: I think the trigger
16 of this legislation. The enactment of
17 this legislation is public notice of
18 what's expected of all business owners
19 and entities in the city.

20 Once this gets enacted and
21 passed, this is public knowledge right
22 here. There's no ignorance of the law;
23 it's not acceptable.

24 So what would happen is -- and
25 I'm sure after the first couple of

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2 times, there's going to be warnings
3 issued; we're not looking to crush
4 business owners from doing their
5 business, but we also don't want these
6 juveniles to be congregating in certain
7 places.

8 And everyone in the
9 neighborhood knows where to go after
10 midnight, the young kids.

11 COUNCILWOMAN BROWN: Mm-hmm.

12 LT. HEALY: And we understand
13 that that attracts the problems, that
14 attracts the shootings, the violence
15 that happens to these children.

16 So I think once the word's out
17 through this hearing, once the
18 legislation is passed, the public press,
19 that is notice that this is in effect.

20 Once it's passed, it's
21 published in, I believe, several papers,
22 and that gives it all the notification
23 we need to enforce -- from L&I's
24 perspective as well as the Police
25 Department's.

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2 COUNCILWOMAN BROWN: Thank you
3 for the response.

4 The Police Department notifies
5 L&I that an establishment is open beyond
6 the hours stipulated in this bill?

7 LT. HEALY: Well, luckily for
8 the city, both entities have equal
9 enforcement authority under the code.

10 COUNCILWOMAN BROWN: Oh.

11 LT. HEALY: This is a business.
12 Businesses obviously can enforce -- I'm
13 sorry. L&I can obviously enforce any
14 business regulations set on business,
15 but as an overall blanket, the Police
16 Department is also equally able to
17 enforce.

18 All along --

19 COUNCILWOMAN BROWN: So the
20 Police Department can give a fine to a
21 business that's open beyond the hours in
22 this --

23 LT. HEALY: We can, yes. We
24 can cite them. Now, the question is:
25 Will we be giving them a code violation

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2 notice?

3 COUNCILWOMAN BROWN: Okay.

4 LT. HEALY: So we're not going
5 to be handcuffing anybody and taking 'em
6 in to headquarters, but we are
7 authorized to issue code violation
8 notices, and we actually have begun
9 doing them for some of the takeout
10 places that are in residential zones --

11 COUNCILWOMAN BROWN: Okay.

12 LT. HEALY: -- that stay open
13 past 11 o'clock.

14 COUNCILWOMAN BROWN: Okay.
15 Then, lastly, does the Police Department
16 maintain a record, a log of some kind
17 that speaks to the activity you just
18 described so that we can see what the
19 future looks like based on records?

20 LT. HEALY: The Police
21 Department as a whole doesn't track
22 businesses that allow minors to
23 frequent. The captains in each division
24 are held accountable through the
25 COMPSTAT process, and they often very

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2 well know where the problems are.

3 And actually decentralizing the
4 authority of the captain to be able to
5 spot kids problems -- "hot areas," I'll
6 say is really the best manner.

7 Because if it was done downtown
8 in my office, it's kind of sanitized.

9 COUNCILWOMAN BROWN: Sure.

10 LT. HEALY: The captain on the
11 street, he deals with the issues, 'cause
12 a lot of times, the crime problems are
13 going to emanate from these locations.

14 COUNCILWOMAN BROWN: Okay.

15 LT. HEALY: So he's come to me
16 in the past, saying, "I have problems
17 here," and we're doing that now with
18 some of the takeout locations that stay
19 open past 11:00. We're using that
20 creatively, making sure we have the
21 residential block base. And if they're
22 in that residential block base, takeouts
23 have to close at 11:00.

24 COUNCILWOMAN BROWN: And so do
25 you keep a record of how many times you

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2 get a phone call that "Establishment X"
3 is staying open past --

4 LT. HEALY: Yeah, I can do a
5 repeat-call analysis through my police
6 radio system.

7 COUNCILWOMAN BROWN: Okay.

8 LT. HEALY: Like the captains
9 will do that.

10 And, actually, for domestic
11 violence situations, all types of
12 situations, the victim-assistance
13 officers in the districts will track
14 certain things 'cause they will see the
15 same numbers coming up on their district
16 control report numbers.

17 And what they'll do is, if
18 there's numerous calls from one
19 location, the victim-assistance officer
20 will go to that house to see if there's
21 anything proactively that he or she can
22 do.

23 The same thing can be done with
24 this as well.

25 COUNCILWOMAN BROWN: Uh-huh.

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2 Okay. All right then. Okay. I'll
3 leave it there the from now.

4 A year from now, we'll look to
5 see what the impact has been of this
6 measure.

7 Thanks again for your
8 testimony.

9 LT. HEALY: If we alone cite
10 it, I can probably track the citations
11 that we wrote, but it will probably be
12 not just the Police Department; it will
13 also be L&I, so my numbers may not be
14 completely accurate.

15 COUNCILWOMAN BROWN: The beauty
16 of that is, if you track what you just
17 described and then you stack that
18 against what's happening with young
19 people in that area -- are there fewer
20 homicides? is there less truancy? are
21 you arresting many more young people
22 around curfew? -- then you can see some
23 connect, some thread of impact.

24 Do you follow me?

25 LT. HEALY: Absolutely. And

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2 actually, that's the heart and soul of
3 our COMPSTAT process.

4 COUNCILWOMAN BROWN: Okay.

5 LT. HEALY: What happens, the
6 captains are held, as Councilman Rizzo's
7 well aware, very accountable, and it's
8 geographically.

9 What happens is, every week,
10 hot districts are put on the screen and
11 then you can see the hot areas.

12 COUNCILWOMAN BROWN: Mm-hmm,
13 mm-hmm.

14 LT. HEALY: And the captain
15 says, "Listen, you've had the same
16 problem for three weeks. What are you
17 doing?"

18 And what happens is, the
19 captains are becoming extremely creative
20 and coming out and are actually reaching
21 out to lawyers like myself to turn
22 around and say, "Listen, here's my
23 problem. Is there anything you can do
24 to help me?"

25 And we're helping them along

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2 different lines administratively. We'll
3 work with L&I. If it's a problem bar in
4 that location, we work with L&I and the
5 LCB and the state police, and we work as
6 a team.

7 COUNCILWOMAN BROWN: Okay.

8 LT. HEALY: The same concept
9 would apply here without a doubt.

10 COUNCILWOMAN BROWN: Okay.

11 There are some who would use the word
12 "accountability," the accountability is
13 tighter and stronger, so it forces folk
14 to think and act differently.

15 LT. HEALY: Absolutely. Well,
16 the captains are individually held to a
17 very high standard. They're grilled
18 basically.

19 COUNCILWOMAN BROWN: Okay.

20 LT. HEALY: And they're grilled
21 on everything that's going on in their
22 geographical area.

23 That's why I'm saying the
24 captain will know where his problems
25 are. If he knows he's having problems

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2 with juveniles, he's trying to find some
3 way to get the juveniles out of that
4 location.

5 COUNCILWOMAN BROWN: Okay.

6 LT. HEALY: It's best for him.

7 COUNCILWOMAN BROWN: Thank you.
8 Thank you very much.

9 Thank you, Madam Chair.

10 COUNCILWOMAN MILLER: I think
11 one of the other rewards of the curfew
12 system and the curfew centers, actually,
13 is the young people that are there are
14 offered services right there, which is
15 really good.

16 And when Dr. Evans was here
17 with his testimony, he talked about how
18 many were actually referred, and I think
19 that's good.

20 You have 'em there, you
21 understand they're out, something's
22 happening at home when they should be at
23 home.

24 LT. HEALY: Right, exactly.

25 COUNCILWOMAN MILLER: And the

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2 city services are right there to step in
3 and lend a hand, which I think is a good
4 part of the whole curfew center
5 structure.

6 LT. HEALY: Right. With one
7 caveat. Right now, it's the discretion
8 of the police officer to tell the child
9 to go home. Especially with 13 and
10 under children, they're down at the
11 corner where they shouldn't be with a
12 bunch of kids. The police officer pulls
13 up. They know them. I mean, I knew the
14 kids in my sectors.

15 Go home. And if I see you out
16 here again -- I really wouldn't want to
17 have had to drag them in the car,
18 because the minute they pull away or
19 they push the police officer, it
20 escalates things that don't necessarily
21 need to be escalated.

22 COUNCILWOMAN MILLER: Mm-hmm.

23 LT. HEALY: It's really not
24 criminal activity at that point.

25 COUNCILWOMAN MILLER: Right.

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2 LT. HEALY: It's just being a
3 kid.

4 COUNCILWOMAN MILLER: Right.

5 LT. HEALY: And the officer is
6 there to do the job, but that's a piece
7 of discretion that really shouldn't be
8 removed.

9 COUNCILWOMAN MILLER: Right,
10 'cause they do know the children.

11 LT. HEALY: Right.

12 COUNCILWOMAN MILLER: Okay.

13 Thank you. Thank you for your
14 testimony.

15 LT. HEALY: Thank you.

16 COUNCILWOMAN MILLER: We will
17 now James Jones.

18 (Witnesses come forward.)

19 COUNCILWOMAN MILLER: And Nancy
20 Womack, after them, you're next, okay?
21 After these gentlemen, this woman.

22 Hi, good afternoon.

23 MR. JONES: Good afternoon. My
24 name is James Jones and I'm
25 (indiscernible) with (indiscernible)

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2 Consulting, and I certainly want to
3 thank Councilwoman Blondell Reynolds for
4 inviting me here this afternoon to give
5 my testimony.

6 And I certainly want to thank
7 everybody here for the good efforts
8 that's been put into looking at how our
9 communities can be improved with some of
10 the social strategies that's being
11 undergone.

12 To my right is John Hargraves
13 (sp?), who's my Vice President of
14 Security Operations. He's retired from
15 the Philadelphia Police Department.

16 And to my left is Joe
17 (indiscernible), who's the president of
18 (indiscernible), which is our camera
19 surveillance technology piece.

20 If I may approach the Council I
21 certainly would like to get some
22 information to you. Thank you very
23 much.

24 What I'm passing out to you is
25 just some handout information that

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2 certainly gives you a bit more detailed
3 information about what my brief
4 testimony will be about.

5 About 98 percent of what I will
6 share with you this afternoon is about
7 solutions in the brief moments that I
8 will talk, and the other 2 percent will
9 be simply about administrative-type
10 functions.

11 You know, the Councilwoman,
12 asked me to talk specifically about some
13 of the technologies that are available
14 in this particular area if we're going
15 at some of the curfew centers. And I
16 realize that curfew is one of the
17 anti-crime programs that the City of
18 Philadelphia is trying to do.

19 I certainly would like to just
20 simply address how the technology has
21 improved very the years. Smart cards
22 are one part of technology that's been
23 around about ten years or so, and the
24 other part is the biometrics and facial
25 recognition, which is what you have in

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2 your handout.

3 Biometrics and facial
4 recognition is state-of-the-art
5 technology, and it's the best thing that
6 has happened because it helps to
7 eliminate any kind of fraud or misuse.

8 What biometric technology is
9 about is facial recognition. For
10 biometrics, you've got fingerprint,
11 which have been around for quite some
12 time. You've had signatures, which
13 people have been signing documents for
14 quite a few years. Facial recognition,
15 which is relatively new.

16 And then you have iris and
17 signatories that certainly help to
18 capture image. And those images can be
19 carried over for a number of years;
20 they're carried in a database that
21 allows you to see what is going on, what
22 has happened in a facility.

23 And let me make it real simple.
24 Biometric is simply a camera system
25 that's in a position that allows you to

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2 identify people coming in and out. For
3 example, if you're in an airport, you
4 see people coming down the escalators,
5 you want to know if there's a person of
6 interest.

7 Biometrics will identify that
8 person, send out a message, send out a
9 signal, an alert, and it will say to you
10 there's a person of interest.

11 Under the circumstances, you're
12 going to have one curfew center now, and
13 you're going to have 11 more to come.
14 How effective this would be in that
15 enrollment for a kiosk for a biometrics
16 camera can take anywhere between 60 to
17 90 seconds. In other words, in less
18 than a minute and a half, you can have a
19 person enrolled at a biometric center.

20 If under 18, you're not
21 required to have any form of
22 identification other than, you know,
23 whatever might be required in the school
24 system. And with this system, it allows
25 you to track people coming and going in

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2 and out of your curfew centers. That
3 will allow you to get them registered
4 and allow you to track them.

5 And if there is an incident
6 that takes place either inside or
7 outside the curfew center, it certainly
8 allows you to be able to have current,
9 realtime events that are taking place,
10 and that information can be tracked and
11 monitored at any time.

12 Again, you have eye scans where
13 you look at the retinas, iris. Those
14 are positive identification methods.
15 Voiceprints, those are positive
16 identification methods. Hand
17 geometries, palm (indiscernible),
18 fingerprints, facial recognition, those
19 are all pieces that, you know, are only
20 assigned to one person.

21 Whereas if you look at a card,
22 a smart card, a smart card is small,
23 just like a credit card, and I could
24 take your credit card or your smart
25 card, and you could take mine, and we

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2 could interchange them around and
3 actually create some abuse if necessary.

4 But the only way to have
5 sophisticated and accurate reflection of
6 who is who and how you can be able to
7 track people and to be able to know
8 exactly -- you know, they don't have to
9 have an active participation or an
10 active cooperation.

11 You can take a person's picture
12 as soon as they enter inside a room with
13 this biometrics system it. Tracks
14 moving human traffic, and it certainly
15 can track multiple subjects at the same
16 time.

17 And it's exciting technology,
18 because years ago, when Dick Tracy would
19 speak into his wristwatch, we would
20 think that was so unique to read that in
21 the comic strips. And then we saw James
22 Bond doing so many other wonderful
23 things.

24 But now that technology is
25 right here and it's available. And it

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2 certainly can help with a number of
3 different challenges in crime-fighting
4 and to help with some of the curfew
5 centers that you are proposing to put
6 out around the community.

7 COUNCILMAN RIZZO: (Inaudible.)

8 (Laughter.)

9 MR. JONES: It did work.

10 This biometric system also
11 helps with the time and attendance in
12 tracking for not only staff but also
13 getting, as I mentioned earlier, student
14 interactions and identification systems
15 that are not mandated by federal laws or
16 by state laws.

17 Again, curfews and truancy
18 might, in my opinion, they kind of go
19 hand in hand, because if you have
20 someone who's having some nocturnal
21 activities, they're probably going to be
22 skipping school or getting in some kind
23 of trouble anyways.

24 But now you're able to track
25 them, especially if they're truant. And

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2 if they're around some the curfew
3 centers, you can certainly track them
4 with positive identification on the
5 individuals that are being tracked.

6 In other words, they can't say,
7 "Well,I need to go home to get my
8 identification card" or "I lost my I.D.
9 card on the basketball court."

10 When that person walks inside
11 the center and the database that's being
12 currently used, you can be able to
13 identify within less than four seconds
14 of that individual or any individual
15 that will walk inside of a curfew
16 center.

17 Now, the most critical thing to
18 remember about this is, it's very
19 accurate. A lot of people may not like
20 this kind of technology because it's
21 going to hold them accountable for their
22 actions -- not only staff and employees,
23 but the individuals that are being
24 tracked.

25 Again, my name is James Jones,

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2 and I appreciate your allowing me the
3 opportunity to speak before you at this
4 hearing, and I will certainly take any
5 of your questions at this time.

6 Or if you have any questions
7 for Joe for some of the camera
8 surveillance or even John Hargraves.

9 COUNCILWOMAN KRAJEWSKI: Thank
10 you very much.

11 Any questions?

12 COUNCILWOMAN BROWN: Thank you
13 again very, very much for your
14 testimony.

15 As I indicated, the issue of
16 identification of the age of a young
17 person was a question raised when we
18 first introduced this bill. And given
19 the testimony of the Police Department,
20 we're at a better place in knowing that
21 they have their own in-house methods, if
22 you will, of how they will get to the
23 base of the answer.

24 So thanks again for your very
25 important testimony, gentlemen.

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2 MR. JONES: Certainly,
3 certainly.

4 Again, Councilwoman, just to
5 reiterate, with this system, you
6 certainly don't have to have any
7 identification cards at all.

8 When a person walks inside, you
9 get their face -- their picture taken,
10 they become trackable within that
11 database right there on the spot.

12 And you could also look at
13 different centers. If a person goes
14 from one center to the next, they can
15 pull them up from all of those different
16 centers to be able to access it and say,
17 "Is this person who they really say that
18 they are?"

19 And you can be able to use
20 all -- it will give you at least a 75
21 percent of accuracy with less than
22 4-second pictures that will pop up. And
23 it will tell you exactly whether it's
24 this person, this person, or that
25 person. It's like a lineup so to speak,

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2 and you know exactly who that person is,
3 and they're not even required to have
4 the identification.

5 COUNCILWOMAN BROWN: Okay.

6 MR. JONES: But thank you for
7 allowing me to give my testimony.

8 COUNCILWOMAN BROWN: Oh,
9 absolutely. Thank you.

10 COUNCILWOMAN KRAJEWSKI: Thank
11 you very much.

12 I believe you have Nancy Womack
13 next?

14 (Witness comes forward.)

15 COUNCILWOMAN KRAJEWSKI: Good
16 afternoon.

17 MS. WOMACK: Good afternoon.

18 Good afternoon, Council Chairwoman
19 Miller, Councilwoman Blondell
20 Reynolds-Brown, and all of the other
21 members of City Council.

22 My name is Nancy Womack, I'm
23 employed with the School District of
24 Philadelphia, and I'm a contributing
25 writer to our community newspaper, The

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2 Southwest (indiscernible), and I'm a
3 block captain of my street. I also
4 teach proper mannerisms and etiquette to
5 children.

6 I support Councilwoman Blondell
7 Reynolds-Brown's legislation to
8 institute a curfew for children 13 and
9 under. I feel that children this age
10 should be in their homes at this hour.
11 Their parents should know where they are
12 what they're doing. At this hour,
13 children should be in their homes
14 studying, doing homework assignments,
15 preparing for the next day of school,
16 doing household chores, and hopefully
17 some good quality family time.

18 This curfew will help to deter
19 crimes that our children might become
20 involved in and lessen crime and
21 violence that may be committed against
22 them.

23 This legislation will also help
24 to improve children's grades in school
25 and school attendance.

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2 It will afford them to be in
3 bed at a decent hour well rested for
4 school. The more interest that our
5 children develop towards their
6 education, the less truant they will
7 become.

8 There are many reasons for
9 truancy and school boredom. We have to
10 delve into these reasons and find out
11 why. Programs should be developed for
12 students that would keep them
13 interested, inspired, and motivating
14 them to focus seriously on their
15 education.

16 There is a need to improve the
17 climate of some schools. Students
18 should have a conducive learning
19 environment, more parental involvement
20 is needed in our children's lives, and
21 we also need more parental involvement
22 in the schools.

23 We need more varied types of
24 after-school programs and schools that
25 offer some type of Saturday programs.

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2 I say all of this but I can't
3 stress enough that parents should get
4 more involved with their children and
5 their schools.

6 With this curfew, when amended,
7 we will need the support and the help of
8 parents, police officers, and the
9 community. Everyone will have to get
10 involved.

11 I feel that this curfew
12 legislation is a good thing for our
13 children because it will save their
14 lives in many, many ways -- literally.

15 Thank you.

16 COUNCILWOMAN MILLER: Thank
17 you. Thank you, Miss Womack. thank you,
18 and we really appreciate you coming to
19 testify.

20 MS. WOMACK: Thank you.

21 COUNCILWOMAN BROWN: I just
22 wanted to echo the Chairlady's comments.

23 As a block captain, we
24 appreciate you just paying attention and
25 then taking the time to come in and

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2 register your voice on this matter.

3 MS. WOMACK: Thank you.

4 COUNCILWOMAN MILLER: Are there

5 any questions from committee members of

6 this witness.

7 (No questions.)

8 COUNCILWOMAN MILLER: Are there

9 any other witnesses who wish to testify

10 on any of these bills today?

11 (No response.)

12 COUNCILWOMAN MILLER: Seeing

13 none, this concludes the public hearing

14 on the Committee of Public Safety.

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1 12/5/06 PUBLIC SAFETY PUBLIC MEETING

2 COUNCILWOMAN MILLER: We will
3 now go into our public meeting.

4 The Chair recognizes Councilman
5 Clarke for an amendment.

6 COUNCILMAN CLARKE: Thank you,
7 Madam Chair.

8 Madam Chair, I have actually an
9 amendment -- it's actually two separate
10 amendments to Bill No. 060804. I
11 believe those amendments have been
12 circulated to the committee.

13 Essentially, the amendments
14 call for the language on Page 3, Section
15 D, it deletes "by allowing," and then
16 the new language will be "if an adult
17 intentionally, knowingly, recklessly or
18 with criminal negligence allows a child
19 to obtain," and then it goes on from
20 there and that's in D.

21 And also, on the same page,
22 we're adding the language "handling" of
23 that particular statute, 'cause we
24 believe by inserting the language
25 "handling," it will allow the City of

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2 Philadelphia to impose both criminal and
3 civil penalty without State
4 authorization.

5 There is some additional
6 language in H. Under the current
7 provision, the way the bill is written,
8 the penalization applied to the child
9 would be as an adult. We changed the
10 language and are incorporating
11 "Violation of this section by a child
12 shall constitute a delinquent act as
13 defined by the Juvenile Act Pennsylvania
14 CS6802, and shall be punishable
15 according to the provision of that
16 subchapter."

17 So essentially, that young
18 person would be subject to the laws
19 associated with juveniles and not the
20 laws associated with an adult.

21 So I would ask that a member of
22 the committee officially offer those
23 amendments to Bill No. 060804.

24 COUNCILWOMAN MILLER: Okay.
25 Councilman Greenlee.

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2 COUNCILMAN GREENLEE: Madam
3 Chair, I move the two amendments that
4 Councilman Clarke has presented to Bill
5 No. 060804.

6 (Motion seconded.)

7 COUNCILWOMAN MILLER: Okay.
8 All in favor?

9 Opposed?

10 Okay, the amendment passes.

11 Okay. Thank you. I just
12 wanted to make sure we had a quorum with
13 Councilman Rizzo over there.

14 Okay. Councilman Greenlee, I'm
15 calling on you again to move the bill as
16 amended.

17 COUNCILMAN GREENLEE: Madam
18 Chair, I move that Bill No. 060084, as
19 amended, be reported out of this
20 committee with a favorable
21 recommendation and that the rules be
22 suspended to allow for first reading at
23 the next Council session.

24 (Motion seconded.)

25 COUNCILWOMAN MILLER: All in

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2 favor?

3 Those opposed?

4 Okay. The bill is approved, as
5 amended.

6 Councilwoman Krajewski, can we
7 get a motion on Bill No. 060441?

8 COUNCILWOMAN KRAJEWSKI: Thank
9 you, Madam Chairwoman.

10 I move that Bill No. 060441 be
11 reported out of this committee with a
12 favorable recommendation and that the
13 rules of Council be suspended so as to
14 permit first reading at the next session
15 of Council.

16 (Motion seconded.)

17 COUNCILWOMAN MILLER: All in
18 favor?

19 Opposed?

20 The bill is approved.

21 Thank you.

22 Councilwoman Krajewski.

23 COUNCILWOMAN KRAJEWSKI: Madam
24 Chairwoman, I move that Bill No. 060700
25 be reported out of this committee with a

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2 favorable recommendation and that the
3 rules of Council be suspended so as to
4 permit first reading at the next session
5 of Council.

6 (Motion seconded.)

7 COUNCILWOMAN MILLER: All in
8 favor?

9 All opposed?

10 Okay, Bill No. 060700 has been
11 reported out of this committee
12 favorably.

13 Just for the record, 060856 was
14 asked to be held by its sponsor.

15 Okay. I want to thank all of
16 the committee members for their
17 attendance, and this concludes the
18 hearing on this.

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C E R T I F I C A T E

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I HEREBY CERTIFY that the

proceedings of the City of Philadelphia

Council Committee on Public Safety are

contained fully and accurately in the

stenographic notes taken by me on Tuesday,

December 5, 2006, and that this is a true and

correct statement of same.

JOSEPHINE CARDILLO
Registered Professional Reporter

(The foregoing certification

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