

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 BUDGET HEARING
4 BEFORE THE COMMITTEE OF THE WHOLE
5 - - -
6 Room 400, City Hall
7 Philadelphia, Pennsylvania
8 Wednesday, March 4, 1998
9 9:40 a.m.
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12 BILL 980003 - An Ordinance adopting the Operating
13 Budget for Fiscal Year 1999.
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PRESENT:

COUNCILMAN JOHN F. STREET, Chair
COUNCILWOMAN ANNA C. VERNA, Vice-Chair

COUNCILWOMAN HAPPY FERNANDEZ
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN AUGUSTA A. CLARK
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK RIZZO
COUNCILMAN ANGEL ORTIZ
COUNCILMAN FRANK DiCICCO
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN RICHARD T. MARIANO
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN MARIAN B. TASCIO

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2 PRESIDENT STREET: Good morning,
3 ladies and gentlemen. If I could have your
4 attention, please.

5 This is a recessed hearing of the
6 Council Committee of the Whole. Today we will take
7 testimony primarily on Bill No. 980003, An Ordinance
8 adopting the Operating Budget for the Fiscal Year
9 1999.

10 We have a number of departments that
11 are scheduled to testify today. I circulated a
12 potential hearing schedule. I would like to call
13 Councilmembers' attention to what might be a
14 change.

15 We will hear from SEPTA, then we will
16 do the City Controller. This morning, probably
17 after the City Controller, it may be Community
18 College, we are going to have the District
19 Attorney's Office and the Public Defender, and then
20 we will finish with the schedule.

21 So we will probably have the District
22 Attorney's Office and the Public Defender prior to
23 OHCD and the City Commissioners.

24 So with those brief comments, we
25 would like to recognize the representatives of

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2 SEPTA, and ask them to come to the witness table,
3 give us a brief summary of their testimony, which I
4 am sure has been made available.

5 I see Ms. Newkirk, who is one of our
6 fine representatives on the Board. Mr. Leary, we
7 appreciate your being with us here today.

8 Please proceed.

9 MR. JOHN K. LEARY, JR.: Good
10 morning, Mr. President.

11 Good morning Council President Street
12 and members of the City Council. I thank you for
13 the opportunity to speak this morning about our
14 \$59.3 million Fiscal Year 1999 SEPTA budget request
15 of the City of Philadelphia and to share with you a
16 few specific examples of how we are squarely
17 focusing our efforts on building a better transit
18 system for all our riders and their communities.

19 As you know, the official testimony
20 has been submitted to you for your consideration.
21 And I would just like to spend a moment this morning
22 highlighting a few points.

23 As you know, I am joined this morning
24 by Board member Jettie Newkirk and Dick Voith, two
25 Philadelphia representatives on the Board. And I

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2 want to thank them for taking time out of their busy
3 schedule to join us.

4 Today SEPTA stands at the crossroads
5 of change. The Authority recently completed an
6 intensive business planning process designed to
7 create a framework for positive change and growth to
8 the benefit of all our riders.

9 The Five-Year Plan for strategic
10 change is a policy direction, and was approved by
11 the SEPTA Board just a few weeks ago. This plan
12 offers a balance between cost containment and
13 improving and developing services in response to the
14 needs of our customers.

15 Initiatives that lead to improving
16 productivity and reducing costs will enable the
17 Authority to reallocate resources to develop new
18 services, provide additional services on existing
19 routes, introduce new vehicles to our fleet, improve
20 and maintain the system's infrastructure, enhance
21 customer information and service, and improve the
22 overall reliability of our service to the riders.

23 Management initiatives, combined with
24 changes in labor practices and the way we do
25 business, will enable us to put our financial house

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2 in order and implement programs to grow ridership
3 and our service base, while living within budgetary
4 means, and remain a viable employer and provide the
5 public transit service here in the City of
6 Philadelphia.

7 The positive outlook for the region's
8 economic future offers encouragement for ridership
9 gains, if SEPTA has the resources to respond to
10 customer demand.

11 We evaluated the city's \$59.3 million
12 budget for SEPTA and believe it provides sufficient
13 revenue to leverage the state's proposed operating
14 subsidy.

15 I am pleased to report to you this
16 morning that last year, for the first time in a
17 decade, we finished the Fiscal Year in balance and
18 without a deficit.

19 And we are working very hard to bring
20 this year into balance, as well, at \$716.99 million,
21 beginning a trend of budget discipline and the
22 elimination of deficits at SEPTA.

23 Our revenues, as you can see from the
24 charts, are \$357.9 million and subsidies of \$359
25 million continue to reflect a 50 percent fair bucks

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2 recovery ratio, which is among the best in the
3 country.

4 Just a few examples describing what
5 has been accomplished to improve service within the
6 city.

7 Last year, again, we reversed the
8 decade-old trend of ridership loss. And this year
9 we are seeing the long-awaited turn around, an
10 increase of 1.1 percent in city ridership, and it is
11 growing.

12 This is the eighth consecutive year
13 the transit police force has reduced crime on the
14 system, a total of 79 percent reduction since 1989.
15 And our SEPTA police force is a real success story.

16 As a joint demonstration project for
17 the City of Philadelphia, we installed 18
18 surveillance cameras and the Tasker/Morris Station
19 on the Broad Street Subway Line as a crime deterrent
20 initiative. As you know, security is a very big
21 issue for our customers.

22 We have begun to consolidate
23 operations as a single control center. Our Sub El
24 system and our suburban and light rail operations
25 are now managed from 1234 Market Street.

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2 This is an effort that will enable
3 the Authority to provide seamless transportation
4 service by improving coordination across all modes.

5 Plans are underway also to centralize
6 the bus system and the regional rail control centers
7 at 1234 Market Street, achieving a fully centralized
8 control system for this region.

9 A fleet plan was developed, placing a
10 mix of vehicles into operation to match customer
11 demand. 400 new buses now have been placed into
12 service. And these new buses offer automated
13 audible and visual stop announcements, front door
14 wheelchair lifts for ease, and access for disabled
15 riders.

16 We continue to take the delivery of
17 the new Market El cars on a production schedule
18 that's delivering now six cars per month, with
19 complete delivery expected by mid 1999.

20 There are presently 20 cars on the
21 SEPTA property being used for training and for
22 limited customer service.

23 SEPTA was proud to have provided
24 transportation service for high-profile events in
25 the city; such as, the President's Summit, the

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2 National Conference of State Legislators, and the
3 Million Woman March.

4 New service was created in Southwest
5 Philadelphia to serve the PNC Bank operations
6 control center down at the Philadelphia
7 International Airport.

8 And we are working with cultural and
9 educational institutions in the city to improve
10 service delivery to these key destinations,
11 including the Parkway museums, Temple University,
12 and University of Pennsylvania, just to name a few.

13 And the future is about to bring some
14 major construction activity to a series of projects
15 here in the city.

16 For example, a \$350 million
17 investment for the Market el reconstruction,
18 modernization of stations along the Broad Street
19 Subway, and \$150 million for the new Multimodal
20 Transportation Center at Frankford, Frankford
21 Transportation Center in local, state, and federal
22 funding for these projects.

23 So I look forward to reporting to you
24 next year the progress on these initiatives.

25 And in closing, Mr. President, I want

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2 to thank you again for the opportunity to provide
3 testimony today.

4 City Council's ongoing support of
5 SEPTA public transportation and all our riders has
6 been vital to our efforts to improve our fiscal
7 health and to continue to serve as an essential part
8 in our growth and development of the Philadelphia
9 area.

10 I look forward to working with you
11 and Councilwoman Fernandez, the Chair of the
12 Transportation Committee, and other members of the
13 Council as we go forward transforming SEPTA into a
14 more reliable, a more modern, and a more relevant
15 transit system for all.

16 Thank you very much. Again, I would
17 be happy to try to respond to any questions you
18 might have.

19 Thank you.

20 PRESIDENT STREET: Thank you very
21 much.

22 I would just like to express my
23 appreciation, Mr. Leary, for the cooperation you
24 have given our office in City Council since you have
25 been here, the number of issues and questions that I

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2 have raised.

3 It's been refreshing. And we look
4 forward to continuing to work with you as you do
5 everything you can to improve the operations of
6 SEPTA, which is so critical to the city and to the
7 region.

8 I would like to express my
9 appreciation to Ms. Newkirk. I apologize for
10 Mr. Voith. He looks so young and youthful there, I
11 didn't recognize him. And we, obviously, have met.

12 But we appreciate the fine work that
13 our representatives do on the Board. It is tough.
14 It is not easy.

15 And I guess when you have been around
16 for 5, 10, 15, 20 years, you know, looking at this
17 facility, and understanding its critical nature to
18 everything that we do here, you have some degree of
19 sympathy for those people who are, you know, in the
20 pits, trying to work out and balance of various
21 interests that have to be balanced.

22 And we know that, you know, that you
23 are sensitive and you are going to try to do a good
24 job in balancing those interests.

25 Can you tell us a little bit, just

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2 give us summary information, about the labor
3 situation? People are asking us about it.

4 We have no intentions of negotiating
5 a contract for you, as you well know. But it is
6 probably helpful to this record, and for the members
7 of Council who are here, for you to just give us the
8 status, because people are very concerned.

9 MR. LEARY: Okay. Thank you, Mr.
10 Chairman, Mr. President, for those kind words.

11 And, yes, we are very sensitive to
12 the kind of labor negotiations with Local 234 of the
13 Transport Workers' Union, and we are working around
14 the clock to try to bring this to an agreement.

15 The current contract expires at
16 midnight on March 14. And both sides have relocated
17 to a hotel, they are meeting every day to find a way
18 to bring this to closure.

19 One of my colleagues, and the General
20 Counsel to the negotiating team, uses an example
21 which I think is very relevant, David Cohen, says,
22 "There will be an agreement." And it is very
23 important that the agreement be before any strike,
24 and not after any strike.

25 And I want you to to know that we are

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2 going to work very, very hard to make sure that that
3 happens.

4 PRESIDENT STREET: Thank you very
5 much.

6 At this time the Chair recognizes
7 Councilman Rizzo.

8 COUNCILMAN RIZZO: Thank you,
9 Mr. President.

10 Mr. Leary, yesterday the Police
11 Commissioner suggested that the SEPTA Police and the
12 Philadelphia Police and Housing Police be merged
13 into the Philadelphia Police Department.

14 Would you be supportive of that?

15 MR. LEARY: Well, Councilman, I have
16 heard that as sort of a rumor. I hadn't heard it
17 officially.

18 I think you would have to be
19 supportive of anything that improves law enforcement
20 in this region, anything that's more cost effective
21 and provides greater security for the residents of
22 our region.

23 I am very proud of our SEPTA police
24 force. It has turned the corner dramatically in
25 terms of safety and crime on the transit system, as

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2 I indicated in my testimony. It is a real success
3 story.

4 I certainly would be willing to talk
5 to the Commissioner. But it is something that we
6 would want to treat very sensitively, very
7 carefully, and make sure that, in fact, anything we
8 do would further improve the situation, if we can.

9 COUNCILMAN RIZZO: Thank you, Mr.
10 Leary.

11 Thank you, Mr. President.

12 PRESIDENT STREET: Thank you very
13 much.

14 The Chair recognizes Councilwoman
15 Fernandez.

16 COUNCILWOMAN FERNANDEZ: Thank you,
17 Mr. President.

18 Mr. Leary, I want to thank you for
19 your leadership. I think you have been here just a
20 year, because, if I recall, a year ago you were
21 brand-new.

22 MR. LEARY: Yes, that's correct.

23 COUNCILWOMAN FERNANDEZ: But I think
24 it is very good news that ridership has increased
25 slowly but steadily, and you are projecting,

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2 hopefully, another increase for next year.

3 And I think that is also a reason why
4 all of us are very hopeful that there will be a
5 settlement reached at the negotiating table before
6 there is any strike.

7 Because we know how badly that hurts
8 so many of the city residents who have, 40 percent,
9 I believe, have no cars. So they are totally
10 dependent on public transit.

11 Not to mention all the people who
12 choose to use public transit to get to work. You
13 know, it is absolutely important for our economy.

14 So all that you do to get that
15 contract negotiated will be very important for all
16 of us.

17 MR. LEARY: Thank you.

18 COUNCILWOMAN FERNANDEZ: I also
19 wanted to thank our two city representatives on the
20 Board, Jettie Newkirk and Dick Voith, for the steady
21 and tough decisions you have to make as a member of
22 the SEPTA Board, knowing you are always balancing
23 very tough financial issues, like we are here in the
24 city, with the city budget.

25 And I also wanted to personally thank

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2 you, and particularly Jettie Newkirk for the
3 leadership you showed on the decision recently by
4 the SEPTA Board to eliminate tobacco and alcohol ads
5 on our buses.

6 Because since they are like moving
7 billboards going through our neighborhoods, I think
8 that was a very important message to send to our
9 city.

10 So perhaps after the contract is
11 negotiated, so that you have a better sense of what
12 the finances are of SEPTA, then my sense would be if
13 there is any need for an update, hopefully after the
14 14th, that then there could perhaps be an
15 opportunity for you to come back and either meet
16 with Council in caucus or in some other venue, if
17 there are any kind of detailed questions about how
18 you are going to get the best mileage out of the
19 Operating Capital dollars that you have.

20 Thank you, Mr. President.

21 PRESIDENT STREET: Thank you very
22 much.

23 The Chair recognizes Councilman
24 DiCicco.

25 COUNCILMAN DiCICCO: Thank you,

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2 Mr. President.

3 Good morning. Mr. Leary, I think
4 during the Transportation hearings we had a couple
5 of months ago -- I lose track of time in this job --
6 but we discussed the 23 Line and the possibility
7 that the trolleys may come back.

8 Do you have anything else to add to
9 that conversation? I think we looked at about maybe
10 a year away, possibly.

11 MR. LEARY: Yes. Well, as part of
12 the development of the Capital Budget, the trolley
13 lines have been included in the Capital Budget.

14 But the Route 15, Girard Avenue Light
15 Rail System, has been designated as the project to
16 be funded in the near term.

17 We have committed to you to have the
18 light rail system up and operating within 48
19 months.

20 And I am pleased to report to you
21 that that program is still on schedule. The city
22 has been terrific in terms of helping us design the
23 Transit First initiatives, that will assure that
24 this trolley line is a real success.

25 And that would be the strongest

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2 message we could send to the folks that I think we
3 should return some of the other trolley lines to the
4 system.

5 COUNCILMAN DiCICCO: Thank you.

6 The other question I had, you and I
7 had a discussion not too long ago in relationship to
8 the possibility of staggering the stops along
9 specific routes.

10 The 23, we will use as an example.
11 When you are driving through some of the narrow
12 streets in South Philadelphia, anyone who has driven
13 behind a bus or a trolley on a three-lane highway,
14 where either side you have one travel lane and two
15 parking lanes, and you get stuck behind that bus or
16 trolley, it becomes rather frustrating.

17 And I was just wondering if there
18 were any plans, any decisions that have been made?
19 Are we still looking into the possibility of
20 staggering that?

21 I know that will send some shock
22 waves out to the riding public, that they may not
23 have a bus stop at every corner. But in the
24 interest of efficiency and traffic control, that
25 might be something that we would want to look at.

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2 Where are we with that?

3 MR. LEARY: Councilman, you are
4 absolutely right. It is a real issue. Because it
5 tends to make the transit system very slow when you
6 stop at every corner. The opportunity to increase
7 the efficiency of the system does exist.

8 We are talking a lot about that
9 inside SEPTA these days. And, in fact, at a couple
10 of locations we actually floated the idea to the
11 community. And it is not a popular idea with the
12 community.

13 COUNCILMAN DiCICCO: Change is never
14 popular.

15 MR. LEARY: Change is very difficult,
16 yes.

17 It is something, though, I think you
18 are right, it is something we have to leave on the
19 radar screen, and take advantage of an opportunity
20 when it exists to perhaps consolidate a couple of
21 close stops and make the system move a little bit
22 faster.

23 COUNCILMAN DiCICCO: Well, if I could
24 be helpful, at least in the areas where the routes
25 run through my district -- again, I know it would

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2 not be very popular -- but I would be willing to
3 stand up there with you and at least if we could do
4 this on a pilot program just to give it a try.

5 Another question I had was, there
6 have been some questions raised to me about the Gas
7 Tax.

8 What portion of the budget that SEPTA
9 has comes from the Gas Tax, and how is that used?
10 Is that a specific line item for -- no?

11 MR. LEARY: There is a whole lot of
12 confusion about this. In fact, SEPTA does not
13 receive any portion of the Gas Tax from the
14 Commonwealth of Pennsylvania.

15 PRESIDENT STREET: Mr. Leary, I hate
16 to interrupt you, but I need you to speak a little
17 louder and much more directly into the microphone.

18 MR. LEARY: Thank you. I am sorry.

19 There is a lot of confusion about the
20 issue of SEPTA funding, and whether or not we
21 receive Gas Tax revenue.

22 In fact, we do not receive Gas Tax
23 revenue. There is a constitutional prohibition in
24 the Commonwealth against Gas Tax revenues being
25 spent on anything other than highways and roads.

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2 But as part of a multi-modal
3 transportation funding package last year, the
4 General Assembly attached a transit funding element
5 to the Gas Tax, which entailed three portions:

6 First, it was state bonding, a
7 commitment to state bonding; second, it was a
8 commitment that the state would flex federal capital
9 dollars to transit; and, thirdly, a small portion of
10 the Sales Tax was dedicated to SEPTA.

11 Now, that totalled \$150 million
12 statewide, and the SEPTA portion is approximately
13 \$90 million.

14 The portion that was designated on
15 the Sales Tax was approximately \$40 million. And
16 that sometimes is referred to as Gas Tax money, but,
17 in fact, it is a Sales Tax formula of dollars.

18 COUNCILMAN DiCICCO: Thank you. No
19 further questions. Thank you.

20 PRESIDENT STREET: Thank you very
21 much.

22 The Chair recognizes Councilman
23 Nutter.

24 COUNCILMAN NUTTER: Thank you,
25 Mr. President.

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2 In that same vein, then, Mr. Leary --
3 because I have had some of the same questions asked,
4 and there is a little bit of confusion -- in your
5 response to Councilman DiCicco, you indicated that
6 while you get no Gas Tax revenues, there has been
7 this bill and some attachment of funding.

8 Can you further clarify the
9 distinction between the uses of these dollars? Are
10 they restricted to capital, or are you able to use
11 them for something called maintenance?

12 MR. LEARY: As I indicated, we
13 receive about \$90 million of these funds. They are
14 referred to as Act 3 funds, just for the sake of the
15 designation.

16 Two-thirds of it, two-thirds of the
17 dollars, are in fact restricted to capital
18 investments.

19 One third of it, or approximately the
20 \$40 million, is available and flexible for SEPTA to
21 use for both capital, new capital projects,
22 maintenance of existing projects, maintenance of
23 assets, and replacement of lost operating dollars
24 that we receive from the federal government, as the
25 federal government reduces its dollars to the

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2 operations of transit systems around the country.

3 COUNCILMAN NUTTER: So in this
4 definition, or in this terminology of flex or
5 flexible funding, you have some level of discretion
6 about how the dollars are used; is that correct?

7 MR. LEARY: Sorry. I shouldn't have
8 used the term flexible.

9 Because of the three categories, one
10 is known as flexible dollars. And those flexible
11 dollars, in fact, have to be to capital projects.

12 The portion that gives us some
13 opportunity to move around the budget is that
14 portion that is the Sales Tax formula dollar. About
15 \$40 million is available for us to program as we
16 deem appropriate.

17 COUNCILMAN NUTTER: As you deem
18 appropriate?

19 MR. LEARY: For lack of using a word
20 other than flexible.

21 COUNCILMAN NUTTER: I understand.

22 If you could provide to us through
23 the Chair, I guess some kind of chart or a break-out
24 of both the sources of the dollars, and then the
25 potential uses, the two-thirds, the one-third,

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2 whatever has to specifically be spent on capital,
3 what is in this category of, if you don't want to
4 use flexible, you can call it discretionary, you can
5 call it whatever you want to call it.

6 But I would like to see the \$150
7 dollars, how it flows in and how it can, in fact,
8 flow out.

9 Maybe that will clear up some of this
10 confusion.

11 MR. LEARY: Yes, sir we can deliver
12 that to you.

13 COUNCILWOMAN FERNANDEZ: Mr.
14 President, if I piggyback on that?

15 Could I suggest, too, that you also
16 add some background on the -- what I am looking at
17 is, basically, the backlog of capital investment and
18 the whole extensive need for capital investment to
19 keep our system going.

20 I mean, I get complaints, why when I
21 am standing on the platform waiting for a train or a
22 subway, why is rusty water, you know, dripping down
23 their necks.

24 Well, sometimes that's lack of real
25 capital upkeep in our system.

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2 So I think along with knowing what
3 the current dollars are, we should be clear about
4 what has not been done to the system, and why some
5 of our stations and some of our infrastructure is in
6 serious need of repair.

7 MR. LEARY: Yes, sir, we can provide
8 that.

9 PRESIDENT STREET: Thank you very
10 much.

11 The Chair recognizes Councilwoman
12 Blackwell.

13 COUNCILWOMAN BLACKWELL: Thank you,
14 Mr. President.

15 Good morning, Mr. Leary, and certain
16 greetings to Ms. Jones and Nettie Newkirk, who
17 continue to do a fine job.

18 Sorry, no disrespect, sir. I just
19 don't know you.

20 Two questions. Because I heard the
21 issues I think on the news, I think on radio, issues
22 surrounding the elimination of current bus stops,
23 that was mentioned, that maybe you almost half the
24 bus stops around the city that we currently have
25 could be eliminated to save money.

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2 And also the other question was
3 elimination of transfers; that after you pay your
4 base fair, you couldn't get a transfer and would
5 have to pay again.

6 Would you respond to those issues and
7 let us know if there are any proposed changes?

8 MR. LEARY: Yes. Let me be clear.
9 Right now we do not have any proposed changes to
10 eliminate bus stops on the system. That is an issue
11 that we are talking about and discussing because it
12 creates sort of an efficiency for our customers.

13 The buses would move a little
14 faster. But then for some, it is a disincentive.
15 So we are very sensitive about that. And we have
16 not made any decisions along those lines at this
17 point.

18 The issues of transfers comes about
19 from sort of an example that I use from time to time
20 about SEPTA and the need to introduce technology at
21 SEPTA.

22 And, you know, as part of our
23 strategic plan for change, we want to become very
24 aggressive in modernizing the way we do business and
25 introducing technology that's available. And one of

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2 the ways is fare collection.

3 We are still, and I use the example,
4 still tearing off paper transfers like we about in
5 the 1950s. And today, modern transit systems are
6 using SMART cards, value cards, debit cards, and
7 things likes that.

8 So we are looking at the whole issue
9 of how we could streamline the fare policy within
10 the organization.

11 And it is still at a very staff
12 level. I have not brought it as yet to the Board
13 for discussion. Because it is a discussion topic,
14 and it is something I think we should pursue in the
15 future to modernize the fare collection of the
16 system.

17 COUNCILWOMAN BLACKWELL: Thank you.

18 Would you let the President know if
19 there are any changes that might come about that
20 would impact on the citizens? Would you let us know
21 if and when those changes are decided upon by
22 yourself and your Board?

23 Thank you.

24 MR. LEARY: Yes.

25 COUNCILWOMAN BLACKWELL: Thank you,

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2 Mr. President.

3 PRESIDENT STREET: Thank you very
4 much.

5 The Chair recognizes Councilman
6 Rizzo.

7 COUNCILMAN RIZZO: Thank you,
8 Mr. President.

9 Mr. Leary, following up on what
10 Council lady Blackwell mentioned about stops being
11 eliminated, I had a conversation with you that you
12 thought was a pretty interesting idea, that we
13 empower the operators of the buses and trolley
14 cars -- and being that there is a concern about
15 safety on the streets -- that many people coming
16 home during the dark hours, late evening, sometimes
17 there is not a stop near where they really truly
18 need to get off, and I suggested that you empower
19 the operators that they could stop and discharge --
20 not pick up, but discharge -- a passenger where
21 there is not an authorized stop to aid in the safety
22 of your ridership and our citizens and visitors.

23 Any movement in that area?

24 MR. LEARY: No. Councilman, I agree
25 with you. I think that's a terrific idea, and I am

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2 a big supporter of that.

3 In fact, within the rules of the
4 system today, I found that our operators are
5 permitted to do that.

6 What really needs to happen is that
7 there needs to be an educational process and
8 encouragement of our work force to do that kind of
9 thing, particularly at night.

10 I mean, it is not a very friendly
11 customer service to drive someone's street two
12 blocks, to let them off and make them walk back,
13 when you can drop them off at the corner of the
14 street.

15 I am a big supporter of that kind of
16 customer service in transit, and we are going to
17 become very aggressive in the next year in making
18 that kind of change, and educating and training our
19 employees to do that very thing.

20 COUNCILMAN RIZZO: I am glad. That
21 trip to Washington paid off for me, then.

22 MR. LEARY: Yes, sir, it sure did.

23 COUNCILMAN RIZZO: Thank you,
24 Mr. President.

25 PRESIDENT STREET: Thank you very

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2 much.

3 The Chair recognizes Councilwoman
4 Clark.

5 COUNCILWOMAN CLARK: Thank you,
6 Mr. President.

7 Good morning, sir. Good morning to
8 your entire team.

9 MR. LEARY: Good morning.

10 COUNCILWOMAN CLARK: I heard your
11 presentation on TV.

12 Please speak to us on what
13 accommodations are being made for the increase in
14 service demands of reverse commuters?

15 And here we are interested in that
16 there being jobs in outlying communities, and people
17 in the city who need them, and they can't get to
18 each other.

19 MR. LEARY: Councilwoman, that's a
20 very important topic to us, because it is a real
21 opportunity for new riders to the system.

22 As important as it is for us to focus
23 and concentrate on the city as the core of the
24 transportation, the dynamics are moving a little bit
25 in the region.

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2 And there are jobs in the suburbs,
3 and we need to have just as an efficient service
4 going to take people to jobs in the suburbs.

5 We are working with the Department of
6 Public Welfare. We are working with them and have
7 arranged for them to provide transit passes to
8 people for their clients that are both looking for
9 jobs, going to job training, and getting to jobs.

10 We are working with several groups,
11 the PIC, the PIC, and Top Plan, and so forth, in
12 doing part of a job training program, to get people
13 trained for jobs, using our construction program as
14 a vehicle to assist people getting back to work.

15 We have instituted a few new routes,
16 like I mentioned the route going down to the PNC
17 Operations Center. So employees wouldn't be lost in
18 the city; there would be new routes taking them to
19 jobs at the airport.

20 We have several routes going out to
21 the King of Prussia, for example, for city employees
22 to take the train downtown and take a bus out. And
23 we have just scratched the surface.

24 I am very encouraged that as the
25 federal appropriations bills go through Congress

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2 this year, federal dollars are being set aside to
3 fund reverse commutes.

4 Now, we have to be careful with those
5 because sometimes federal dollars can be a
6 double-edged sword, as pointed out recently in an
7 article published by Mr. Voith. But, I mean, we are
8 very supportive of it.

9 I just want you to know we are very
10 supportive of it. And it is something over the next
11 we are we are going to watch very carefully, and
12 carefully work with the state, work with all the
13 agencies that have some responsibility to get people
14 to jobs.

15 And if we can find resources, we are
16 going to create new services for these jobs.

17 COUNCILWOMAN CLARK: I imagine one of
18 the things that would be useful would be to reduce
19 the number of changes that a person from the
20 innercity has to make to get from his or her home to
21 his or her job in an outlying area.

22 Presently you have to come into
23 Center City, and then take a bus.

24 Have you thought of there being sites
25 that start, say, in North Philadelphia or West

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2 Philadelphia, where you wouldn't have to come back,
3 you know, crisscross the city before you start going
4 on your trek to the suburbs, or bringing the
5 transportation to where the people are, and taking
6 them from where they are, to where they need to be,
7 rather than this circuitous route?

8 MR. LEARY: No. That's a very good
9 point. And that's part of the change that has to
10 take place in the way we deliver our service. I
11 will take that suggestion back.

12 We need to do much more in terms of
13 making that kind of change to the system, because
14 that will make the system much more responsive to
15 our customers and our riders.

16 COUNCILWOMAN CLARK: Thank you.

17 Would you also speak to how much
18 crime has been reduced at the Tasker/Morris station
19 because of the introduction of surveillance
20 cameras.

21 And if you deem them to be
22 successful, when will that experiment be expanded to
23 other stations? And, more specifically, what is
24 your expansion plan by stop name?

25 MR. LEARY: Well, let me say to you,

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2 the cameras have been up at Tasker/Morris station
3 for, now, I am going to say, eight weeks, plus or
4 minus a few weeks.

5 I personally think they have been a
6 tremendous success. The last time I checked with
7 our Police Department, I don't think we had a single
8 incident. I think they have eliminated all the
9 incidents. Now, I would have to check. And we will
10 get back to you with the actual details.

11 But the idea of putting
12 closed-circuit television surveillance in our
13 stations, I think, is a modernization initiative
14 that has to occur in the SEPTA system.

15 We have incorporated it into the
16 design of all our new stations. Every station
17 that's being rebuilt and every new station will have
18 a closed-circuit TV back directly to our control
19 center.

20 And our transportation control
21 center, our dispatchers, will monitor these
22 cameras. And right beside our control center is our
23 police command center. So if the slightest incident
24 looks like it could be developing, our police are
25 standing right there to respond to it.

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2 I can't give you the names of the
3 actual stations at this point. I can't say. Well,
4 maybe I can. There are five stations on the Broad
5 Street Line: Spring Garden, both Fairmounts, Walnut
6 and Locust, and Girard, Olney is on the list.

7 On the Market side of the El, all six
8 new stations.

9 COUNCILWOMAN CLARK: Excuse me, you
10 stepped on Girard.

11 MR. LEARY: Girard is one of the
12 stations.

13 COUNCILWOMAN CLARK: That happens to
14 be where I live.

15 MR. LEARY: Very important, then.

16 And all six stations of the Market El
17 will have closed-circuit television surveillance
18 incorporated into the stations. And that's just the
19 beginning.

20 COUNCILWOMAN CLARK: Is it your
21 intention to do it systemwide on the subway?

22 MR. LEARY: Yes.

23 COUNCILWOMAN CLARK: And the El's.

24 MR. LEARY: But I would say that it
25 has to be phased in. It is just not something you

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2 can just go out and do 50 stations at once, as much
3 as I would like to do that.

4 COUNCILWOMAN CLARK: Mr. President, I
5 yield back the rest of my time.

6 PRESIDENT STREET: That's so nice of
7 you. Thank you.

8 The Chair recognizes Councilman
9 Mariano.

10 COUNCILMAN MARIANO: Thank you,
11 Mr. President.

12 Mr. Leary, a couple of questions.
13 First of all, a thank you for your help on the snow
14 line, even though we haven't had snow yet.
15 Hopefully, we won't. But when we do have snow, I
16 appreciate you taking our initiative and running
17 with that.

18 And when we do have snow, for those
19 of you who don't know, you can put your municipal
20 channel on and make sure your bus is running.

21 So when Councilwoman Clark takes that
22 subway to work, she doesn't need to walk ten blocks
23 to the subway if the buses are running, so she will
24 know. I would hate to see her standing out there on
25 the corner.

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2 My first question, Mr. Leary, I think
3 you were in the office about a day or two when I
4 grabbed you at one of the Phillies banquets or
5 something at the Franklin Plaza Hotel, and I asked
6 you about the buses at Bridge and Pratt that ran all
7 night, and the fumes that they exhausted, that were
8 of concern to the neighbors and some of the
9 employees.

10 Has anything ever happened with
11 that? Because I understand they are doing it again.

12 MR. LEARY: No, I haven't heard they
13 were doing it again. No. That's very important.

14 The buses should not be running. It
15 violates federal law, state law, and city
16 ordinance. And it is one of the customer-unfriendly
17 things we can do, to sit outside your house and
18 leave a bus running.

19 COUNCILMAN MARIANO: It wasn't
20 outside a house; it was in a barn. 30 of them
21 running at once in the barn, you can imagine what
22 happens.

23 MR. LEARY: I will have somebody
24 check at 3:00 a.m. tonight.

25 COUNCILMAN MARIANO: Especially in

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2 the winter. They want to make sure they run in the
3 morning. I understand why they would want to do it,
4 but it is just not great.

5 MR. LEARY: It is not great. It
6 should not be tolerated. We will check on that, and
7 I will report back to you. Because that is not
8 something that we want to continue, not a practice
9 that we want to continue.

10 COUNCILMAN MARIANO: About a month
11 ago I was with the Narcotics Strike Force, and there
12 was a shooting at Erie and Broad.

13 And when we got to the scene, it was
14 about a 21-year-old SEPTA policeman, probably as
15 short as I was, controlling the scene, but he was
16 alone. I was amazed.

17 Policemen, are they alone or are they
18 in tandem there? He was all by himself, standing in
19 water up to his ankles.

20 It was his scene. It was his
21 shooting.

22 MR. LEARY: Councilman, I don't
23 know. I am not familiar with that incident. I will
24 check on it and get back to you. Something like
25 that, I would think that they would respond to in

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2 group.

3 COUNCILMAN MARIANO: His supervisors
4 came, but he had been alone, he had been walking his
5 beat alone. And I said, "Are you alone?"

6 And he said, "Yes, I am always
7 alone."

8 And if that has anything to do with
9 Councilwoman Clark's question, I am in favor of the
10 closed-circuit television. I appreciate that. But
11 I don't think that's somewhere where you can do away
12 with manpower, especially police manpower, because
13 of the closed circuit. They can both work in
14 tandem.

15 MR. LEARY: Yes, sir. Let me make
16 sure.

17 That's not our intention, to reduce
18 our manpower. Keeping our police force at a full
19 complement of 250 officers is very high on our
20 priority list. Closed-circuit TV is intended to be
21 in addition to, not in replace of.

22 COUNCILMAN MARIANO: In the back of
23 your budget here, you talk about drug testing.
24 Amongst other things you talk about workmen's
25 compensation injuries, and I want to get into that a

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2 little bit.

3 First of all, when you drug test the
4 SEPTA employees, do you also drug test the people
5 that you privatize for the Paratransit riders?

6 Because I am going to tell you right
7 now, as a concerned citizen, they are out of
8 control. I mean, if you pass me on 95, you are
9 going really fast.

10 Because I they ever go over 56. So
11 that means they are doing over 56, probably like
12 76.

13 But I have been watching them for a
14 couple of years. I didn't really know they were
15 privatized until about a year ago, and I have been
16 watching them.

17 Do you drug test them?

18 MR. LEARY: Yes. Our Paratransit
19 service, our medical transportation, has been
20 contracted out since the early 1980s.

21 Yes, I believe the question is, yes,
22 our service -- our contracted service must be
23 conducted to the same standard as service we would
24 do ourselves.

25 We are governed by Federal Transit

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2 Administration guidelines governing drug and alcohol
3 testing. And there are verification procedures in
4 place.

5 I will also follow up on your issue
6 of speed on 95.

7 COUNCILMAN MARIANO: It is not just
8 95, it is over over.

9 MR. LEARY: I understand that.

10 COUNCILMAN MARIANO: Who does the
11 Paratransit? What's the name of the company that
12 has that?

13 MR. LEARY: There are five or six
14 companies. Atlantic Paratransit, Incorporated,
15 provides service. Triage, a company called Triage,
16 Incorporated. Metro Cab, Allstate, and there may be
17 one or two others.

18 PRESIDENT STREET: Maybe you could
19 give us that in writing.

20 MR. LEARY: I am told that's it.

21 COUNCILMAN MARIANO: And the drug
22 testing that the private contractors go through,
23 they are not TWU members? These guys are not in
24 TWU?

25 Is it the same drug testing that,

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2 say, a bus driver would have to go through?

3 MR. LEARY: Yes, I am told it is the
4 same.

5 COUNCILMAN MARIANO: Who does the
6 drug testing?

7 MR. LEARY: One of the firms I am
8 told that we actually do inhouse just like our own
9 employees, Atlantic. The firm -- Atlantic is our
10 largest firm, and they are members of SCIU, TWU.

11 COUNCILMAN MARIANO: When you test
12 them for drugs, are you also testing them for
13 alcohol, too?

14 COUNCILMAN MARIANO: Yes.

15 MR. LEARY: Yes. Yes.

16 COUNCILMAN MARIANO: They are all my
17 questions.

18 PRESIDENT STREET: I don't want to
19 belabor this. We have Community College waiting,
20 and we appreciate Mr. Capshaw being here. And he
21 actually, and the City Controller, are here. I
22 asked him to be here at a specific time.

23 The Chair recognizes Councilwoman
24 Miller.

25 COUNCILWOMAN MILLER: Okay.

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2 Good morning, Mr. Leary and SEPTA
3 representatives. I have a question as a followup to
4 Councilwoman Clark's question around Welfare to work
5 and transportations out into suburban counties.

6 A big job retention issue, the people
7 can get the jobs, but then they run into problems
8 because of late buses or buses that don't run, their
9 hours of operation are short, or they don't start
10 early enough.

11 So I was wondering, in your
12 discussions with PIC, are you also talking to the
13 employers to see what time, talk about extending
14 hours, developing hours of operation that would be
15 conducive to the working hours?

16 Because I know of constituents that,
17 you know, the bus was late constantly to King of
18 Prussia, and they were fired. Or they had to work
19 late, and there was no bus, really, to bring them
20 back, or no bus to take them up early enough. Fort
21 Washington, Horsham area.

22 Are those kinds of discussions
23 happening?

24 MR. LEARY: Yes, Councilwoman. You
25 have touched upon something that's a real issue, and

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2 we need to find a way to deal with it.

3 Related to that, one of the
4 opportunities that is surfacing is that the need,
5 the employer and need for employees, is beginning to
6 surface in such a way as the employers are now
7 coming to us, asking us to provide this kind of
8 transportation, and indicating a willingness to pay
9 for it.

10 We have contracts now with half a
11 dozen big employers to provide additional service,
12 Prudential Securities, Atlanta Investment, Advanta
13 Investment, United Parcel Service. And there are a
14 few more, just to name a few.

15 I think that's the opportunity we
16 have, to tie into employer needs and provide the
17 transportation to them.

18 PNC down in Southwest Philadelphia,
19 at the airport, is an example of that. Where PNC
20 Bank is, in fact, paying for this additional service
21 to match the schedules of their employees.

22 And both the Philadelphia Board
23 members were involved in this, if they want to add
24 anything to it.

25 COUNCILWOMAN MILLER: Okay. Thank

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2 you.

3 PRESIDENT STREET: Mr. Leary, thank
4 you very much. We appreciate your being with us.

5 At this time we are going to hear
6 from the representatives of Community College.

7 PRESIDENT STREET: Good morning.
8 Please identify yourself for the record and proceed
9 with your statement.

10 MR. EMANUEL ORTIZ: Good morning,
11 Mr. President, City Council members. My name is
12 Emanuel Ortiz, and am Chair of the Board of Trustees
13 of the Community College of Philadelphia.

14 To the right of me is, of course, the
15 President, Dr. Fred Capshaw. And to his right is
16 Dr. Tom Hawk, who is the Vice-President for Planning
17 and Finance of the College.

18 I am pleased to have as colleagues on
19 the Board a group of dedicated civic and business
20 leaders in Philadelphia who recognize the importance
21 of Community College of Philadelphia to our great
22 city.

23 With your permission, Mr. President,
24 I would like to introduce those present today.

25 PRESIDENT STREET: Certainly.

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2 COUNCILMAN ORTIZ: Thank you. We
3 have Ms. Brisbon, miss Brown, Dr. Cadswell, Dr.
4 Kung, Dr. Mattleman, and Mr. Skimmel.

5 (Applause.)

6 MR. ORTIZ: Let me also, as you saw
7 when we came up, recognize that we have a group of
8 faculty members who are also present.

9 PRESIDENT STREET: Can we have the
10 faculty members stand and at least be recognized.

11 (Applause.)

12 MR. ORTIZ: Let me first express our
13 appreciation to the Mayor for recognizing the good
14 work of our faculty, administrators, staff and
15 students by recommending a capital allocation to the
16 budget this year and next.

17 Our Board is appreciative and feels
18 fortunate that the College is being led by a person
19 with great vision for the college, and continuously
20 demonstrates a caring for the community, Dr. Fred
21 Capshaw.

22 We understand the great potential of
23 the college to be a dynamic force for the city's
24 economic development into the next century. But our
25 concern, that under the current climate, restricted

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2 funding will limit that potential.

3 Dr. Capshaw will comment on what the
4 College can do at the current level of funding, and
5 what limitations we are facing at this level of
6 funding.

7 I will turn it over to Dr. Capshaw.

8 DR. FREDERICK W. CAPSHAW: Thank
9 you.

10 Mr. President, members of the
11 Council, I am Fred Capshaw, President of Community
12 College of Philadelphia. I am also on about a dozen
13 different drugs. And the voice that you hear this
14 morning may be the drug influencing it, or perhaps
15 another.

16 But please excuse my voice, because
17 it kind of goes in and out.

18 PRESIDENT STREET: Dr. Capshaw, we
19 are just delighted to have you with us here today,
20 and we appreciate all your hard work.

21 (Applause.)

22 DR. CAPSHAW: I am pleased to be here
23 today to testify on behalf of the college.

24 You as a Council have historically be
25 supportive of Community College of Philadelphia.

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2 And many of you have expressed to me your pride in
3 the College. We appreciate your support.

4 You have received written testimony
5 on the success of the College in terms of student
6 achievement and its cost effectiveness.

7 A couple of years ago, we told you
8 that the Ford Foundation identified Community
9 College as one of the top transfer colleges in
10 America.

11 Now you read in the papers about the
12 successes of Community College students. Literally
13 every week or so there is an article in the
14 Inquirer.

15 And one of the favorite that I saw
16 was one in which the City Council hosted the Drexel
17 Blue Gold Program, which we are now jointly
18 sponsoring students, scholarship students, to get a
19 good start at Community College, and then move on to
20 Drexel.

21 We are doing a similar thing with the
22 public schools. We have a concurrent enrollment
23 program now with three high schools where we are
24 asking for outstanding students who want to get a
25 start in college. They get credit both at the high

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2 school and at Community College.

3 So we are looking for new ideas, and
4 we are looking to expand our transfer function,
5 which we think is one of America's best.

6 All the numbers point to the fact
7 that we are successful in career education.
8 Thousands of students working in the Philadelphia
9 work force have been trained for their jobs at
10 Community College of Philadelphia. The written
11 testimony speaks again to these successes.

12 The College is a major source in the
13 economic development of Philadelphia. We are really
14 right now where the action is. Where there is an
15 exciting deal being made in Philadelphia, chances
16 are we are part of it.

17 In the last four years, we are
18 becoming if not the major, one of the major
19 providers of work force training for this town.

20 So whether you are talking about CSX
21 or Kvaerner or PNC -- in fact, all the talk just now
22 about the extra line down to Eastwick, we are
23 training those 500 people for PNC down at Eastwick.
24 So they are giving CCP students a ride on the new
25 line.

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2 Everything we do is tied to building
3 human resources to support the city's economic
4 development.

5 The success of the College is a
6 product of the Board, administration, faculty,
7 staff, and students, all pulling together, with the
8 city leadership, in working to advance the economic
9 development of Philadelphia.

10 Community College is a college of the
11 21st century, says President Clinton. Governor
12 Ridge and Mayor Rendell and members of the Council
13 have all emphasized the role Community Colleges are
14 playing and will play in the economic development of
15 the 21st Century.

16 Let's talk about this year's budget.

17 Council, I know, has an excellent
18 memory and is aware that we have operated with four
19 years of deficit: 2.9, 2.9, 2 million, and .3
20 million. We are very proud that we reduced what was
21 a 3 million deficit, down to a 300,000 deficit.

22 But, still, the pattern over the four
23 years is not a pretty pattern. Over those four
24 years, we are 8.1 million running in deficit. We
25 cannot continue to run a college where we are

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2 running in the red each year.

3 This year, there are other
4 complications. We have negotiations going on. The
5 contracts all ran out in August. People at this
6 point have been working without a contract.

7 People have been very patient. The
8 faculty historically at the College has been very
9 understanding of our fiscal problems.

10 I put out on the table back in
11 February, no raise. That did not go down
12 particularly well, particularly from a guy who had
13 taken back 4 percent from the faculty and 3 percent
14 from the classified two years in a row, when he
15 first came on as President.

16 I couldn't have taken it back, if you
17 recall, unless the faculty voted to do it. So it
18 was really their gift to the college.

19 This is a context that we are
20 negotiating in. It is a context that has a great
21 deal of respect for the college and the faculty, and
22 a great deal of respect for the Administration and
23 the Board for the faculty.

24 That's why you probably haven't heard
25 all that much about the negotiations, even though

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2 the strike date is next week, the 10th of March.

3 We have a \$3 million problem. The \$3
4 million problem is, if anybody gets a raise for this
5 year -- and so far nobody has -- that's a million
6 and a half dollars. That costs us a million and a
7 half to give 3 percent to all of our employees.

8 If we give 3 percent next year, too,
9 then it is 3 percent this year, 3 percent next year,
10 that's the \$3 million problem.

11 This year, right now, with no raise
12 for anybody, we are running a balanced budget for
13 the first time in four or five years.

14 When I look at this and the Board
15 looks at it as the people responsible for running
16 the college, we say it is critical that we have a
17 balanced budget.

18 If we ever want to build a building,
19 have a bond issue, you know all the fiscal reasons
20 that people in New York, looking at your record, and
21 the rest of it, we really need to come in with a
22 balanced budget.

23 Fortunately this year we have had
24 realistic enrollment projections and our highest
25 enrollment ever. We have a larger student body.

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2 And we just feel with a lot of creative activity,
3 things are going very well, with the exception of
4 this lack of funding.

5 What is our response to this? One
6 response I could make as President of the College is
7 cut 51 positions; that would give us \$3 million.

8 I don't believe in letting go
9 full-time, permanent employees, who do good work,
10 just for money. If there is any way around that
11 option, I am going to take it. Our people are good,
12 hard-working people, and I don't want to cut them
13 just on the dollars.

14 The other answer, of course, is more
15 revenue. The first part of that would be get
16 additional dollars from the state.

17 Well, right now there is no money
18 from the state. That might surprise you, because
19 you may have heard the same press conference that I
20 heard.

21 I heard a press conference that made
22 me very happy. I was surprised. It was announced
23 that there would be \$3.2 million for Community
24 Colleges, 5 million overall in new money for
25 Community Colleges. Great press conference. Get

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2 your copy from PCN, they are available.

3 The problem is, when you come back to
4 the campus and you work the numbers, you wonder what
5 happened to the \$5 million. It is \$5 million of
6 poof. There is nothing in that budget for Community
7 College of Philadelphia.

8 The actual break-out, I think, is
9 that the operating budget is affected just about
10 even, flat. And overall, with the capital, we lose
11 \$16,000 out of the state budget.

12 So there had been a lot of hope. And
13 if you have been following Harrisburg, Harrisburg
14 has spent a lot of time on Community Colleges.
15 There are press conferences all the time, one of the
16 hottest things out there.

17 But when you add up the numbers after
18 the \$5 million press conference, in the Governor's
19 budget, it is poof.

20 I gave poof to the Ph.D. for Wharton
21 next to me, and he came back to me and said, "It
22 looks like poof."

23 I got the head of the faculty union,
24 who has got his degree from Harvard, he said, "Poof
25 is poof." So that's the state this year.

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2 Tuition, we can always raise
3 tuition. We didn't raise tuition last year. Our
4 tuition is -- and this breaks my heart to say it --
5 is one of the highest in the state, with the student
6 body least able to pay.

7 We are right at the top, with \$69
8 dollars, and with the fees \$72 a credit. So that's
9 an option. Not a good option.

10 So we are hoping that we can turn to
11 the city for some answers to this.

12 Now, the college operates, as you
13 know, at about 3500 per student. 3500 per student
14 is \$2,000 less than the national average for
15 community colleges. Let that number just figure in
16 for a minute, drop in. 35, or 3560 per student.

17 Compare it to, you know, you hear
18 about the suburban school districts, because our own
19 School District doesn't have enough money either.
20 But we are operating at this kind of figure, which
21 compares favorably with any Community College of
22 America, and it is \$2000 below the national
23 average.

24 I can't give up on quality at
25 Community College. We just don't have the dollars

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2 right now to do what we need to do. There is
3 nothing in there for new operating dollars.

4 Yesterday Rick Bojar and Karen
5 Schermerhorn, the heads of the faculty union, are
6 still working as a team, we are, right up to the
7 negotiation, sent a letter to the State House trying
8 to explain how the math doesn't work, and trying to
9 get some more money out of Harrisburg. So we are
10 continuing to pursue that.

11 I know the story that you may have
12 read about the young man on the basketball team that
13 was in the Inquirer. I know the story you may have
14 read about the ASL student. I know the story you
15 may have read about the Welfare mom back to the
16 college; there are several of those.

17 Community College is doing a job for
18 its students, and we need some help to do a better
19 job.

20 I always like to say what you get and
21 what you may not get.

22 At the current level of funding, you
23 will continue to get that work force development
24 that I talked about. It is a real priority for us.
25 You will continue to get the sound transfer in

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2 education. You will continue to get training for
3 business and industry.

4 You will get GED, literacy, ESL. You
5 will get personal enrichment classes in computing
6 and other areas. You will get some attention to the
7 centers, although not as much as you would otherwise
8 get.

9 There will be some improvement in
10 technology and some commitment to the student
11 activities. But no increases anywhere.

12 We have no plans to cut personnel.
13 Where we will be hurt is in our outreach to the
14 community.

15 We have increased, for just one stat,
16 we have increased our outreach to the Latino
17 community from 8 percent to 21 percent.

18 We have lots and lots of people -- I
19 shouldn't say, excuse me, Latino community, because
20 there are Asians. And I am talking about English As
21 A Second Language outreach.

22 But we have increased that outreach
23 dramatically. We have worked with the empowerment
24 zones extensively. We are working on high-tech
25 curriculum.

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2 Customer service is going to go to
3 hell in a hand basket when you don't have people
4 working. The lines get longer, the place gets
5 dirtier, the students are more dissatisfied. All
6 those things will happen at this level of funding, I
7 can guarantee it.

8 And I feel, because I have been in
9 this job -- this is actually the fifth time I made
10 this presentation now. Because I did the first one
11 as soon as I got here.

12 But I feel that there is going to be
13 a major deterioration on quality at the College
14 without some additional dollars.

15 In conclusion, let me just emphasize
16 again, we have tremendously loyal employees. They
17 want to do the right thing by the College.

18 Nobody wants a strike next week. The
19 faculty doesn't want one. We don't want one. But
20 we are moving along, and we are moving along, moving
21 along.

22 And there doesn't seem to be a
23 resolution because we want to balance a budget, and
24 they want and need and deserve a raise.

25 So that's the immovable object. And

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2 what's the name of the force?

3 PRESIDENT STREET: Irresistible
4 force.

5 DR. CAPSHAW: Thank you, irresistible
6 force.

7 Okay. So we think we are a pretty
8 good deal for 3500 or 3600 dollars. We are positive
9 of the future of the College.

10 We need to be a part of the city's
11 efforts to improve. We want to be. We appreciate
12 that there are always tough times, and dollars are
13 hard to come by.

14 But we could desperately need some
15 dollars in the City Administration. And we hope
16 somebody finds a way to get them for us.

17 And I will just conclude by just
18 affirming what Mannie said, how appreciative we were
19 that the Mayor included \$1.25 million in the Capital
20 Budget this year and next year.

21 That's a first. As far as I know, in
22 the history of Philadelphia, that's historic, that
23 the Mayor included money directly fir us in his own
24 Capital Budget.

25 Thank you very much.

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2 PRESIDENT STREET: Thank you very
3 much.

4 The Chair recognizes Councilwoman
5 Fernandez.

6 COUNCILWOMAN FERNANDEZ: Thank you,
7 Mr. President.

8 Again, Dr. Capshaw, it is great to
9 see you here today, and we really want to publicly
10 thank you for your very effective leadership at
11 Community College, which we all know is so important
12 to having an educated citizenry and an educated work
13 force.

14 I was wondering, could you just share
15 for us what effect the Welfare cuts and changes are
16 having on your student population?

17 Because my understanding is, people
18 who are receiving Public Assistance are limited to
19 one year of formal education, yet your degree is a
20 two-year degree.

21 Have you seen any direct effect on
22 who is able to be at Community College?

23 DR. CAPSHAW: Oh, we have seen a
24 tremendous effect. We have lost hundreds of
25 students. We have lost just about 250 students just

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2 in that step-up program that had been so successful
3 historically.

4 We are putting together different
5 alternative programs that are less than two years,
6 but they are not going to have the quality of those
7 former programs.

8 COUNCILWOMAN FERNANDEZ: And my guess
9 is that that will continue to accelerate as the
10 Welfare change --

11 DR. CAPSHAW: And we are continuing
12 to work in Washington on that, and we are trying to
13 get people's attention to that.

14 But the way you put it, it is
15 critical. One-year orientation, that is just
16 wrong.

17 What kind of degree, what kind of
18 education can you get in one year that's going to
19 turn your life around? It is just putting down the
20 people on Welfare and not realizing that they have
21 the potential to do something better than that with
22 their lives.

23 They get caught in a dead-end job and
24 get into that whole cycle.

25 COUNCILWOMAN FERNANDEZ: Another

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2 issue is, we hear there is this demand for computer
3 literate technical people out in the suburbs. This
4 SAP company wants to hire a thousand people, and
5 there is a real shortage of people for these jobs.

6 The linkage that you have done with
7 Drexel, is that directly around computer information
8 sciences as a career path to fill that gap, or is
9 your deal with Drexel broader than that?

10 DR. CAPSHAW: It is broader than
11 that. It certainly would include that, but it is
12 broader than that.

13 COUNCILWOMAN FERNANDEZ: Do you have
14 a program that gives people a degree in computer?

15 DR. CAPSHAW: Sure. Sure. And it
16 was fully enrolled. I think Councilman Mariano, was
17 it a year ago or two years ago, made a comment to
18 the effect that he went into -- I don't want to
19 steal his thunder.

20 COUNCILWOMAN FERNANDEZ: We will wait
21 on that one.

22 Could you go back to this, the whole
23 funding crisis that you are facing? I can't
24 remember where I read it, but something about the
25 state legislature, their Higher Education Commission

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2 is recommending that maybe the state would pick up
3 two-thirds of the cost.

4 I assume that's, then, a third for
5 tuition, and then local communities would be
6 expected to provide for the capital costs.

7 What's the timetable on that? Do you
8 think that would be happening in this budget
9 session, or is that a couple of years off?

10 DR. CAPSHAW: I would like to just
11 recognize Mr. Schraeger, another Board member who
12 has joined us.

13 To get back to your question, that
14 recommendation is from the subcommittee of the House
15 Education Committee. It is chaired by
16 Representative Carone.

17 In my estimation, she has done a
18 magnificent job -- not just a good job; a
19 magnificent job -- in putting together the key
20 issues.

21 If it happened, I would be thrilled.
22 If it happened, it would save the City of
23 Philadelphia probably something like \$14 million,
24 and it would increase our funding dramatically.

25 COUNCILWOMAN FERNANDEZ: But the

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2 timing on that, do you see that happening this
3 session, or is it a longer range?

4 DR. CAPSHAW: It has some high-level
5 support, but things like that tend not to happen
6 within one session.

7 COUNCILWOMAN FERNANDEZ: So if I hear
8 you, then, your financial crisis would not be fixed
9 by that?

10 DR. CAPSHAW: No. No, I don't
11 foresee that happening this year. It might happen
12 within the next three years.

13 When I first heard about it, I
14 thought it was pie in the sky, but it has some
15 high-level political support.

16 COUNCILWOMAN FERNANDEZ: Thank you,
17 Mr. President.

18 PRESIDENT STREET: Thank you very
19 much.

20 The Chair recognizes Councilwoman
21 Clark.

22 COUNCILWOMAN CLARK: Thank you,
23 Mr. President.

24 Mr. Capshaw, let me express a
25 personal appreciation for your coming and tell you

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2 how much we are praying for you.

3 DR. CAPSHAW: Thank you.

4 COUNCILWOMAN CLARK: With respect to
5 your education and training plans for the Kvaerner
6 shipbuilding project, what roles do companies owned
7 by minorities and women and the disabled play in
8 your plans to jointly develop those training
9 programs?

10 Specifically, now, I am talking about
11 a minority firm that's into welding. Do you know
12 what I am talking about at all?

13 DR. CAPSHAW: Minority firms -- what
14 was the last part?

15 COUNCILWOMAN CLARK: That's into
16 welding. They wanted to teach welding for the
17 Kvaerner, and they wanted to do it in conjunction
18 with Community and Berean Institute and maybe OIC.

19 DR. CAPSHAW: Yes, I think projects
20 like that will definitely be happening. My hope is
21 dozens of projects like that will be happening.

22 As you know, Community College has
23 made a tremendous effort to reach out to the
24 minority community over the last four years.

25 I was fortunate enough to receive an

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2 award the other night in recognition of that
3 outreach.

4 But just, for example, our dealing
5 with minority vendors has quadrupled in the last
6 four years. Our extenuation in terms of employment,
7 in terms of recruitment, that has increased. The
8 student body has become more minority over the last
9 four years.

10 So there are a number of different
11 ways, programming on progress. We bring in artists,
12 and that kind of thing, where we made an outreach to
13 the minority community.

14 We particularly have been involved
15 within our business deals in making sure that the
16 minority community is a piece of it.

17 So, you know, Kvaerner at this point
18 is not down to the level where it is, okay, I need
19 your company to provide 50 guys who are going to do
20 welding. It is just not at that level of
21 specificity at this time, but it will be.

22 And I can guarantee you that we will
23 do all we can to have minority firms involved.

24 COUNCILWOMAN CLARK: Let me refine my
25 question.

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2 As I see it, Kvaerner will be looking
3 to community College to lead a team to train for the
4 high-tech skills, including, for example, the
5 welding.

6 And here I am asking if the college
7 has considered teaming with minority trainers such
8 as OIC, such as Berean Institute, and one other
9 whose name I can't remember.

10 DR. CAPSHAW: We have had largely
11 minority classes to this point in the work that we
12 have done with Crown Cork and Seal, and the
13 Precision manufacturing program.

14 And we certainly would be willing --
15 that's involved Lehigh and bunch of other partners.
16 But we would certainly be willing to sit down with
17 OIC and Berean and say, what can you bring to the
18 table, this is what we need done, how can we carve
19 this up? There is plenty there. There is more than
20 we can do. And say, you know what can you handle.

21 COUNCILWOMAN CLARK: Of course. I
22 didn't remember the name of the other company, but
23 my staff member did. It is ITTI.

24 Let me go back to the discussion that
25 Councilwoman Fernandez raised with respect to the

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2 important role that Community College place in the
3 Welfare To Work effort.

4 I know that you have some outstanding
5 programs that deal with giving people skills to be
6 self-sufficient.

7 I wonder what, if anything, we can
8 do, in concert with you, as the federal government
9 attempts to restructure Welfare, to make them see
10 the folly of ending a good program, with a good
11 track record.

12 If ever there is an example of penny
13 wise and dollar foolish, to squeeze a two-year
14 program down to something that looks like it in a
15 one-year program, is deceptive, and could be
16 criminal.

17 And could we add our voice to yours
18 in some way that we could support your efforts to
19 get exemptions for Welfare people who wish to train
20 for two years for self-sufficiency, rather than
21 tease them and play with their heads with one year's
22 worth, which is almost enough?

23 DR. CAPSHAW: I would certainly
24 appreciate you supporting that effort.

25 We have now an outreach to Washington

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2 with try to work with PIC and Donna Cooper's office,
3 to try to get special designated money for special
4 designated programs for Welfare people outside the
5 normal boundaries. That's just what we need to do.

6 COUNCILWOMAN CLARK: I do note that
7 every government policy maybe two lines, and then
8 they have two pages of exemptions.

9 So if we could get an exemption for
10 this specific program, for a demonstration period,
11 to show its efficiency, effectiveness, and efficacy,
12 I really think we ought to make that effort, working
13 with our federal delegation at the congressional and
14 at the Senatorial level.

15 DR. CAPSHAW: I do, certainly too.

16 We have got a grant application for
17 several hundred thousand dollars to Washington now.
18 And a letter of support from Council will be
19 helpful, too.

20 COUNCILWOMAN CLARK: We will have to
21 do it.

22 My last question.

23 MR. ORTIZ: I could add that several
24 of us Board members were in Washington. And that
25 was one of the key issues that, across the board,

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2 the Commission of Community Colleges was trying to
3 impress on the Congress.

4 Certainly because of the bipartisan
5 support that this Welfare reform received, no one
6 wants to really touch or change it at this point.

7 However, there is interest in looking
8 at it in the implementation phase. And so I believe
9 it is Senator Specter is going to be having hearings
10 in relations to this, where perhaps it would be a
11 vehicle for some of us to join forces and address
12 the issue.

13 COUNCILWOMAN CLARK: Great. I think
14 that Senator Specter is the exact right place to
15 start to put our request in for an exemption.

16 My last question, Mr. President, City
17 College of New York recently announced plans to
18 increase its admission standards.

19 Are there any such plans being
20 contemplated by Community College in Philadelphia?
21 I hope not.

22 DR. CAPSHAW: There is another
23 institution in Philadelphia that has had similar
24 announcements lately.

25 Our philosophy runs directly counter

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2 to what's being attempted both in New York and up at
3 Temple.

4 We respect them for what they are
5 trying to do for their university and their mission,
6 and all of that. But we are firmly committed to an
7 open door institution. We believe that giving
8 people a chance. We believe that people have
9 talent. We believe you can identify that talent,
10 you can build on that talent.

11 And any of those stories that I
12 mentioned out of the Inquirer, that you hear about
13 all the time, about Community College students who
14 came in and had a basket full of troubles, and they
15 leave and they transfer to a four-year school.

16 And the next thing you know, she was
17 a Welfare mother of five. Now she is a doctor up at
18 the north end of town in a clinic. And why? They
19 come back and say Community College every time.

20 As long as those stories are
21 happening -- and they are happening every day --
22 that door is not going to close a bit; it is going
23 to be wide open.

24 (Applause.)

25 COUNCILWOMAN CLARK: I appreciate

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2 that.

3 I wish I hadn't promised that was my
4 last question. I do have one more last one.

5 PRESIDENT STREET: At this time the
6 Chair will recognize, because of the exceptional
7 nature of Councilwoman Clark's candor in all of
8 these things, one last question, one last last
9 question.

10 COUNCILWOMAN CLARK: I want to
11 express my appreciation for the Philadelphia School
12 District Community College and Drexel connection.

13 The Blue and Gold, is that the name
14 of it?

15 DR. CAPSHAW: Yes.

16 COUNCILWOMAN CLARK: I think that is
17 just such a practical, good way to promote
18 continuity.

19 I express my appreciation to Drexel
20 for accepting your graduates full time, without any
21 crutches, any necessity for remediation. You give
22 them a two-year diploma or Associate's Degree, you
23 come into Drexel as a third year student. I
24 appreciate that.

25 I also like the automatic enrollment

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2 in Community College if you graduate from
3 Philadelphia schools. That assumption of readiness
4 gives, I think, our students a psychological floor
5 below which they cannot fall, and requires of them
6 to reach inside themselves for strengths they may
7 not even know they have.

8 I will tell you a secret. When John
9 Street was about to graduate from high school, his
10 advisers told him he was not college material.

11 So if you could take a roughian like
12 John Street and turn him into something, I give you
13 hope for the rest of the youngsters in the
14 Philadelphia system.

15 Thank you.

16 DR. CAPSHAW: Can I be excused from
17 commenting on that?

18 PRESIDENT STREET: See what happens?
19 One last last question, right?

20 Thank you very much, Councilwoman.

21 The Chair recognizes Councilwoman
22 Blackwell.

23 COUNCILWOMAN BLACKWELL: Thank you,
24 Mr. President. Let me too welcome Mr. Capshaw and
25 also certainly Mr. Schraeger, my good friend, and

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2 Lanette Brown. Certainly we are very, very glad to
3 have you.

4 And I only wanted to commend you for
5 this new program of allowing students to be college
6 bound and also to get college bound credit for work
7 at Community College. It is absolutely wonderful,
8 and will make such a great difference.

9 Community College is absolutely a
10 great blessing to our city. And I agree that the
11 President has focused on the importance that
12 Community College plays for so many of our
13 students.

14 And certainly we thank you for your
15 continued leadership and pledge our support.

16 Thank you, Mr. President.

17 PRESIDENT STREET: Thank you very
18 much.

19 DR. CAPSHAW: Thank you.

20 PRESIDENT STREET: I was in a
21 community meeting one day and a person said to me,
22 "I'm getting a new organization together. What's
23 the most important thing I should do?"

24 I said, "Get a good Board." And I am
25 just really very impressed, as I am sure all

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2 Councilmembers are, that we have this great
3 representation of the Community College Board that's
4 here.

5 And you just have to know that
6 Mr. Schraeger and others, and particularly these
7 members who are sitting on the other side of the
8 rail here, obviously had something to do with the
9 great work that the Community College does.

10 And I would just like to underline
11 the significance of your being here as Board
12 members. Very, very important.

13 And it really does show that there is
14 a serious dedicated cross-section of people who are
15 working very hard to make Community College the good
16 place that it is, to provide the kind of services
17 that our young people desperately need.

18 So I thank you.

19 (Applause.)

20 PRESIDENT STREET: At this time the
21 Chair recognizes Councilwoman Miller.

22 COUNCILWOMAN MILLER: Thank you,
23 Mr. President.

24 Good morning, Mr. Capshaw and members
25 of the contingency from Community College.

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2 I have a question regarding the new
3 regional campus. Does that mean, or will it mean --
4 because I have heard this, and the business
5 association has called me and some members of
6 Germantown community have called me -- do you plan
7 to close Green and Cheltenham, your branch there, and
8 move everything into Philadelphia College of
9 Optometry?

10 DR. CAPSHAW: A couple of things on
11 that.

12 Green and Cheltenham has been, since we
13 opened it, our least productive center. It has been
14 our least productive center. It also is the only
15 center we don't own. We are paying rent on that
16 every month.

17 The lease is expired. It is totally
18 inadequate, compared to the other centers that we
19 have.

20 We want quality centers that people
21 will be proud to come to. And that, as you know, is
22 the second floor of a former department store and is
23 just not up to the same quality as the centers that
24 we are now building.

25 COUNCILWOMAN MILLER: Okay.

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2 DR. CAPSHAW: So our intention is to
3 abandon that center, but not to abandon that area.

4 We are looking for some alternatives
5 or some what's the proper mix, where else could we
6 be a with a presence that would be maybe not as
7 large as that, but would give us access in that area
8 of the city.

9 COUNCILWOMAN MILLER: So that means
10 that you don't have any immediate plans to leave;
11 you are just looking for a better physical facility,
12 is that what I am hearing?

13 DR. CAPSHAW: Our intention, as you
14 probably know, is to buy the College of Optometry.

15 And the Mayor graciously put the
16 money -- again, that's historic. And we appreciate
17 it so much. The Mayor and the City Council are
18 willing to support, for the first time, out of their
19 own capital accounts, the purchase of a center for
20 Community College of Philadelphia.

21 So that center will be located at
22 Godfrey and Broad, and it will be much more
23 adequate. It will be five times better than what we
24 can offer people up there now. And it is only a few
25 miles from the former center that we have been

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2 using.

3 COUNCILWOMAN MILLER: But in the
4 meantime, I think did you say that you were going to
5 look for a better facility? Because there are some
6 other spaces available.

7 DR. CAPSHAW: We have the main campus
8 at Spring Garden, we have centers and we have
9 sites. And we hope that we will have a presence
10 that will be a site over in that area, so that we
11 won't lose contact with it.

12 COUNCILWOMAN MILLER: Okay. Thank
13 you.

14 Thank you, Mr. President.

15 PRESIDENT STREET: Thank you very
16 much. The Chair recognizes Councilman Mariano.

17 COUNCILMAN MARIANO: Thank you,
18 Mr. President.

19 Mr. Capshaw, Councilwoman Clark
20 commented about President Street might have been
21 advised that he wasn't college material.

22 When I graduated from high school, I
23 took a test, and they told me I should have been a
24 window decorator. It is a true story. But my
25 father wouldn't have any parts of that, and he let

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2 me go in the building trades.

3 When I was in the building trades,
4 some of the courses I took were at Community
5 College, construction management courses.

6 Then when I went through Temple, St.
7 Joe's, and found something, went to Eastern. And
8 when I got out of Eastern, I went back to Community
9 College to finish up the credits I needed to get.

10 And at that time when I was at
11 Community College, I was a member of City Council.
12 But a lot of teachers and -- the Administration
13 knew, and they helped me, as I am sure they would
14 have helped everyone, you know, working my
15 schedule.

16 And I have talked to the other
17 students and friends that I made there, and they
18 said everybody pretty much gets that play.

19 But we have the members of Local
20 2026. The Administration, although they need a lot,
21 the teachers were gracious. And they didn't know I
22 was a City Councilmember. All of them didn't know
23 that, maybe one or two, but they didn't bring it to
24 my attention.

25 So I would ask you, to the best of

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2 your ability -- and I know it is not totally up to
3 you, and I admire your board, Mr. Schraeger,
4 Mr. Ortiz, Ms. Brown, everybody -- let's try to
5 negotiate with these people in good faith, because
6 it is important.

7 And I know if you had the money, if
8 we could get you all the money we could, we wouldn't
9 have a problem funding. But good teachers are
10 important.

11 I also represent the Latino
12 community, and I would like to thank Mr. Ortiz.
13 Because in my world, and my mind, you don't have to
14 be Puerto Rican for your heart to beat with a Latino
15 rhythm. Mr. Ortiz can tell you that.

16 The things that Community College are
17 doing up at Norris Square, with the anti-crime
18 initiatives and different things, just couldn't be
19 found anywhere else. So I appreciate that as the
20 elected representative up there.

21 And, again, I would like to thank
22 Mr. Ortiz who has gone out of his -- I think he is a
23 Deputy Mayor. I'm not sure what he does. But he
24 has gone out of his way. He tells me he is; I don't
25 know. All I know is, he has a night head of hair,

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2 and I tease him about that.

3 In all seriousness, he is there all
4 the time for me, same with Mr. Schraeger and Ms.
5 Brown, they are there.

6 So it is very important, the people
7 who may not have been college material, like, that's
8 hard for me to say, President Street and myself -- I
9 knew I was a rough canvas. But him, I doubt it. He
10 is here.

11 But a lot of people that wouldn't
12 have gotten to college, you know, get there.
13 Imagine getting there in your 30's and seeing all
14 these young people moving around.

15 And the Administration and the
16 teachers really reached out to someone in their late
17 30's. That may not seem that old, but it was a
18 confusing time.

19 I have a son getting ready to go to
20 college. And I go down there, and that's one of the
21 options. If he looks at things, Community is
22 there. It is always there. And there are a lot of
23 people in my world that Community is a great
24 option.

25 And the facilities are there, the

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2 web, the network on the web is something excellent.
3 So I appreciate it. And I, too, also, I am praying
4 that you will be okay.

5 So thank you, thank you thank you.

6 DR. CAPSHAW: Thank you. If I am
7 able just to make one comment, then Mr. Schraeger, I
8 believe, would like to make a comment.

9 You have hit upon the real crux of
10 higher education. It is not about, you know, come
11 in talk about money and you talk about
12 administration and structure; it is about what
13 happens in the classroom with the faculty member.
14 The faculty member is caring. And we just have
15 great people. Again, I can't underscore what you
16 said enough about that. That's where the action
17 happens, in higher education.

18 And our faculty deserve the credit
19 for the successes of the students I was mentioning.

20 Of course with Mr. Ortiz' help,
21 bringing together this great Board, as well as reach
22 out to the community -- not only the Latino
23 community -- but outreach to the community has been
24 a major emphasis of our administration and it has
25 been a driving force behind it.

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2 COUNCILMAN MARIANO: My only problem
3 is, I figured when I went back to community, I could
4 finally get a chance to play soccer in college.

5 So I went to the first soccer
6 try-out, and they said you had to be a full-time
7 student. So I know I could get a chance, if they
8 just let me play. They said, sorry.

9 I couldn't get to play soccer in
10 college; that was my only problem.

11 But thank you. Thank you.

12 That's it, Mr. President.

13 PRESIDENT STREET: Councilman, are
14 you sure that that full-time thing was the only
15 problem you had on that soccer team?

16 COUNCILMAN MARIANO: Don't get fresh
17 now, Mr. President. We don't want to go there.

18 PRESIDENT STREET: Well, I guess as
19 fortuitous as it might seem, you didn't get a chance
20 to play on that soccer team. Councilwoman Clark's
21 missing her subway rides.

22 The Chair recognizes Mr. Schraeger.

23 MR. SCHRAEGER: Thanks,
24 Mr. President. Even though --

25 PRESIDENT STREET: I have to ask you

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2 to speak real close to that microphone, and what
3 little bit louder.

4 MR. SCHRAEGER: I felt that nobody
5 wants to hear me so I didn't get that close.

6 PRESIDENT STREET: You should get
7 close we want to hear you.

8 MR. SCHRAEGER: Even though Community
9 College has open admission and doesn't require a
10 gum. or standardized testing, those students from
11 Community College who, at the end, after they get
12 their Associate Degree, apply to Temple, they do
13 just as well in the junior year as the students who
14 did have the gum. and the standardized testing and
15 started at Temple as a freshman. So their junior
16 year, they are both equal to each other.

17 So it shows that community not only
18 does a good job, but is able to do it with a lot
19 less baggage that they have to carry.

20 Also, I think Community College
21 accomplishes what it does because it has a
22 tremendous faculty. The faculty is a caring
23 faculty, they work very hard with these students.
24 So by the time they are there a year, they are
25 brought up to snuff with those students in colleges

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2 that require all of the admissions standards.

3 Thank you.

4 PRESIDENT STREET: Thank you very

5 much.

6 The Chair recognizes Councilman

7 Cohen.

8 COUNCILMAN COHEN: Thank you,

9 Mr. President. I think all of the accolades that
10 have been thrown in the direction of Community
11 College are well deserved. Of course, it is easier
12 to say that than put up the money.

13 But what Mr. Schraeger just said
14 about the faculty, in all the years I have been in
15 City Council, I have never had a constituent or ever
16 heard anybody at any of these hearings ever complain
17 about anything at Community College.

18 I think the faculty is unexcelled by
19 any of the universities, major or minor, that we
20 have in Philadelphia. And I think they deserve much
21 of the credit, as do the Board members and the other
22 supporters of Community College.

23 I hope the labor thing works out. I
24 think a strike would be devastating to the mission
25 of Community College has. And I am sure all of us

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2 in City Council are going to be working with you to
3 try to see that that agreement is arrived at.

4 Apparently there is basic agreement
5 between the parties. The question is, where is the
6 money coming from? Is that an accurate picture?

7 I mean, unlike the SEPTA dispute,
8 where both sides are, you know, battling each other
9 very hard and making unfair charges against each
10 other, that does not seem to be at all the case
11 here.

12 DR. CAPSHAW: No. That's correct.
13 You have summarized it well.

14 COUNCILMAN COHEN: Well, we hope that
15 works out well. And I think all of us are going to
16 be happy to cooperate in any way we can.

17 I wanted personally to thank you for
18 the courses that Community College is making
19 available to City Council.

20 Community College is a strange
21 institution. It supplies a need at almost every
22 level.

23 The people who work in City Council
24 hardly would fit within the deprived class that we
25 often speak about, yet we find it necessary to

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2 supplement the educational level here in City
3 Council. And we are grateful for what Community
4 College is doing.

5 PRESIDENT STREET: Councilman Cohen,
6 it might be worthwhile to mention, for those people
7 who do not know it, that there are various writing
8 seminars that have been taking place now, I guess,
9 for the last several months, where Community College
10 is working with our staff to bring up their writing
11 skills and various other communication skills.

12 And it is very important to us. And
13 it is part of what we are trying to do to increase
14 the professionalization of our staff, staff of
15 Councilmembers and other staff members here. And
16 Community College has been very good at cooperating
17 and working with us.

18 And the seminars have been very well
19 received, very well received. And we will continue
20 to do them, with the cooperation of the College.
21 And we appreciate that.

22 Thank you, Councilman Cohen, for
23 bringing that to our attention.

24 COUNCILMAN COHEN: All right. Thank
25 you, Mr. President.

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2 And we all appreciate that the staff
3 members that are going, and occasionally
4 Councilmembers drop in, because you provide almost
5 24-hour, around-the-clock services to the community,
6 we think, my personal opinion is -- and I am a
7 graduate of the University of Pennsylvania and its
8 law school -- I think Community College is the
9 finest institution we have.

10 And today, like all other fine
11 institutions that really serve the people, they are
12 kind of under attack through the process of
13 underfunding, and we hope in the future to be able
14 to rectify that.

15 Thank you very much.

16 DR. CAPSHAW: Thank you.

17 PRESIDENT STREET: Thank you very
18 much.

19 The Chair recognizes Councilwoman
20 Fernandez.

21 COUNCILWOMAN FERNANDEZ: Thank you,
22 Mr. President. I wanted to go back to the financial
23 issue.

24 In your testimony, you noted that
25 many of the students going to Philadelphia Community

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2 College may come, more may come, from low-income
3 families, where it is difficult when you raise
4 tuition.

5 And then on Page 7 of your testimony,
6 I had thought it was a chart comparing the different
7 contributions from different areas. But, instead,
8 the chart on Page 7 shows how basically relatively
9 low the expenditures or costs are at Community
10 College, in comparison to other community colleges
11 surrounding us, Montgomery, Bucks, Delaware, and
12 then statewide.

13 Could you provide to the Chair a
14 chart like the one on Page 7, that would he show us
15 how much of the student expenditure is for tuition,
16 how much is state subsidy, and then how much is
17 local subsidy for us, in comparison to these other
18 community colleges and statewide?

19 Because I didn't see that anywhere.
20 And, again, I think despite all the nice praise and
21 everyone acknowledges how crucial the work you do is
22 to the people who are educated and to our whole
23 economy and our work force development, I hear you
24 saying, you know, you are in financial difficulty.

25 And so I would like to have those

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2 figures and we are looking, because I am not clear
3 what our local share is in relation to the other
4 counties.

5 And, again, it bothers me, when I see
6 these figures, that there is more spent -- it is a
7 little bit like the public education situation --
8 more spent per pupil in these surrounding counties,
9 yet we have more students who desperately need
10 Community College as an educational option. And
11 where tuition increases, just make things worse.

12 DR. CAPSHAW: We will certainly get
13 that to you.

14 COUNCILWOMAN FERNANDEZ: Thank you.

15 PRESIDENT STREET: Thank you very
16 much.

17 The Chair recognizes Councilwoman
18 Clark.

19 COUNCILWOMAN CLARK: Mr. President, I
20 would like to follow on the commends made by
21 Councilwoman Fernandez.

22 Does your question speak to
23 underfunding from the state level?

24 COUNCILWOMAN FERNANDEZ: Well, I am
25 not clear, because I didn't have all the figures in

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2 front of me, whether it is relative.

3 Like, I'm not sure what the local
4 share is in the surrounding counties, in comparison
5 to ours, and what the tuition amount is.

6 COUNCILWOMAN CLARK: So you are
7 asking for a comparison to how our Community College
8 is funded vis-a-vis Delaware County and some of the
9 other community colleges in the area?

10 COUNCILWOMAN FERNANDEZ: Right.

11 Because it feels like Community
12 College here is very cost effective.

13 COUNCILWOMAN CLARK: Uses the money
14 that it gets well.

15 COUNCILWOMAN FERNANDEZ: Very well.

16 COUNCILWOMAN CLARK: Well, I would
17 like to associate myself with those comments. I
18 just want to be sure that we are agreeing to the
19 same thing, and to say that there is a distinct
20 difference between free speech and cheap talk.

21 And we would like to encourage you to
22 put as much gentle but unrelenting pressure on all
23 of the funding sources that you have to make sure
24 that you don't quietly go into the night.

25 Because there is never enough money

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2 to do all that needs to be done. And some people
3 are going to get funded, and some people are going
4 to get the reason why they are not going to be
5 funded.

6 Now, if you want a reason, I can
7 construct one that is alliterative right now. But I
8 would argue that you need to be insistent, you need
9 to maybe be a little less polite.

10 But you should get for your students
11 all that the systems that you work with are capable
12 of, because to do less is to shortchange them.

13 Your efforts need to be augmented.
14 And praised by itself, as laudable and wonderful as
15 it is to hear, will not pay your bills, or keep
16 those blue-placard carrying people in the back from
17 exercising their constitutionally protected right.

18 We need all of you on the job full
19 time educating our students. And a strike is too
20 disruptive and too distractive. It is outright
21 destructive.

22 Now, do you want me to go on with
23 this alliteration?

24 DR. CAPSHAW: I would certainly
25 appreciate it.

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2 COUNCILWOMAN CLARK: I am hoping that
3 we can avoid a strike, and keep this going.

4 Thank you very much.

5 DR. CAPSHAW: If I might just briefly
6 add that it is certainly not our intention to stop
7 today asking for more dollars for Community
8 College.

9 The faculty federation and our
10 administration and Board are really partners in
11 this, beyond the fact that at the table, of course,
12 we have a different point of view.

13 But we are going to be there together
14 in Harrisburg. We are going to be in your offices.
15 And we are going to be wherever we need to be to try
16 to get more dollars this time through Community
17 College.

18 PRESIDENT STREET: Thank you very
19 much.

20 The Chair recognizes Councilman
21 Cohen.

22 COUNCILMAN COHEN: Dr. Capshaw, I
23 note in the record you wrote to Mayor Rendell in
24 December of 1997, last December.

25 Is Community College still in touch

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2 with the Mayor on the budget request you made?

3 DR. CAPSHAW: We have been working
4 with the Mayor's Office, and we don't consider
5 anything a dead issue.

6 COUNCILMAN COHEN: The reason I
7 raised the question, the easiest thing procedurally
8 would be if you succeeded in getting the Mayor to
9 recommend an increase, considering current things.
10 That would make it easier for Council, it would show
11 a united city.

12 Second, the number of city
13 employees -- and I would urge, you know, continued
14 work with the Mayor, as well as with City Council.

15 Even though some Councilmembers are
16 not here, some are in their offices, some may be
17 required in their tick districts or other parts of
18 the city and couldn't be here.

19 Whatever communication between
20 representatives at Community College, the union, so
21 they get a firsthand look at the teachers and some
22 of the students, might be very helpful, if some of
23 them could visit us in the Council offices, as well
24 as communicate with the Mayor.

25 Second, how does your figure of

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2 37,000 city residents during one year -- I am
3 referring to Page 2 of your statement -- compare
4 with other universities or colleges?

5 It seems to me you have the highest
6 number of Philadelphia residents.

7 DR. CAPSHAW: I would say in terms of
8 serving Philadelphian residents, we serve more
9 Philadelphia residents than any other institution.

10 COUNCILMAN COHEN: I would think we
11 could even add the word "by far," or the two words.

12 And I think that's constantly very
13 important to bring out. Because it might be that,
14 next to the Traffic Court, you have relations with
15 more Philadelphians than any other Philadelphia
16 agency directly, except for the collection of
17 taxes.

18 Last question. There are rumors
19 afloat -- we don't know whether true or not -- the
20 College of Optometry at 12th and Godfrey is going to
21 be leaving, they have made that clear. There are
22 rumors that the Community College may take over the
23 site.

24 I don't know whether you are
25 negotiating or not, but I think it would be

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2 wonderful. And we would love to have you in that
3 location.

4 We think it is a great location, it
5 is a great campus site. It is the heart of a very
6 active community that would be most supportive.

7 Is there any truth to it?

8 MR. ORTIZ: There is a lot of truth
9 to it.

10 COUNCILMAN COHEN: There is a lot of
11 truth to it.

12 Well, we know you will get a real
13 warm welcome if you head in that direction.

14 MR. ORTIZ: I happen to be a resident
15 in that area, also.

16 COUNCILMAN COHEN: Thank you very
17 much.

18 PRESIDENT STREET: Mr. Capshaw, there
19 are no lights on. We thank you for coming.

20 At this time we will have the City
21 Controller.

22 PRESIDENT STREET: My understanding
23 is that there are union representatives representing
24 the teachers that are here in the Chamber. After we
25 get finished with the city departments, we will be

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2 taking testimony.

3 And if there is any union
4 representative or any person who would like to
5 testify on behalf of Community College, there will
6 be an opportunity to do so at that time.

7 At this time the Chair recognizes
8 Jonathan Saidel, City Controller for the City of
9 Philadelphia. We ask him to give us just a brief
10 overview of his statement.

11 MR. JONATHAN A. SAIDEL: It is my
12 pleasure to be here before you, Mr. President.

13 Again, Jonathan Saidel, City
14 Controller of Philadelphia.

15 And since we are all talking about
16 our past in some form or another, I should inform
17 you, Mr. President, that when I was in high school,
18 my guidance counselor told my family and myself that
19 not only should I not take the academic course, not
20 only will I not go to college, but they were
21 confident that I wouldn't graduate high school.

22 Now, I don't know what the comments
23 of you and I and Councilman Mariano are to the
24 future of Philadelphia, but it certainly shows that
25 you can overcome anyone who stands in your way if

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2 you have force and determination and a good family.

3 PRESIDENT STREET: Thank you.

4 MR. SAIDEL: Rather than read my
5 statement, which has been supplied to your office,
6 let me just make mention a few brief comments.

7 And that is that we are asking in FY
8 '99 for \$6.7 million, which is a 3.2 percent
9 increase over the FY 1998 and only 4 percent
10 increase over 1997.

11 The majority of that 3.2 percent
12 increase has to do with a mandatory wage increases
13 based upon the union agreement and Civil Service
14 agreements.

15 And the only additional money that we
16 have been asked for, which has been approved by the
17 Rendell Administration, is an additional \$30,000 for
18 the purchase of new technology, which is the
19 purchase of new computers.

20 Beyond that, everything is exactly
21 the same as it was the year before. And we pledge,
22 as we have previously, to live within the borders of
23 our budget.

24 PRESIDENT STREET: Thank you very
25 much Chair recognizes Councilman DiCicco.

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2 COUNCILMAN DiCICCO: Thank you,
3 Mr. President.

4 Good morning, Mr. Controller, my
5 former boss. I won't tell you what he thought I
6 would amount to after I left his office.

7 MR. SAIDEL: I am certainly
8 surprised.

9 COUNCILMAN DiCICCO: Mr. Saidel, your
10 office is called upon from time to time to
11 investigate issues concerning residency.

12 Could you give me an approximate
13 number of cases that you investigate a year? And
14 what is the success rate -- success rate meaning do
15 you find that many of the people who have been
16 turned into your office as not being Philadelphia
17 residents, but being Philadelphia city employees,
18 what is your finding?

19 MR. SAIDEL: Usually it averages
20 around 50 full-time investigations, of which,
21 overwhelmingly a matter of that 50 we find do not
22 live in the City of Philadelphia, and, therefore,
23 violate the residency requirement.

24 Many of the calls we get and
25 referrals from the Inspector General's Office, the

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2 ones we begin an investigation, we usually bring the
3 employee in, and they make an admission that they
4 don't live in the City of Philadelphia, and then
5 their employment is terminated.

6 We have, for the last couple of
7 years, made a priority out of investigating through
8 Risk Management disability cases.

9 And, as you know, with five employees
10 doing disability cases and the residency
11 requirements, it is difficult to move them around.

12 Because of the fact in residency we
13 need a tremendous amount of surveillance -- it takes
14 almost a month and a half of surveillance at the
15 home where the person is actually living outside the
16 City of Philadelphia -- to prepare a case and move
17 forward to terminate that employee.

18 COUNCILMAN DiCICCO: About a week or
19 two ago a resolution was passed in Council calling
20 for hearings concerning residency, and the heads of
21 various departments will be brought in.

22 I think we left your department off,
23 but nothing personal, nothing intended. So can we
24 call upon you, if need be, during the time of those
25 hearings to lend your expertise to the issues

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2 concerning residency?

3 And it was suggested by me last week
4 to the Civil Service Commission that maybe one way
5 we could begin to identify some of the problems with
6 residency is to get an update on the personnel
7 records by each of the city employees.

8 As some people will, on a yearly
9 basis, change beneficiaries, and et cetera, maybe
10 the Civil Service Commission could include a form on
11 a yearly basis to get the city employees to do a
12 background, a personal history or a personal record,
13 on their residency, et cetera.

14 Is there anything that you can do --
15 and if you don't have the answer now, maybe you
16 might want to think about it -- to help us in that
17 area?

18 MR. SAIDEL: Certainly. I think the
19 other additional thing that can be done is that on a
20 yearly basis, you can ask people to sign a statement
21 as to what their current domicile is and where their
22 residency is for the purposes of City of
23 Philadelphia City Charter, and then hold them
24 accountable as to what they sign as a statement.

25 But my office is ready, willing, and

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2 able to work with you, Councilman, in any way that
3 you need to move forward on your resolution and your
4 hearings.

5 COUNCILMAN DiCICCO: I appreciate
6 that.

7 And the only other thing I had added
8 to the Civil Service Commission request was that
9 maybe, in addition to the employee documenting on a
10 form that this is their address, or his or her
11 address, that maybe we could ask for proof in the
12 form of either a copy of the Deed, if they claim to
13 own their home, or a copy of a Lease Agreement
14 between themselves and the landlord where they may
15 be renting.

16 MR. SAIDEL: I think that certainly
17 is something that we think is an appropriate way of
18 doing things.

19 We also, as you know, look at
20 driver's licenses and life insurance policies and
21 where children go to school that are dependent
22 children living in their household. So there is a
23 variety of things that can be done.

24 And, again, my office is there for
25 you in your mission, and will be there at the

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2 hearings.

3 COUNCILMAN DiCICCO: Thank you.

4 Thank you very much, Mr. President.

5 PRESIDENT STREET: I am told that the
6 Controller's Office can be very aggressive and
7 follow them around and chase them. They can be very
8 aggressive. And I, for one support, all of that.

9 I mean, I think we should be fair.
10 We should respect people's constitutional rights.
11 But if you are working in the city and you have some
12 fake address, and if you are messing around and
13 getting on some train some place, hidden out some
14 place, find them. It is okay. It's all right.

15 Because I know people you have found
16 in the past. You all caught Ericson. You caught
17 Tom Ericson, and he is a person who does work for
18 City Council.

19 I mean, you know, this is the fair
20 thing to do. If you work in the City of
21 Philadelphia, you are on our payroll and you are
22 supposed to live here, then live here.

23 And if you don't, and if you get
24 caught, then that's just too bad.

25 And, you know, there are so many

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2 parts of this residency problem that we can't
3 control. I mean, some of these quasi-agencies and
4 all, they do all of these things, and we don't have
5 control over all of it.

6 But it is a major concern of this
7 Council. And I was saying to Mr. Certo sitting here
8 that I was just so pleased to have Councilman
9 DiCicco here on this Council now, because I now
10 don't have to be one of the people who raises it.

11 He raises it every time. And I
12 appreciate it. He raise it is every single time,
13 because it is something that needs to be raised.

14 Because it shows a certain commitment
15 to the city when you are willing to live here and
16 send your children to school here and do all the
17 kinds of things we think you can do.

18 The other thing -- and this gets so
19 near and dear to me -- there are neighborhoods in
20 this city that are good neighborhoods for people who
21 make \$40,000 a year, \$30,000 a year, right on up to
22 people who make lots and lots and lots of money, the
23 kind of money that most of us in this room will
24 never have seen or heard of.

25 I mean, there are neighborhoods in

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2 Chestnut Hill and way out in Mt. Airy and all where
3 if somebody kicked you out of a car and took a
4 blindfold off of you, you would think that you were
5 deep in the suburbs some place.

6 So there are places for people to
7 live of all incomes. And there just doesn't seem to
8 be any excuse for people not to be able to find a
9 decent place to live, a place that's consistent with
10 their means.

11 And we encourage you to be aggressive
12 in that whole area.

13 COUNCILMAN DiCICCO: Mr. President,
14 on that same matter, your office, and I am sure all
15 of our colleagues in here, we receive requests
16 probably on a daily basis from Philadelphia
17 residents for jobs.

18 And these are people who by no
19 obligation, they are under no obligation to stay
20 here, but they choose to stay in Philadelphia
21 because this is the city they want it to live in and
22 with with their friends and relatives.

23 And I am sometimes very frustrated
24 because I am not able to assist them in finding
25 jobs.

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2 And then you have the other people
3 who are in the private industry sector. And over
4 the years, with downsizing of banks and the medical
5 institutions who have decided to stay here while
6 they were working for one of those banks and those
7 medical facilities, they could have lived somewhere
8 else.

9 But now they find themselves out of a
10 job because of downsizing, or whatever have you, and
11 they still are in the City of Philadelphia, and
12 would like to stay here. And I think we have an
13 obligation to them.

14 And if people who want to get a job
15 and be on the city payroll think that they are slick
16 and they are smart, and they are just going to take
17 the money and run, and go out to Montgomery County
18 or Delaware County, sit in their restaurants on a
19 Friday and Saturday night, not pay the 10 percent
20 liquor tax that we have to impose on our residents,
21 then I suggest that they go and find a job in those
22 counties, it is as simple as that, and give the
23 people jobs in this city who have made the
24 commitment to stay here.

25 Especially for those people who could

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2 move. If they wanted to, they could move, but they
3 would rather be here. And our obligation, I think,
4 is to them.

5 And thank you for your help.

6 MR. SAIDEL: My pleasure,
7 Councilman. Thank you.

8 COUNCILMAN DiCICCO: You have to
9 speak to the President if you want to follow me.

10 PRESIDENT STREET: The Chair
11 recognizes Councilman Rizzo for a followup to
12 Councilman DiCicco, which was a followup to me,
13 which was a followup to him. Let's keep this record
14 straight.

15 COUNCILMAN RIZZO: I would assume
16 that if a person is using a bad address, let's use
17 the scenario that they live with their mom and dad,
18 they get married, they move to the suburbs, and they
19 continue to show their employment address as
20 Philadelphia, I assume they are breaking some other
21 laws, too.

22 I assume if they work for the city,
23 they may vote here. So that would be a violation, I
24 would assume, of the law. They have their driver's
25 license registered here. I would assume that they

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2 wouldn't be that stupid to show that they live in
3 Philadelphia, and then have their driver's license
4 at wherever they truly live.

5 We ought to try to figure out all the
6 laws that they are violating, and get the word out,
7 if they are caught, that voter fraud and a violation
8 of the Pennsylvania Department of Transportation,
9 there must be a laundry list of laws that a person
10 that is doing that, other than the number one is the
11 fact that you have to live in the City of
12 Philadelphia to work for it, but I think if they
13 realized how many things that they were doing wrong,
14 besides that number one big issue, might frighten
15 them back into town.

16 MR. SAIDEL: What we have found,
17 Councilman Rizzo, is that one lie begets another lie
18 to cover up another lie.

19 And when we do our investigations
20 into residency, we look at voting records, we look
21 at insurance, we look at driver's licenses.

22 And with that, when it has reached a
23 level where the lie begins to violate criminal
24 statutes, those cases are referred to the District
25 Attorney's Office.

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2 COUNCILMAN RIZZO: Thank you. Thank
3 you, Mr. President.

4 PRESIDENT STREET: Thank you very
5 much.

6 The Chair recognizes Councilman
7 Mariano.

8 COUNCILMAN MARIANO: Thank you,
9 Mr. President.
10 Mr. Controller, Mr. Saidel. Weren't
11 you the son of that great Izzie Saidel? You don't
12 have to answer that.

13 Jonathan, the gas that the city gets,
14 I read in the paper -- and I think I might have
15 talked to you one time, and you had some people
16 investigating -- the stealing of gas by city
17 employees, and maybe some noncity employees, filling
18 up their personal cars.

19 And I know you had a lot to do with
20 this magnet that's in most of the police cars and
21 the city vehicles now, this Fumes program.

22 Are you still doing that? Can you
23 tell me what happened there? I don't want you to
24 tell me whether you are still investigating.

25 MR. SAIDEL: Yes, I can't respond as

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2 to whether there is a current investigation.

3 But we did, as you know, we did
4 surveillance at the different gas outlets, and
5 actually sent teams of individuals in, using their
6 own personal cars, in which, in front of city
7 employees, were filling up their tanks and driving
8 away unencumbered, and with no questions asked.

9 And the response by the
10 Administration was appropriate, which is the placing
11 of this special nozzle on the gas nozzle, and also
12 the special nozzle within the tank of our new
13 vehicles, so that the gas can't be moved from the
14 tank into a regular car, but only into a tick city
15 car.

16 I can't comment whether we continue
17 to look into that. But I think that that was an
18 appropriate response and a quick response by the
19 Administration.

20 COUNCILMAN MARIANO: It made it
21 easier. Before you used to have to get a card, and
22 wait there, and put the card through the thing.

23 Now if you have that magnet in your
24 car, it is really fast. You are in and out in ten
25 minutes, where sometimes it took 20, 25 minutes just

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2 to get the card to work.

3 MR. SAIDEL: That was a good
4 byproduct of an appropriate investigation.

5 COUNCILMAN MARIANO: I appreciate
6 that. Thank you.

7 MR. SAIDEL: My pleasure, sir.

8 COUNCILMAN MARIANO: No further
9 questions, Mr. President.

10 PRESIDENT STREET: Thank you very
11 much.

12 The Chair recognizes Councilman
13 Cohen.

14 COUNCILMAN COHEN: Thank you,
15 Mr. President.

16 First I wanted to congratulate the
17 Controller and his Deputy for their vote on the
18 Pension Board, which I don't know how it was
19 recorded as a unanimous vote, but it is my guess
20 that it was really a five to four vote, since four
21 of the members of the Board are appointed by the
22 Mayor, and they must have been in line with his view
23 of support for the CoreStates merger.

24 But we thank you. I know the labor
25 representatives thank you. But I think all of

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2 Philadelphia should thank you for that vote.

3 It may, in a sense, be symbolic.

4 Obviously the shareholders, most of the
5 shareholders, 90 percent of them, were voting their
6 own personal interests. Maybe they have no
7 responsibility for the welfare of Philadelphia as a
8 city or Philadelphians as citizens.

9 But I think your vote was one that
10 showed real concern and support for the people of
11 Philadelphia. Thank you very much for that.

12 MR. SAIDEL: Thank you, sir.

13 COUNCILMAN COHEN: Secondly,
14 Councilman DiCicco introduced a resolution -- and I
15 think it is going to have public hearings -- on the
16 residency matter.

17 And I wonder if by that time you
18 could put together, maybe it is updating a previous
19 report, I don't know whether you had one or not, on
20 what you estimate the yield to Philadelphia would be
21 if all of the non-residents really lived in
22 Philadelphia.

23 You know, counting in the indirect,
24 as well as the direct sources of additional income
25 that we would get in Philadelphia, if there were

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2 total adherence to this residence rule.

3 MR. SAIDEL: We did an analysis of
4 the residency situation for the Civil Service
5 Commission two months ago.

6 And as I had mentioned to Councilman
7 DiCicco, we will work with his committee to move
8 forward in any way that we can be helpful.

9 And I will certainly be in
10 communication with you as to any tick information
11 that you need, so that you are well informed when
12 those hearings begin.

13 And my office will be a
14 representative here during those hearings to act as
15 an expert in that tick field. So you may rely upon
16 the good offices of the Controller's Office.

17 COUNCILMAN COHEN: All right. Thank
18 you very much.

19 MR. SAIDEL: Thank you.

20 PRESIDENT STREET: Thank you very
21 much.

22 Any other questions?

23 Thank you for coming.

24 MR. SAIDEL: Thank you very much.

25 PRESIDENT STREET: I appreciate it.

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2 Oh, I am sorry. Councilman Nutter.

3 MR. SAIDEL: I almost got away.

4 COUNCILMAN NUTTER: Actually, I
5 wanted to, we have, you and I, or actually more
6 myself and your deputy, Mr. Volpe, have had an
7 ongoing discussion which at some points has
8 escalated into a debate, if not an argument.

9 And I wanted to finally be able to
10 commend both him, and then through him yourself, for
11 the resulting efforts on our ability to fund street
12 tree maintenance here in Philadelphia.

13 We had about a four or five year
14 pretty serious back and forth on that. And it was
15 certainly partially through the efforts of your
16 office by way of reviewing documents, and then some
17 of the discussions between David and myself, which
18 ultimately resulted in a different direction when we
19 finally came to some agreement on how we can do it.

20 So I want to commend you on the one
21 hand. I look forward to finding some other issue to
22 fight with you about in the future. And maybe we
23 will have just as good a result going forward.

24 Thank you very, very much. I
25 appreciate it.

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2 MR. SAIDEL: Thank you.

3 And I also want to thank you,
4 Councilman. It is one thing to appropriate
5 funding. It is another thing to see that funding in
6 action on the streets of Philadelphia.

7 And I appreciate your concern and
8 your continuous concern over these years so we can
9 make our capital projects work quickly for the
10 benefit of the people of Philadelphia.

11 Thank you for that.

12 COUNCILMAN NUTTER: Thank you, Mr.
13 President.

14 PRESIDENT STREET: Thank you very
15 much.

16 Good morning.

17 MS. ELLEN T. GREENLEE: Good
18 morning. I am Ellen Greenlee, echoing throughout
19 the chamber, Chief Defender of the Defender
20 Association of Philadelphia.

21 On my right, next to me is Charles
22 Cunningham, First Assistant Defender. Besides him
23 is Byron Kotter, who is Chief of our Probation and
24 Parole Unit. And on my left is Selim Tawadros, who
25 is our Controller.

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2 It is my pleasure to be here again
3 before you to present a brief praecipe on the work
4 of the Association and to ask for your support for
5 our appropriation request.

6 As you are aware, the Defender
7 Association has contracted with the City of
8 Philadelphia for almost 30 years to provide legal
9 representation in adult and juvenile criminal
10 matters, to represent in mental health matters both
11 civil and criminal, and to provide representation as
12 child advocates for dependent and neglected
13 children.

14 In terms of our requested
15 appropriation this year, just a moment of brief
16 background.

17 The figures are somewhat up in the
18 air this year, in terms of our discussions with the
19 Budget Director and his staff, due to the fact that
20 an audit ordered by the City Controller, which began
21 in April 1996, has not been completed.

22 And final budget figures are
23 dependent upon, to a certain extent, on what
24 savings, if any, may be realized from this audit
25 that the City Controller is working on.

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2 So the city has asked for us, for our
3 work, 22.8 million. And what we are asking is an
4 appropriation of 23,458,298.

5 This difference between the two
6 figures of 623,465 is the difference in the amount
7 of savings that the Budget Director feels they will
8 be able to achieve from the audit, which, as I
9 mentioned, has not been completed.

10 What our figure is, the 23,458,000,
11 is our present funding level of 22.8, plus the 3
12 percent increase in December 1998 and a small amount
13 for benefits that follows from that 3 percent
14 increase.

15 We do have a supplemental request
16 because we have not had finality on the audit. We
17 have not been able to discuss up to this point
18 additional staffing with the city's Budget Office.

19 We expect that we will need 12
20 additional attorneys, which will take us to 200; and
21 2 other staff positions, 1 in the information
22 services, and the second as an assistant to the
23 Controller. Which I can assure you the Budget
24 Director heartily is in favor of.

25 Mr. Tawadros is clearly in need of a

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2 distance, bearing the full brunt of doing all of the
3 financial information and reporting that we do for
4 the city.

5 During 1997, we had an 11 percent
6 increase in new appointments, which is a big jump
7 for us, because it has been pretty static up to that
8 point.

9 And in terms of our workload, which
10 is the units of work that we do, court appearances,
11 interviews, investigations, and social service
12 interventions, we have had an increase of 5
13 percent.

14 In areas of court appointments, we
15 handled 23,000 felony appointments. In juvenile, we
16 have reached a level of 6,000 court appointments.
17 And in Municipal Court, 11,000 appointments. These
18 numbers are going up.

19 What they mean really in terms of the
20 impact on our work is that the court lists in the
21 courtrooms are growing on a daily basis, and it is
22 becoming difficult, if not impossible, in some
23 courtrooms, municipal courtrooms, juvenile
24 courtrooms, and preliminary hearings, for us to have
25 one attorney there representing all the cases

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2 there.

3 And we are finding that we are going
4 to need additional staff so that we may have two
5 people, where necessary, to handle the cases.

6 In the Municipal Court, we had
7 reached the level in the last few months of 4,000
8 trial listings a month, which is the first time we
9 have reached such an astronomical level.

10 What I included in my testimony was,
11 just briefly, some of the work of units that are not
12 necessarily the trial units, but units that
13 contribute so much to the work that Defender
14 Association is able to do, including Mr. Kotter's
15 unit, Probation, which has been an enormous player
16 in the whole prison overpopulation situation, in
17 terms of trying to keep that number down and trying
18 to find alternatives for clients instead of
19 incarceration.

20 In probation, our attorneys handle
21 600 violation hearings a week, which is an
22 incredible number.

23 During the month, he processes 150
24 early parole petitions which have an 80 percent
25 success rate, which is really quite high.

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2 And at the preliminary hearing level,
3 his unit is reviewing 500 cases to see if there are
4 alternative programs that we can find for our
5 clients.

6 Mr. Kotter's unit has been involved
7 also in working with the Health Department in
8 setting up 28 new inpatient and outpatient
9 programs.

10 In our Adult Social Service Unit,
11 Adult Social Service plays a critical role in terms
12 of the team effort that we have in representation
13 with the attorney and social worker.

14 We depend on our Adult Social Service
15 Unit for diagnosis and recommendations, in almost
16 all cases, to find placement and services for our
17 clients, and to present testimony and to advocate
18 for our clients in court.

19 It is a small unit, but they are a
20 tremendous adjunct to the work of criminal defense.

21 PRESIDENT STREET: We will calculate
22 the cost of that cup.

23 MS. GREENLEE: I also mention the
24 work of our Investigations Unit. We have 37
25 investigators, all but three of whom are former

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2 police detectives, who work and handle the cases
3 that need investigation.

4 They are handling an average of 430
5 investigations a year, plus an additional 80
6 supplemental investigations that come in, which is a
7 very, very high caseload.

8 I mention also our Appeals Unit. Our
9 Appeals Unit is a unit of 15 attorneys, for the most
10 part quite experienced attorneys, who work primarily
11 as support for the trial staff, and that's how they
12 do their function.

13 Of course, they always also have to
14 screen cases for appeal, communicate with our
15 clients, and decide with the client whether it is in
16 the client's interest for us to file an appeal.

17 They participate in legislative and
18 in the rule-making process and engage in special
19 projects, such as the police corruption that
20 Assistant Defender Brad Bridge has been involved
21 in.

22 We have just four additional pieces
23 of paper for Council. And I know you have more
24 paper that you needed today.

25 The supplemental request we forgot to

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2 include, which is in the area of some \$600,000 for
3 additional staff we have.

4 I have information on our staffing in
5 terms of diversity. I have information on residency
6 and information on salary comparisons with the
7 District Attorney.

8 Which reminds me. In terms of what
9 is yet to be discussed with the Budget Director, not
10 only are we discussing additional staffing, but we
11 are discussing the issue of salary equality. So
12 that is kind of on a separate track right now.

13 Those are some of the services, just
14 some of kind of the peripheral services that the
15 Association provides in terms of representation of
16 low-income and poor people in Philadelphia.

17 I thank you for your attention. I
18 thank you for your continuing support of our work.
19 And I certainly would be happy to answer any
20 questions.

21 PRESIDENT STREET: When you do the
22 salary disparity information, I would like for you
23 to consider including some of the people who work in
24 the City Solicitor's Office.

25 It just seems to me that, you know,

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2 there are lawyers in all of these offices, and maybe
3 what we ought to consider doing is trying to develop
4 some kind of parity of scale that puts people in a
5 position where they get, in some measure,
6 compensated for, you know, their time and experience
7 and expertise, no matter which one of these offices
8 that they are in.

9 I have long been interested in this,
10 and believe that this is a part of our
11 responsibility. And we need to make sure that we
12 are doing the right thing by these various offices.

13 So if you could include that
14 information, it would be helpful.

15 MS. GREENLEE: We certainly will.

16 PRESIDENT STREET: And I also need
17 you to make sure to Mr. Certo here and/or
18 Mr. McPherson are involved with you as you work with
19 the city --

20 MS. GREENLEE: Fine.

21 PRESIDENT STREET: -- in trying to
22 come up with whatever final numbers you wish to have
23 included in the budget.

24 This is a little bit of a process we
25 go through all the time. But I want to make sure

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2 that our people are involved in that discussion.

3 MS. GREENLEE: Certainly. I would be
4 happy to do that. Thank you.

5 PRESIDENT STREET: We thank you for
6 the good job that you do.

7 MS. GREENLEE: Thank you.

8 PRESIDENT STREET: The Chair
9 recognizes Councilwoman Fernandez.

10 COUNCILWOMAN FERNANDEZ: Thank you,
11 Mr. President.

12 I just want to thank you for all the
13 good work you do. And as you note in your
14 testimony, a lot of the additional work you do, in
15 addition to representing defendants in the court
16 system, to try to get people diverted or into
17 alternatives, again, is an important way to save
18 money.

19 It is very expensive to incarcerate
20 someone if there is a safe and secure alternative.

21 I must admit, Mr. President, I have
22 difficulty, I think it is very difficult, to
23 consider a budget when the negotiations are still
24 going on with the Administration.

25 And I find it sort of

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2 incomprehensible that an audit would start in '96
3 and still not be done.

4 So I just wanted the record to
5 reflect that it is a little incomprehensible. I am
6 sorry the Controller has left, because it makes it
7 very difficult either for us to seriously consider
8 this budget, when the discussions with the
9 Administration are still ongoing.

10 So I find it very frustrating.

11 PRESIDENT STREET: Well,
12 Councilwoman, it does seem to be a little bit
13 unusual.

14 But I guess this is really one of the
15 benefits of having an accelerated budget process,
16 because we really do have some time. And it has not
17 been unusual for us during the course of a given
18 fiscal year to make whatever adjustments.

19 As Ms. Greenlee knows, we almost
20 always make these adjustments during the course of
21 the year. We adopt these budgets, and often she
22 comes and she says, this is what we have to do.

23 We have our discussions, and as the
24 need arises, and sometimes -- there is no reason to
25 believe it will not arise -- but, I mean, this is

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2 just a part of the process.

3 So we will always make sure that the
4 defender is reasonably funded. And if we don't get
5 to do it during the course of these hearings, then
6 we often end up supplementing the budget a little
7 later on during the year --

8 MS. GREENLEE: Yes.

9 PRESIDENT STREET: -- as these things
10 develop. So I think she is comfortable that we are
11 going to always make sure we do the right thing.

12 But I am very interested in the
13 staffing stuff. Because you need good
14 professionals. And in order to be able to manage
15 and to operate efficiently, you have to be able to
16 pay people.

17 MS. GREENLEE: Yes.

18 PRESIDENT STREET: And it is unfair
19 to have people doing similar work, and in many
20 instances in this case actually sitting across the
21 table from each other, who are getting this
22 disparity in pay.

23 COUNCILWOMAN FERNANDEZ: I would
24 agree. I think this salary inequity issue really
25 needs to be addressed. I think it has come up the

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2 last two years, though. And as far as I know,
3 nothing has really happened.

4 MS. GREENLEE: Well, we have had
5 discussions. We have had discussions with not only
6 the Budget Director and his staff, but the Chief of
7 Staff, Deputy Chief of Staff, John Estee.

8 And, actually, he told the Chairman
9 of our Board a few days ago that they expect to have
10 a proposal within two or three weeks.

11 So it is moving along. And the city
12 has been quite cooperative in terms of sitting down
13 and talking about it.

14 PRESIDENT STREET: The Chair
15 recognizes Councilman DiCicco.

16 COUNCILMAN DiCICCO: Thank you
17 Mr. President. Good morning.

18 Last year we had some discussion on
19 the residency issue. And I understand a lot more
20 this year than I did last year, that because you are
21 contracted by the city, that your employees are not
22 subject to the same residency requirements that a
23 city employee would be required.

24 MS. GREENLEE: That's right.

25 PRESIDENT STREET: Under the

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2 Charter.

3 COUNCILMAN DiCICCO: Under the
4 Charter.

5 MS. GREENLEE: Right.

6 COUNCILMAN DiCICCO: Just as a matter
7 of suggestion -- and I am not sure what the policy
8 is -- when you interview individuals for a position,
9 I would just like to offer this as a suggestion, if
10 you have two people who come in to apply for a tick
11 position, one is a Philadelphia resident and the
12 other is a non-Philadelphia resident, all things
13 being equal on their application, both of them are
14 identically qualified, could you have a policy,
15 could you implement a policy, that it is
16 Philadelphians first, all things being equal?

17 I am not asking --

18 MS. GREENLEE: If in fact all things
19 are equal, I would think certainly. But that's very
20 seldom the case, that all things are equal.

21 A lot of the people who come,
22 certainly for attorney jobs, most of them come from
23 the city and already live in the city.

24 Those who come from outside of the
25 city, we encourage to live in the city. Because

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2 really it is part of their getting to know the city
3 and getting to know the people of Philadelphia.

4 Right now, of our staff, 70 percent
5 of our staff live in Philadelphia, which I think is
6 a very high percentage of people who don't have to,
7 who choose to live in Philadelphia.

8 COUNCILMAN DiCICCO: And I appreciate
9 that. And I think that is good.

10 But, I mean, give me a position other
11 than an attorney, just s an example, that someone
12 would apply for.

13 MS. GREENLEE: Well, I haven't
14 actually considered that as a qualifier or
15 disqualifier.

16 When people come, of the staff who
17 are our support staff, 84 percent live in
18 Philadelphia. And, for the most people part, people
19 who get hired then move into the city.

20 I think we probably look more
21 favorably on people who live in Philadelphia because
22 they know the city, they know the people who are our
23 clients.

24 COUNCILMAN DiCICCO: And that's
25 really what I am asking.

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2 MS. GREENLEE: We are trying subtly
3 to encourage everyone to live in the city. And I
4 think it has certainly increased a little bit since
5 we talked about it last year.

6 COUNCILMAN DiCICCO: That's good
7 news. Thank you.

8 Thank you, Mr. President.

9 PRESIDENT STREET: Thank you very
10 much. The Chair recognizes Councilman Rizzo.

11 COUNCILMAN RIZZO: Just here thinking
12 out loud. And if you don't have a residency
13 requirement, and you would knock someone out that
14 had applied for a position that lives outside the
15 city, wouldn't you be treating them improperly, if
16 you don't have a residency requirement?

17 MS. GREENLEE: I would think so,
18 yes.

19 COUNCILMAN RIZZO: So it is not
20 appropriate?

21 MS. GREENLEE: From a strictly legal
22 view, yes.

23 COUNCILMAN RIZZO: To make a
24 decision, giving anyone the benefit of the doubt
25 because they live in the city, I think you would

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2 committing an injustice on the person living outside
3 the city, if you don't have a residency
4 requirement.

5 So maybe you need to move towards a
6 residency requirement before you start rejecting
7 people because they don't live in the city.

8 MS. GREENLEE: Well, I think our
9 Board of Directors actually talked about it,
10 Councilman, at our meeting in January, about the
11 residency issue.

12 And it seems to us that if we are to
13 move in that direction, and if the city wants us to
14 move in that direction, then there are a couple of
15 areas that need to be considered, like salary
16 equality with city employees and participation in
17 the city's pension plan, because we don't have a
18 pension plan.

19 Certainly those are two items that I
20 would be happy to discuss with the city, if they
21 think it is important that we have all our employees
22 be city residents.

23 COUNCILMAN RIZZO: Just a point that
24 I wanted to make. Thank you.

25 Thank you, Mr. President.

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2 PRESIDENT STREET: The other thing
3 is -- and I offer this as another perspective on the
4 city residency issue -- does your application for
5 employment call for people to identify their current
6 residence?

7 MS. GREENLEE: Yes. Yes, it does.

8 PRESIDENT STREET: So we know whether
9 or not they are currently a resident or not?

10 MS. GREENLEE: Yes.

11 PRESIDENT STREET: It seems to me
12 that given the nature of the clientele, you would be
13 entitled to consider as a factor their ability to
14 get to work, their familiarity with the clients that
15 they are likely to have to encounter and have to
16 represent.

17 MS. GREENLEE: Yes.

18 PRESIDENT STREET: It seems to me
19 that where they live would be almost as legitimate a
20 factor to consider as maybe what language they
21 speak, or what languages they speak. I mean, there
22 are a number of things that go into making a
23 determination.

24 So that I think in the end, you take
25 all of these things into account, and you say, well,

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2 these people are all properly trained, and they all
3 have the appropriate background, but here is a
4 person who lives in the city and is likely to have
5 client contact, and, therefore, might be a little
6 bit more inclined to be able to communicate in a
7 tick way.

8 I mean, the attorney-client
9 relationship is a very special kind of
10 relationship. And nobody knows that better than you
11 know that.

12 And sometimes you really need to be
13 able to identify people who can relate to clients in
14 order to be able to talk with them to get them to
15 even be able to represent them in an effective way.

16 So I think where they live might be a
17 valid factor, among a lot of other factors, to
18 consider.

19 MS. GREENLEE: Those are absolutely
20 things that you think about in terms of being able
21 to relate to our client population.

22 The other thing is that I don't
23 really want attorneys to have to travel an hour to
24 get to work. Because we need them there early, we
25 need them there when the weather is bad.

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2 And I really discourage, as much as
3 one can do that in a legal sense, anybody living
4 very far from where this office is, so that they are
5 available to us, especially among the professional
6 staff.

7 PRESIDENT STREET: Thank you very
8 much.

9 The Chair recognizes Councilman
10 Cohen.

11 COUNCILMAN COHEN: Mrs. Greenlee,
12 unaccustomed as I am to vagueness, I would like to
13 assert -- and then if any of my colleagues disagree
14 or anyone else in the city disagrees -- I think it
15 is clear that the city would like the Public
16 Defender Association and every other agency that we
17 can influence in any way to have a strict residency
18 policy, just like the city's.

19 If it means talking about pensions,
20 sure. We don't want anybody to be hurt as a result
21 of coming into the city and be deprived of rights
22 that regular city employees have.

23 And if it is legal to do so -- and
24 that's the only justification I can find for not
25 doing so, is if for some reason we are found not to

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2 be lawful, and I can't think; I think the
3 President's position was well stated on that
4 matter -- if there is something happening at Broad
5 and Berks or Broad and Olney or Broad and
6 Cheltenham, it is certainly helpful to have people
7 who have grown up in any of these areas, you know,
8 who don't have to study geography before they meet
9 with the client to understand, you know, where the
10 crime took place that they are interested in
11 defending the person.

12 So we would like to see it move
13 forward. And along that way, if there are any
14 questions, I think the City Council would want to be
15 interested and would want to try to help you find
16 answers, you know, to deal with any questions that
17 might arise.

18 So the answer to your question, you
19 indicated before, you said, if the city really wants
20 us, you know, to follow residency requirement. I
21 want to make it very clear, I believe the answer is
22 absolutely yes, with an exclamation point.

23 Am I right, Councilman DiCicco,
24 that's your point of view? And we have all given
25 support to the leadership that Councilman DiCicco

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2 has shown in this matter.

3 We think it is important that people
4 identify every way with Philadelphia, and we think
5 they will be the better attorneys for that.

6 MS. GREENLEE: I agree. Absolutely.
7 I think it is absolutely critical that people who
8 work in the city live in the city. Because we need
9 to support the city, all of us.

10 COUNCILMAN COHEN: I think that's
11 very important.

12 Thank you.

13 PRESIDENT STREET: Thank you very
14 much.

15 Any other questions?

16 Thank you.

17 MS. GREENLEE: Thank you,
18 Mr. President and members of Council.

19 PRESIDENT STREET: We are going to
20 take about a two-minute recess while the District
21 Attorney gets set up.

22 (Short recess.)

23 PRESIDENT STREET: Thank you very
24 much.

25 This is a recessed hearing of the

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2 Council Committee of the Whole. At this time we
3 would like to welcome the District Attorney, Lynne
4 Abraham, to the chambers, and ask her to give us a
5 summary of her statement and prepare for questions.

6 DISTRICT ATTORNEY LYNNE M. ABRAHAM:

7 I thank the Council President for giving me the time
8 to set up the board that I have set up behind me.

9 And what I have already done is
10 submitted to Council copies of my budget request,
11 and for supplemental funding to cover a variety of
12 programs somewhat over \$3 million.

13 And in addition to that, I have asked
14 Council to supplement the Victim Witness Programs
15 with an additional substantial grant.

16 Our Victim Witness Services
17 organizations are probably one of the most important
18 adjuncts that a District Attorney's Office can
19 have. And our Victim Services Director, Marcia
20 Thomas Bane, and the people with whom she works have
21 done an outstanding job.

22 My budget request covers a variety of
23 topics. And I don't want to neglect any of one of
24 them. But I know in the interest of time I have
25 going to concentrate on just a few, with the help of

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2 some charts that I have brought with me.

3 I don't want to, however, leave out
4 some of the important things that I wish to make
5 plain to the Council that I am asking for additional
6 funding for.

7 Our Family Violence and Sexual
8 Assault Abuse Unit is probably a national model. It
9 covers not only violence in the family of domestic
10 violence, but all sexual assaults and all elder
11 abuse.

12 It is a national model because it is
13 a very large organization designed to cover all
14 kinds of activities that go on in and around the
15 home. And that frequently is inter-generational,
16 and most often it covers at least two generations
17 and quite often three.

18 There are additional requests for
19 witness protection, for gun trafficking which ties
20 in very effectively with the two programs I am going
21 to speak to you about specifically today, our
22 Truancy Intervention Program, a need to very quickly
23 supplement our budget with monies for cyber crime or
24 Internet crime, which is fast becoming the major
25 player in crimes not involving weapons or violence,

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2 and a host of other initiatives.

3 I am going to use the board, if I
4 may, for a moment, just to illustrate two of the
5 programs I am going to talk about in some detail
6 today, the L.I.N.E Unit and the Public Nuisance Task
7 Force.

8 And if this microphone comes out, I
9 will use it.

10 If somebody can give me a hand, I can
11 stand up. Thanks.

12 This map highlights the homicides in
13 Philadelphia, 1966 and 1967. And as Council can
14 see, even though the stars which denote a homicide
15 location are small, I believe you can see,
16 relatively speaking, where the majority of the
17 homicide crimes occur.

18 A considerable portion of which occur
19 in the East Division, in this purple box, plus a
20 substantial number west of Broad Street, North
21 Philadelphia, in West Philadelphia, in Mantua and
22 West Philadelphia, trickling down to Southwest
23 Philadelphia.

24 A significant number in South
25 Philadelphia, mostly west of Broad Street, plus in

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2 the 35th District and the 14th District up in
3 Germantown. So you have a significant number of
4 homicides in these areas.

5 This is important, because I believe
6 that in listening to Commissioner Designate Timoney
7 yesterday, he talked about violent crime,
8 gun-related crime, and drug crime. And I want to
9 suggest to City Council that we have something in
10 place that I think will work very handily.

11 First let me talk about, if I may, a
12 program that we have instituted in West Philadelphia
13 called L.I.N.E, the Local Intensive Narcotics
14 Effort.

15 In 1991, I my office applied for and
16 received a grant, a three-year grant, covering
17 L.I.N.E. This program, as a pilot project, started
18 in the 18th District.

19 It is a proactive community effort
20 which allies the District Attorney's Office with
21 community leaders; everything from a block captain,
22 a team leader, a church official, a citywide agency,
23 or even the local leaders in the community just in
24 that community alone.

25 We also work very carefully and

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2 closely with political leaders, as well, both state
3 and local.

4 This community-based prosecution
5 effort complements community policing. It includes
6 such things as mediation of disputes between
7 communities and criminal elements where that is
8 appropriate, but it also provides, most importantly,
9 vertical prosecution of all criminal cases, civil
10 asset forfeiture of the offending person, should a
11 crime have been proven or a criminal action been
12 pursued, eviction, and abatement.

13 The city cooperates with us, of
14 course. And all the city agencies are brought to
15 bear, including the Probation and Parole
16 Department.

17 There are regular up close and
18 personal meetings at the grass roots level between
19 police, neighbors, block captains, political figures
20 and the like. And this program has been extremely
21 effective.

22 Because in the 18th District, we have
23 had the cooperation of the Police Department, of
24 course City Council person Jannie Blackwell, and the
25 community leaders.

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2 As a result of our L.I.N.E. effort in
3 West Philadelphia, we have had people from around
4 the country come to visit us, looking to copy our
5 L.I.N.E. activity.

6 We have gone to Washington to train
7 people nationally on the L.I.N.E. effort.

8 The idea is to divide the district or
9 area into a zone, so that it is zone-based
10 prosecution. And we make sure that our district
11 attorneys are assigned to this L.I.N.E. area,
12 exclusively.

13 L.I.N.E. ADAs prosecute all drug and
14 drug-related offenses in that sector. The district
15 attorney has total knowledge of the community, who
16 lives where, the crime problems, the nature of the
17 crime problems, who some of the most visible bad
18 guys might be.

19 They know the vacant houses, the
20 stash houses, the smoke houses, the drug corners,
21 the drug houses, and the hot spots.

22 The district attorney's assistant is
23 specifically designated in this area to give limited
24 legal advice to area police officers and neighbors.

25 We also would try to advise people of

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2 what the law permits and what it doesn't permit, and
3 we properly respond to legal issues.

4 There is extensive intelligence
5 gathering, and we, of course, have a hotline.

6 In 1997 alone, 350 arrests occurred
7 within the L.I.N.E. area. Of that number, 147 of
8 which, almost 50 percent, were conducted by L.I.N.E.
9 district attorneys and police; that is, the police
10 made the arrest. We have also sealed 67
11 properties.

12 And the L.I.N.E. effort also lends
13 itself to any firearms investigation effort that I
14 have covered in my notes. And if you want to talk
15 to me about that, I can.

16 The other thing is the Public
17 Nuisance Task Force.

18 But before I get to the Public
19 Nuisance Task Force, which works with L.I.N.E., I
20 think it very important to say that this L.I.N.E.
21 concept has worked effectively in West
22 Philadelphia.

23 As a matter of fact, even though our
24 target area was the 18th District alone, it was so
25 successful that it branched out into six police

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2 sectors of the 19th District, above Market Street.

3 And, in addition, we started to work down into the
4 12th District, in West Philadelphia. So we started
5 to follow the drug and crime activity southward.

6 And now Captain Castro wants us to be
7 over into the 16th District, where we can help with
8 some problems in there. And that will also dovetail
9 with Partners In Progress.

10 We have been struggling because the
11 initial grant for this program, as I have advised
12 Council on previous occasions, was a three-year
13 grant. And that money has virtually -- that money
14 has run out. We are operating on a shoe string
15 budget with money that we have given, plus a few
16 very small grants.

17 We have seven lawyers, four
18 detectives that we supply; that is, that we pay
19 for. In addition to which, there are officers which
20 the Police Department provides that are specially
21 trained to do this.

22 We have been trying to excite various
23 citizens and Councilpeople about this concept,
24 because this can work citywide.

25 It can't work citywide, that is, in

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2 every police district in the city, because the
3 economic costs would be enormous.

4 However, if you are willing to give
5 us all the money that is needed for every police
6 district to have a L.I.N.E. effort, we would gladly
7 accept it.

8 What I have asked for, however, is a
9 \$1,500,000 to start a L.I.N.E. project in every
10 single councilmanic district. Each one, however,
11 will have to be tailor made to that councilmanic
12 district.

13 And we won't be able to cover every
14 police district with the initial \$1,500,000.

15 But I also have to make it clear, and
16 very painfully so, that if we are interested, which
17 I believe we are, in fighting drugs and guns and
18 crime related to drugs and guns, then the L.I.N.E.
19 effort is one of the ways to go. And it already has
20 a proven track record, it does work.

21 However, if it is not funded this
22 year, we cannot continue to carry it. Because it
23 puts too much resources in one geographical area,
24 And, in addition, it creates a problem with other
25 geographical areas who may want the same service,

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2 but we can't deliver it.

3 But the most important aspect of what
4 we are doing is, we have no money to fund this
5 program anymore, and we cannot any longer afford to
6 prefer one geographical area over the city.

7 And as I said in my prepared text, it
8 really would be a pity if we wouldn't have such an
9 effective program citywide.

10 The other program that I am going to
11 talk to you about is the Public Nuisance Task Force,
12 which is an important adjunct to L.I.N.E., but
13 operates in somewhat of a different fashion.

14 This map, as the audience can see --
15 and each member of the press and Council have been
16 given a smaller map -- of the Public Nuisance Task
17 Force, the PNTF is a citywide program. It, as with
18 L.I.N.E., began with a grant from the Pennsylvania
19 Commission on Crime and Delinquency.

20 This citywide effort covers, as you
21 can see, broad spectrums. But as you also can see,
22 it covers some of those areas previously covered in
23 the homicide map, in that the nuisances sometimes
24 overlap with the same areas that have crack and drug
25 houses and violent crime, but it is broader because

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2 it is based on citywide.

3 It covers such things as crack
4 houses, nuisance bars, weed stores, houses of
5 prostitution, stop-and-goes, nuisance corners, and
6 other areas that are a front for crimes or quality
7 of life crimes. And this is a quality of life
8 issue. Not that all crime isn't quality of life; it
9 is.

10 In Fiscal 1996, 1997, as the map will
11 indicate, 250 properties were sealed, closed -- that
12 is, put out of business -- or forfeited, 125 of
13 which are sealed by us.

14 We also work in this program with all
15 the city agencies, the Managing Director's Office
16 and all of the agencies with the Managing Director,
17 under the Managing Director's jurisdiction.

18 In addition to which these areas, as
19 the key indicates, the blue circle with a little dot
20 in the middle are combined agency efforts.

21 In other words, these are efforts
22 that we needed the LCE, Liquor Control Enforcement
23 arm, we worked with the Department of Licenses &
24 Inspections, the Health Department, the operating
25 agencies, of course the Police Department, to affect

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2 these properties.

3 In addition to that, since Fiscal
4 Year 1997 ended, on July 1, an additional 82
5 properties were sealed by us alone. And in that
6 same period of time, we also, citywide, attended an
7 additional 150 community meetings.

8 So this program, citywide, can
9 dovetail very nicely into L.I.N.E. L.I.N.E, once
10 expanded, handles the different kinds of crime,
11 generally speaking, but not always, than PNTF.

12 You don't have to have a
13 narcotics-based crime to get involved with PNTF. It
14 can be a smoke house, a weed store which may involve
15 narcotics, but it could be other kinds of quality of
16 life issues, loitering, underaged drinking,
17 rowdyism, a stop-and-go establishment that sells
18 liquor or beer to underaged drinkers.

19 It could be a house of prostitution.
20 It could be a house where liquor is sold, a
21 speakeasy, or some other kind of effort like that, a
22 nuisance bar or tap room.

23 So when you have the PNTF, the Public
24 Nuisance Task Force, when dovetailed with L.I.N.E.,
25 you have a perfect marriage of a citywide

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2 community-based effort.

3 It is my considered judgment, Council
4 President and members of Council, that rather than
5 concentrate efforts in the center of town, I prefer
6 to do preventive work, and that's much of what we
7 have been trying to do.

8 Of course we handle the prosecution
9 of the thousands and thousands of cases that occur
10 every year. But in addition to that, we are engaged
11 in a tremendous amount of crime prevention, the
12 prophylaxis.

13 So that if we are engaged in domestic
14 violence, yes, we deal with the person who is
15 injured, but we much prefer to prevent domestic
16 violence from occurring. That's where our Domestic
17 Violence, Family Violence, and Sexual Assault Unit
18 wants to go.

19 We had been hoping for a contract
20 with Public Housing to take a Public Housing area,
21 to educate and train and interact with women and
22 children and mothers, grandmothers, to prevent crime
23 from occurring. Same thing with L.I.N.E. and PNTF.

24 While some of this is crime
25 addressing, that is, the arrest and vertical

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2 prosecution of some of the drug dealers, what
3 L.I.N.E. deals with -- and this goes from the
4 hierarchial structure, the major gang leaders, the
5 big gangs that we have broken up, all the way down
6 to the street corner peddler -- L.I.N.E. works with
7 PNTF because it devolves City Hall, if you will, out
8 into the community.

9 It has specifically trained district
10 attorneys who are known to the community, and the
11 district attorney is that community's liaison. You
12 pick up the phone, and you call Stephane Latour, for
13 example, who is in Councilwoman Verna's District.

14 When she needs a problem with the
15 PNTF solved, she calls Stephane Latour. Somebody up
16 in Roxborough would call Pat King. Councilman
17 Nutter would call Pat King, who is the liaison
18 there.

19 Because the area of the city is
20 divided into areas. And that's ideal. And that's
21 what we want to do with L.I.N.E., divide the city
22 into geographical areas, specifically assign known
23 district attorneys to work out in the community on
24 nuisances, drug crimes.

25 And also, if we could have the best

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2 of all possible worlds, plug into all of these areas
3 our gun trafficking initiatives. So that we cannot
4 only concentrate on the location, in addition to an
5 individual person or persons, but also where they
6 get their guns, how they were brought into the city,
7 cooperate and coordinate our efforts with the Police
8 Department's IBIS system, the Integrated Ballistics
9 Identification System, and the Alcohol, Tobacco and
10 Firearms Bureau of the federal government, and other
11 agencies, we can find out how guns come here, who
12 gets them, how they get them, how they are used in
13 the commission of crime, and so forth.

14 So those three things are, I think,
15 key to any strategy in dealing with guns, drugs,
16 quality of life crimes. And the best of all, the
17 best of all, of all of these programs, L.I.N.E.,
18 PNTF, is that they work and they are already in
19 place.

20 And that's basically what I wanted to
21 cover in my unprepared remarks.

22 But if you have any specific
23 questions, Mr. President, about my budget request, I
24 would be more than happy to address those.

25 PRESIDENT STREET: Thank you very

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2 much.

3 The Chair recognizes Councilman
4 DiCicco.

5 COUNCILMAN DiCICCO: Thank you,
6 Mr. President. Good afternoon, Madam D.A.

7 Concerning the L.I.N.E. unit, have
8 you had the opportunity to discuss this unit with
9 the Commissioner Designee John Timoney? And, if so,
10 what was his reaction to this?

11 DISTRICT ATTORNEY ABRAHAM: We had a
12 one-hour meeting, one-hour-and-15-minute meeting,
13 with Commissioner Designate Timoney about a week or
14 so ago.

15 We brought up a variety of subjects,
16 but we couldn't get to every one. And it would have
17 been really a disservice to him, before he was even
18 familiar with Philadelphia, to bring up a specific
19 program.

20 However, we did raise the subject of
21 a great deal of community-based initiatives that we
22 had. And he said to us, as soon as he got to
23 Philadelphia and became familiar with his job, that
24 we would meet again to coordinate and cooperate with
25 him, as much as possible, on all these initiatives.

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2 So we are hopeful.

3 COUNCILMAN DiCICCO: In your
4 testimony, you mention 1.5 million. Was that for
5 all ten councilmanic districts? Was that
6 cumulative, or is that per district?

7 DISTRICT ATTORNEY ABRAHAM: No;
8 that's 1.5 million for all ten councilmanic
9 districts.

10 But remember, it is not every
11 division, police division, in every district. We
12 are going to have to look at every councilmanic
13 district to see if we can identify a geographical
14 area to put this program in so that it has the
15 maximum effect.

16 So that when we believe it will have
17 the outcome that it appears likely that it will, we
18 can then go back and say, this is what we promised,
19 this is what we delivered, now let's look at other
20 things, and see how that works in the course of the
21 next budget cycle.

22 COUNCILMAN DiCICCO: Thank you.

23 No further questions. Thank you.

24 PRESIDENT STREET: Thank you very
25 much.

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2 The Chair recognizes Councilwoman
3 Blackwell.

4 COUNCILWOMAN BLACKWELL: Thank you,
5 Mr. President.

6 When the D.A. spoke, I thought of the
7 old rock and roll song that said, "Please, please,
8 please, please." And I can't sing, so I wouldn't
9 begin to sing it.

10 But we have the L.I.N.E. unit in my
11 area, and it works absolutely well. It is one of
12 the reasons why we have such a strong Town Watch
13 group, why our block groups work so well together,
14 and why we have the degree of community organization
15 we do.

16 Because we know that there is hope on
17 our business strips and in our blocks to get to
18 acquire some of these houses that are being used
19 certainly in illegal ways, these drug houses and
20 drug areas.

21 We know that we can get a follow
22 through with the police, with the L.I.N.E. unit,
23 operated under the D.A.'s department, and certainly
24 with L & I and other agencies that play a part, a
25 role, a lesser role.

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2 So we would say, certainly we don't
3 think the D.A. just have, quote, too many resources
4 are spent in one geographical area. We certainly do
5 want to lose what we have because it is needed in
6 other cities, and to spend it in another way.

7 Let me certainly ask this Council to
8 consider the \$1.5 million allocation that she is
9 requesting, because it is really, really
10 invaluable.

11 I talked with many of my colleagues,
12 Mr. President, about crime. We often share our,
13 quote, unquote, horror stories. And we talk about
14 the pressure we get from various community groups to
15 try to resolve these issues. And the L.I.N.E. unit
16 is very, very important in doing it.

17 We have a great relationship with our
18 captains. We know that we can pick up the phone,
19 call Carl Anderson, and say what do you have on a
20 property, would you begin the surveillance that's
21 needed to try to catch somebody doing something
22 wrong. Would you let this community group know.
23 Would you come out and visit a community group to
24 talk about all of this, all of which currently
25 happens.

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2 And we can point to establishment
3 after establishment that has closed down because of
4 the L.I.N.E. unit and the work that they do.

5 We work very, very closely with the
6 victim services group in our area, which is also
7 funded under this department, and which also works
8 closely with the L.I.N.E. unit.

9 Mr. President, we go to court on
10 these properties. Community groups go to court when
11 we hear about these properties coming up, and even
12 talk about how many of the properties can be used
13 once confiscated.

14 In fact, my issue today was to ask if
15 we couldn't -- we have a wonderful group, certainly
16 we have C.B. Kimmons, who is here today, who works a
17 lot in drug groups. And even Herman Rice has been
18 back in recent weeks, deals with a program where we
19 are cleaning up in Mantua.

20 The Captain of the 16th, Captain
21 Castro, is physically taking one or two officers
22 with him and knocking on doors. We are making drug
23 arrests. We are cleaning up. We are fixing up. We
24 are painting up. And this is where we need the
25 L.I.N.E. unit expanded to.

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2 I talked to the D.A. about this and
3 asked her, in fact, if we could expand the L.I.N.E.
4 unit to this area where we are doing so much work.

5 So I am certainly, certainly asking
6 my colleagues, I just received a tape, in fact, from
7 Mr. Rice, if anyone would like to see it, that shows
8 what groups can do.

9 We have local 332, we want to expand
10 it to include District Council 33, to try to expand
11 the role that neighborhoods do play in cleaning up
12 drugs.

13 But we can't do all of this, we can't
14 clean it all up with nowhere to go. And the
15 L.I.N.E. unit gives you what you need. It gives you
16 the force you need to not only clean it up, but to
17 confiscate the property so that it can't be
18 transferred again to another drug dealer, but can,
19 in fact, be sold to somebody in the community who is
20 interested in this property.

21 So I can't, certainly, request
22 strongly enough that we consider the expansion of
23 the L.I.N.E. unit program.

24 And let me end my request by saying,
25 I do appreciate the way the D.A. uses the word

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2 quality, the expression quality of life.

3 Because I believe that this is the
4 way we should use it when she talks about, this is
5 the way we traditionally have used the term quality
6 of life when we talk about threats to our community
7 and to community living, as opposed to the new way
8 it is now being used in terms of current legislation
9 that I have been talking about since it was
10 introduced in here some weeks ago.

11 So I would say that I really didn't
12 ask a question, but I really felt compelled to
13 explain to you how great the L.I.N.E. unit is and
14 certainly to ask for support to have it expanded
15 through the \$1.5 million throughout the city.

16 Thank you.

17 PRESIDENT STREET: Thank you very
18 much.

19 The Chair recognizes Councilwoman
20 Verna.

21 COUNCILWOMAN VERNA: Thank you,
22 Mr. President.

23 I would also like to inquire about
24 the L.I.N.E. unit. It really sounds like a very,
25 very good program.

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2 It is my understanding that you said
3 you currently have seven attorneys and four
4 detectives?

5 DISTRICT ATTORNEY ABRAHAM: Seven
6 lawyers, four detectives, six police officers, five
7 plain clothes officers, and a sergeant.

8 COUNCILWOMAN VERNA: If we were to
9 expand that, how many assistant D.A.'s or attorneys
10 would we have, and how many detectives would be
11 required?

12 DISTRICT ATTORNEY ABRAHAM: I believe
13 the L.I.N.E. unit would, if we expanded the L.I.N.E.
14 unit, we would have six prosecutors -- well, ten
15 prosecutors, some law clerks, two career
16 prosecutors -- those are senior officers of the
17 District Attorney's Office -- eight detectives, a
18 clerk typist.

19 And so it would probably be at least
20 12 district attorneys, at least 8 detectives, plus
21 police officers. And I might add, also, that we
22 would throw into the bargain additional D.A.'s.

23 In other words, we are carrying the
24 ball right now, without any funding. We would put
25 in whatever resources that we could, consistent with

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2 our mandated requirement to cover the courts, to
3 fill out those spaces that we needed.

4 COUNCILWOMAN Verna: And are you
5 saying the 12 attorneys would be ample to cover 10
6 councilmanic districts, excluding the 7 that you
7 have, it would be --

8 DISTRICT ATTORNEY ABRAHAM: We would
9 be supplementing them with additional lawyers.
10 But what we thought we would not have
11 to do is, we don't have to reinvent the wheel when
12 we go out into, let's say, your councilmanic
13 district. We have already done that in an area.

14 And what we have been attempting to
15 do is attract the attention of other communities to
16 say, we want this, too, and we don't have to have
17 seven lawyers in one area. We might be able to do
18 it with less.

19 But if we needed more, we would
20 certainly be willing to put as many resources as
21 possible to demonstrate to Council that this is a
22 program that works, so that next year if it turns
23 out we did X amount with 1.5 million, Council might
24 see the value of enhancing the program to bring
25 further services by giving an additional money.

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2 If I came in and said I want \$10
3 million for this program, I think everybody would
4 faint, and you would all say we can't do that.

5 So what I am attempting to do is get
6 a pilot project going in every councilmanic district
7 to demonstrate that it works around the city, not
8 just one geographical area.

9 Nothing would please me more than to
10 show you how well it works and come back and say,
11 let's do more the next year.

12 COUNCILWOMAN VERNA: Fine. Thank
13 you.

14 PRESIDENT STREET: The Chair
15 recognizes Councilwoman Fernandez.

16 COUNCILWOMAN FERNANDEZ: Thank you,
17 Mr. President.

18 I want to second Councilwoman
19 Blackwell's comments about the success of the
20 program in West Philly. I have also heard a lot of
21 very positive feedback about the L.I.N.E. program.

22 I just had a question about the
23 Victim Witness funds. I know a lot of them go to
24 designated groups. But then in the budget
25 request -- and I know they are always asking for

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2 more.

3 But in the budget backup material, I
4 guess it is Page 27-12, on the line that says,
5 Other, Additional Victim Witness, after listing all
6 the specific organizations, like Women Against Abuse
7 and Families of Murder Victims, et cetera, it shows
8 an increase from \$75,000 this year, up to 145 for
9 next year.

10 And I wondered, first, what does that
11 cover this year, that 75,000, and what would the
12 increase be used for?

13 DISTRICT ATTORNEY ABRAHAM:
14 Councilwoman, the 75,000 to 145,000, we are looking
15 to expand the services that we render.

16 When new groups come up, they need
17 Victim Witness Service monies. Or if they expand
18 and they don't have enough money, we give that money
19 to the existing groups or to the newer groups.

20 It is much more easy for us to have
21 the finances on hand, than to try to come to a City
22 Council budget transfer ordinance and ask for
23 additional monies.

24 So we have a little bit of money that
25 we have asked for, that we give to the groups. We

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2 spend it all. We don't take any money, as you
3 know. You and I have gone over this before.

4 And if we have any money left over,
5 which this year we had a little bit of money left
6 over, we give each individual group that's listed
7 here whatever overage there is.

8 Their services are extraordinary.
9 They do so many things. All this money is, we are
10 just the pass-through agency. We don't take any of
11 the money and use it for budget items, other than
12 Victims Services.

13 So wherever it is, it goes to an
14 existing victims group, an expanded service part
15 that they are anticipating, or any new victims group
16 that we hope will be expanded this year.

17 COUNCILWOMAN FERNANDEZ: Could you
18 just, that 75 for this year, could you just supply
19 the Chair a list of who got that money?

20 Again, I know a lot of these groups.
21 Like you say, they do fabulous work.

22 DISTRICT ATTORNEY ABRAHAM:
23 Unbelievable work.

24 COUNCILWOMAN FERNANDEZ: I am also to
25 understand that there will be some additional

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2 dollars for these groups, or I guess you are saying
3 other groups, next year?

4 DISTRICT ATTORNEY ABRAHAM: Yes. We
5 had a small overage for this year. We gave each of
6 the listed organizations an additional \$2,500 for
7 their victims work, which they were very grateful to
8 have. And they used it to very good effect.

9 COUNCILWOMAN FERNANDEZ: Thank you.

10 PRESIDENT STREET: The Chair
11 recognizes Councilwoman Tasco.

12 COUNCILWOMAN TASCO: Thank you.

13 The supplemental budget that you are
14 requesting would increase your staff by 67?

15 DISTRICT ATTORNEY ABRAHAM: I believe
16 that's correct.

17 COUNCILWOMAN TASCO: Of those
18 positions, how many of them would be identified as
19 police positions?

20 DISTRICT ATTORNEY ABRAHAM: Well, it
21 is a little bit difficult. Other than the numbers
22 that are there, police positions, we don't have any
23 longer a true detective division. We used to have
24 county detectives; we still have a number of those.

25 What we do is, we have in the past --

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2 and we don't know how this will work with the new
3 Commissioner, because we haven't worked that out --
4 but what we worked out with Police Commissioner
5 Williams and Police Commissioner Neal is, we asked
6 the Police Department to assign on a temporary
7 rotating basis officers to the District Attorney's
8 Office, who we paid for, to act as our detectives.

9 There would be 14 more for this
10 group. That means that they would be called
11 detectives, but they would really be police
12 officers, but they would be called district
13 attorney's detectives.

14 COUNCILWOMAN TASC0: So if you took,
15 say, ten, just hypothetically, ten officers from the
16 regular police force, so that would decrease the ten
17 people who would be on the street in the Police
18 Department?

19 DISTRICT ATTORNEY ABRAHAM: No. What
20 happens is, by our assuming the pay of the officers,
21 the incoming class of new officers would be
22 supplemented by at least an equal number.

23 So let's say they are looking to
24 bring in 105 new officers in the next class. If we
25 took ten, they would just put ten different people.

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2 So we wouldn't deplete the Police
3 Department at all. All they are doing is increasing
4 their numbers by the number of new police officers.

5 COUNCILWOMAN TASC0: So I am asking,
6 we are increasing the number of police officers?

7 DISTRICT ATTORNEY ABRAHAM: Yes; in
8 relative terms. But some of them are designated
9 district attorney detectives.

10 COUNCILWOMAN TASC0: That's not my
11 question.

12 We get 100 police officers, 10 of
13 them are assigned to you.

14 DISTRICT ATTORNEY ABRAHAM: Right.

15 COUNCILWOMAN TASC0: You pay for
16 them.

17 DISTRICT ATTORNEY ABRAHAM: Right.

18 COUNCILWOMAN TASC0: We can go back
19 and recruit ten more to replace those ten.

20 DISTRICT ATTORNEY ABRAHAM: Correct.

21 COUNCILWOMAN TASC0: So we are
22 increasing the number of police officers in the
23 police officer pool.

24 DISTRICT ATTORNEY ABRAHAM: Correct.

25 COUNCILWOMAN TASC0: All right. So

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2 you are not taking police officers from the pool,
3 leaving them with 80 or 90, and you get 10.

4 DISTRICT ATTORNEY ABRAHAM: Right.

5 COUNCILWOMAN TASC0: We still get a
6 hundred, you get ten, so we increase the police
7 force by 110.

8 DISTRICT ATTORNEY ABRAHAM:

9 Absolutely.

10 COUNCILWOMAN TASC0: Could you tell
11 me, your L.I.N.E. program, what happens in the
12 L.I.N.E. program in Southwest Philadelphia, in
13 District 18, and what happens in the 35th District
14 where there is no L.I.N.E. program? Tell me, what
15 is the difference.

16 DISTRICT ATTORNEY ABRAHAM: The major
17 difference is that there are narcotics arrests, of
18 course, in the 35th District. And if you want
19 specific information, obviously, about anything, we
20 can give it to you.

21 But the difference is that L.I.N.E.
22 is looking to find out intelligence, information,
23 and working with a community so that we have a
24 relationship.

25 We get more intelligence, more

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2 cooperation, more trust, and we make police officers
3 more responsive and responsible on a community basis
4 by having L.I.N.E. there.

5 We have district attorneys right
6 there in the community. We have the same district
7 attorneys prosecuting the case. So that there is a
8 continuity of relationship between, let's say, I as
9 your district attorney's assistant and you,
10 community leader. You can always call me up.

11 Otherwise what happens in the 35th
12 District is a police officer gets an arrest, it goes
13 to the 35th District Police Station, it is handled
14 in the normal course of business, first by one
15 district attorney, and then by another district
16 attorney, and then by another district attorney, and
17 then by another district attorney.

18 We believe -- and I think our proof
19 is positive -- that by having a relationship with
20 the community, by working with community folks and
21 their elected representatives and the Police
22 Department, we get a much better result by tracking,
23 by information, by intelligence, and by
24 relationship.

25 The system works better for you when

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2 you know who is out there. And that's what the
3 enhanced L.I.N.E. unit effectiveness is.

4 We get a better conviction rate, we
5 think, because there is only one assistant. And
6 that assistant follows the case through from its
7 virtual inception, until post-verdict motions. So
8 you don't get the switching around of one D.A. to
9 the next, which couldn't work as effectively.

10 One last thing. To maximize the
11 effect of L.I.N.E. units, any kind of specialized
12 effect, it works the best when cases are listed
13 geographically.

14 So, for example, in the 35th
15 District, when the 35th District cases are gathered
16 up, they are not sent to ten different courtrooms on
17 a random basis with ten different assistant district
18 attorneys.

19 You have all the cases in one
20 courtroom, with one district attorney, who follows
21 those cases until their natural conclusion.

22 What that means is, you don't have
23 ten different results in ten different courtrooms,
24 and police officers running from one courtroom to
25 the next, and community leaders and anti-drug

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2 activists like the C.B. Kimmons' and the John Tieges
3 all over the place. You know where you are going to
4 go, there is a geographical context to the case, and
5 it better serves the community.

6 COUNCILWOMAN TASC0: So what prevents
7 you from assigning your present staff to that
8 scenario now, without the L.I.N.E. money.

9 DISTRICT ATTORNEY ABRAHAM: Very
10 simply. Because in order to put the L.I.N.E.
11 program out in the community started out with money,
12 and it allows us to hire people.

13 We cannot --

14 COUNCILWOMAN TASC0: You can't do it
15 with existing staff, in terms of how you handle your
16 cases?

17 DISTRICT ATTORNEY ABRAHAM: No. No.
18 We certainly cannot. And that's the problem.

19 Just look at it in real terms. If I
20 can explain it to you this way: If new Police
21 Commissioner Timoney, as he seems to indicate from
22 the press this morning, is going to concentrate on
23 narcotics arrests and gun arrests, there has to be a
24 prosecute or to prosecute them.

25 You can't arrest more and have fewer

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2 prosecutors. You need more, not less.

3 If you then geographically or
4 district assign a district attorney, the cases are
5 not assigned to a geographical entity. There may be
6 ten cases sent to one room in the CJC, another 20
7 cases sent to another courtroom, another 20 cases
8 sent.

9 You can't have one district attorney
10 running back and forth on the same day between five
11 or six or ten different courtrooms. So you need
12 community basis, you need intelligence sharing.

13 And remember, it is very labor
14 intensive. So this is specialized, custom made, if
15 you will, not one size fits all. The way we run our
16 criminal justice system is, one size fits all. One
17 size doesn't fit all.

18 COUNCILWOMAN TASC0: Okay. Do I have
19 more time?

20 I want to go to the Nuisance Task
21 Force. And we have had hearings on that and
22 discussion with your staff about how we could better
23 improve that program.

24 But, in your testimony, you did not
25 mention the loss of the Business Privilege license

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2 as a penalty for being a nuisance establishment.

3 And that was an important piece of the ordinance
4 that I introduced some time ago.

5 And can you tell me why we have not
6 been pursuing that line of activity?

7 DISTRICT ATTORNEY ABRAHAM: We have
8 done cease operations and close-downs, we have done
9 that.

10 As a matter of fact, cease operations
11 and other close orders have been very effective.
12 And we certainly can, and will, step up our ceasing
13 of Business Privileges, where we can do that.

14 We have had the effect in our Public
15 Nuisance Task Force not only of ceasing operations;
16 we have put people out of business.

17 I mean, but we have to be careful,
18 and I want to emphasize this, we can only operate
19 and do only operate within the law. We can't use
20 improperly the threat of putting someone out of
21 business or taking their license to do business
22 away, unless they do something that falls within
23 obvious violation of health violations, code
24 violations, or in violation of their license to
25 operation.

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2 So we certainly do exercise care.
3 Because before we take away somebody's livelihood,
4 we have to make certain they are in violation of
5 some statute rule or regulation.

6 COUNCILWOMAN TASCO: I believe the
7 ordinance allows that if the establishment can be
8 proven to be a nuisance to the community and
9 identified by the community as a detriment to that
10 community, there are provisions in the ordinance to
11 close it down.

12 DISTRICT ATTORNEY ABRAHAM: Well,
13 before I would comment about what a detriment to the
14 community means, I want to be very careful that a
15 detriment to the community, as far as I am
16 concerned, the District Attorney is concerned, has
17 to be a violation of law, not just a store that
18 operates where people don't want it to operate.

19 I think Mr. Mosey wants to add
20 something to what I have already said.

21 But we are willing, Councilwoman
22 Tasco, to do anything possible within the law to
23 make sure that when people are living in a
24 community, any community, we bring them the services
25 that they need consistent with the law and our

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2 ability to bring them into compliance with the law.

3 MR. GEORGE MOSEY: The information
4 might be somewhat misleading. Because when L & I
5 does do a Cease Op, it turns up as an L & I
6 intervention. And we refer to it as an abatement,
7 but it has, in fact, been a revocation of a Business
8 Privilege license.

9 COUNCILWOMAN TASCO: I believe we
10 will continue to have a long-length discussion about
11 this. Thank you.

12 I have one more question. I have
13 several questions, but on this round. I want to
14 talk to you about your proposed truancy
15 intervention.

16 What role do you play now in truancy
17 prevention, or the whole issue of truancy? What
18 role does the D.A.'s Office play?

19 DISTRICT ATTORNEY ABRAHAM: A limited
20 role, to be sure. We want to become more
21 proactively engaged in truancy.

22 My deputy John Delaney, who is in
23 Pittsburgh today -- he would have been here
24 yesterday -- he and I believe that the truancy
25 intervention that's begun yesterday is only a

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2 beginning, because that's starting in the senior
3 grades of school.

4 The truancy intervention that we are
5 proposing starts at a much earlier age, in grade
6 school and in the first, I believe, year of middle
7 school, like the 6th or 7th grade. I think it is
8 7th grade, 6th or 7th, depending on where middle
9 school applies.

10 And the court that started yesterday
11 is in the school house. In other words, a judge
12 goes to truancy court. I don't believe that we will
13 play a major role in that, but just a minor role.

14 We want to be more proactively
15 engaged in truancy because I believe -- and I think
16 it is well documented -- that intervention earlier,
17 to get kids to go to school, means not only do they
18 become better educated, but they are less likely to
19 be out on the street and committing crime.

20 In addition to that, it holds, or
21 attempts to hold, parents responsible.

22 For example, a parent can be held to
23 be endangering the welfare of his child by not
24 assuring that the child goes to school.

25 A child or a mother, whoever is

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2 taking care of the child, mother, caregiver, may not
3 be particularly attune to the fact of how much
4 school that that child is missing.

5 A child can leave the home in the
6 morning and think, say, you know, "Bye, I will see
7 you after school," and the child doesn't go to
8 school. We want to make parents aware that their
9 kids are not in school.

10 So that we can intervene earlier than
11 senior high school. We think there is a better
12 outcome, both educationally and a significant drop
13 in crime committed by kids as young as 7, 8, and 9.

14 COUNCILWOMAN TASC0: It appears to me
15 that that whole issue of truancy should rest with
16 the School District.

17 Putting it in the D.A.'s Office tends
18 to criminalize the whole issue of truancy, and we
19 are beginning more and more to make children
20 criminals.

21 And I think it is a social issue that
22 deserves to be addressed with the Department of
23 Social Services and with the School District, as
24 opposed to being placed in the District Attorney's
25 Office.

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2 DISTRICT ATTORNEY ABRAHAM: Well, let
3 me make one observation. I know ideally that would
4 be the way you would want to go.

5 But truancy is a violation of the
6 law. It is a criminal violation to not go to
7 school. It is already in the Juvenile Act.

8 Children can be declared dependent
9 children for not going to school, and you need a
10 district attorney to do that.

11 So it is not really decriminalizing.
12 Let me offer you something as a different way of
13 looking at the equation.

14 The whole juvenile unit is designed,
15 at least initially, to be restorative. If we can
16 take a young child, 6, 7, 8, whatever the age of a
17 young child is, impress upon that child the
18 importance of going to school, and the parental or
19 caregiver, and have the additional benefit of the
20 persuasive power of a prosecutor -- in other words,
21 this is not a social issue, it is only in part; it
22 is a violation of law issue -- the prosecute or is
23 not there to persecute. The prosecutor is there to
24 make families aware of their legal, their obligation
25 to send their children to school.

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2 So that if I am a parent and I am
3 deliberately making certain that my child doesn't go
4 to school, I can be charged, arrested and charged
5 with endangering the welfare of my child. That is
6 already a criminal offense. So it is not
7 criminalizing it; it is already a crime.

8 What it is is putting teeth into the
9 idea that we should take a more proactive role in
10 getting kids in school. That's what our goal is.

11 COUNCILWOMAN TASC0: But to put it in
12 the D.A.'s Office, it seems to be, if it is not in
13 the School District, it should be in the Family
14 Court, where you are looking at the family as a
15 whole, with all of the other problems associated
16 with what's not causing that child to go to school,
17 the family's problems that they are having.

18 Does the child end up with a record?

19 DISTRICT ATTORNEY ABRAHAM: No, no
20 record.

21 DISTRICT ATTORNEY ABRAHAM: The idea,
22 just remember, if you have the time to not only read
23 the remarks that I wrote in my Council budget
24 proposal, but talk to John Delaney, as well.

25 The idea is that, first of all, the

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2 District Attorney's Office does work in the Family
3 Court. We are already there.

4 COUNCILWOMAN TASCO: Well, will this
5 unit be in the schools, or will it be in your
6 office?

7 DISTRICT ATTORNEY ABRAHAM: We would
8 probably devolve it into the schools.

9 So, in other words, you wouldn't have
10 to come to the District Attorney's Office. We would
11 send letters out and mediate.

12 In other words, our first priority
13 is, hello, mom, did you know that your child isn't
14 going to school? Gee, I didn't know that. You know
15 your child has to go to school.

16 We'll go out and pay you a visit,
17 we'll advise you of what your obligations are.

18 And in the California experiment,
19 which is in my budget outline, says that in
20 California alone, they have the biggest impact right
21 after the first letter, when the parents say, ut-oh
22 I got a letter, somebody is watching me, I better
23 send my kid to school. And that's the ideal, you
24 get the greatest impact at the front end.

25 It is only the most recalcitrant and

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2 difficult family structures which will require a
3 greater intervention at the end of the program.

4 But that's what we are using as our
5 model. We believe that we can make that change
6 here. I can guarantee you, if we had more kids in
7 school, we would have less crime during the day when
8 kids aren't in school.

9 COUNCILWOMAN TASC0: Okay. I have
10 been working with some of the domestic violence
11 groups.

12 PRESIDENT STREET: Excuse me,
13 Councilwoman, are you almost?

14 COUNCILWOMAN TASC0: Almost.

15 Do you have any way of monitoring or
16 tracking offenders so that fatalities can be
17 avoided?

18 DISTRICT ATTORNEY ABRAHAM: Well, we
19 don't have any way of tracking an offender.

20 But this morning, for example, I
21 don't know if you and other Councilpeople are aware
22 of this, we have a Women's Death Review Committee,
23 which in fact met this morning.

24 Councilwoman Fernandez, I know, is
25 aware of this, and you may be as well. Some others

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2 may not.

3 That is a multi-disciplinary program,
4 where we look at, unfortunately, at the end, and we
5 find some woman who has died, let's say, at the
6 hands of an abusive spouse or significant other, and
7 we find what interventions might work more
8 effectively or where some intervention wasn't used
9 at all.

10 We have no mechanism to track an
11 offender, Mr. X. There are different systems at
12 play.

13 For example, if the prison system,
14 the court system, the District Attorney's Office,
15 the Defender's Association or lawyers, defense
16 lawyers outside of the Defender's Office, since they
17 only handle a little more than 52 or 53 percent of
18 the cases, which means that outside counsel handle
19 almost half of the cases, we would all be able to
20 plug into the same information.

21 Some of the information with
22 offenders may be confidential. For example, an
23 offender who goes into treatment, mental treatment,
24 or other kinds of treatment, may be secret from us,
25 under the rules of confidentiality.

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2 So there is no way, holistically, we
3 can put all of the pieces together. But we try,
4 through the Probation and Parole Departments, to
5 keep as much a track on people as we can.

6 But when they are out in the street,
7 for all intents and purposes, we can't keep track
8 all the time of every person. We don't have that
9 capability.

10 COUNCILWOMAN TASCO: Okay.
11 Councilwoman Fernandez.

12 PRESIDENT STREET: Excuse me.

13 COUNCILWOMAN FERNANDEZ: I want to
14 jump on that one thing.

15 PRESIDENT STREET: Just briefly.

16 COUNCILWOMAN FERNANDEZ: Could you,
17 just for the record, note who is on the Women
18 Fatality Review Committee? The Youth Fatality
19 Review Committee has been --

20 DISTRICT ATTORNEY ABRAHAM:
21 Phenomenal.

22 COUNCILWOMAN FERNANDEZ: -- very,
23 very important.

24 Could you review for this record who
25 is on that?

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2 DISTRICT ATTORNEY ABRAHAM: I won't
3 be able to cover everybody. But as part of our
4 Domestic Violence Unit, recruited Dr. Ruth Zager,
5 one of the leading child psychiatrists in
6 Philadelphia, to be on the committee.

7 We have Department of Human
8 Services. We have Lutheran Settlement Home, Women
9 Organized Against Rape, Women Against Abuse, Police
10 Section Crimes Unit officers, psychologists, all the
11 health care providers, District Attorney's Office,
12 and there must be a group of about 40 or 45. We met
13 this morning. And it is --

14 COUNCILWOMAN FERNANDEZ: It is just
15 beginning?

16 DISTRICT ATTORNEY ABRAHAM: I beg
17 your pardon?

18 COUNCILWOMAN FERNANDEZ: Is it just
19 beginning?

20 DISTRICT ATTORNEY ABRAHAM: No. It
21 has been in effect. It has been in effect for
22 several years now.

23 But we are looking to all those
24 things that red flag a case, how we can prevent
25 domestic violence.

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2 As I said before, part of what I am
3 asking for, which I haven't concentrated on, but
4 don't mean to denigrate the importance of the
5 program, is, the domestic violence intervention is
6 one of the most effective ways of preventing
7 violence in the first place, because it concentrates
8 on three types of familial relationships: The wife
9 or spouse, the children, and the older parent.

10 And violence, sexual assault and
11 abuse, is usually three generation,
12 inter-generational problems.

13 And, of course, we are interested in
14 the offender, too. But we don't have control over
15 the offender; the court has the control over the
16 offender.

17 We try to work all those things
18 together.

19 COUNCILWOMAN FERNANDEZ: Thank you.

20 PRESIDENT STREET: Thank you.

21 The Chair recognizes Councilman
22 Rizzo.

23 COUNCILMAN RIZZO: Thank you,
24 Mr. President.

25 District Attorney Abraham, when you

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2 discussed the numbers of police officers that are
3 assigned to the District Attorney's Office, when
4 those officers are assigned to the D.A.'s Office,
5 and we read the manpower, the personnel levels of
6 the Police Department, are those officers plucked
7 out of that number because they are not really
8 assigned to the Police Department?

9 From what you said earlier, you paid
10 for them. Then the citizens and City Council, I
11 think, should really know the true number of police
12 officers that are in the Police Department.

13 Because how many police officers are
14 there totally in the District Attorney's Office that
15 aren't truly assigned to the Police Department? So
16 maybe we ought to minus them out?

17 DISTRICT ATTORNEY ABRAHAM: Well,
18 Councilman, as I think I indicated, the Police
19 Commissioner can give you the exact number of police
20 officers on his fund. We pay for the police
21 officers.

22 They pay for them; we reimburse
23 them. So in other words they are not on our
24 payroll.

25 You will find Police Officer Rick

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2 Mariano on the Police Department payroll. We
3 reimburse the Police Department. And they do that
4 for their bookkeeping reasons, whatever reason it
5 is.

6 But whatever number are assigned to
7 us, it does not deplete the number of officers out
8 on the street.

9 COUNCILMAN RIZZO: I realize that.
10 My point is that, if tomorrow we got a document from
11 the Police Department, and it says that there were
12 6300 sworn police officers, would that include the
13 officers that are assigned to the District
14 Attorney's Office?

15 DISTRICT ATTORNEY ABRAHAM: 30. We
16 have 30. We are not talking about giant gobs of
17 police.

18 COUNCILMAN RIZZO: So when we read
19 that we have X numbers of sworn police officers, it
20 also includes the officers that are assigned to the
21 District Attorney's Office?

22 DISTRICT ATTORNEY ABRAHAM: That's
23 correct.

24 COUNCILMAN RIZZO: I just wanted to
25 understand that.

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2 DISTRICT ATTORNEY ABRAHAM: To use
3 the word that you are familiar with, they are
4 detailed to that office.

5 Which means that the minute the
6 Police Commissioner says, "We don't want them there
7 any longer," they go back.

8 The minute they don't want to be with
9 us, they go back.

10 COUNCILMAN RIZZO: But the point
11 being, is that you are paying for those officers,
12 and the Police Department is not.

13 So really the Police Department could
14 replace those officers, basically, as you said
15 earlier, with additional people to make up for that
16 loss.

17 DISTRICT ATTORNEY ABRAHAM: Sure.

18 COUNCILMAN RIZZO: But they don't.

19 DISTRICT ATTORNEY ABRAHAM: No. No, I
20 am not suggesting that the Police Department is
21 lying to you. No. No. No.

22 COUNCILMAN RIZZO: All right. Let me
23 clear up another point, personal confusion.

24 I try to respond to people that ask
25 this question: The structure of the District

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2 Attorney's Office versus the Police Department. I
3 have had people write to me and say, whose job is it
4 to do investigations, surveillances, raids.

5 It appears that we have an
6 overlapping of the responsibility of the Police
7 Department versus the responsibility of the District
8 Attorney's Office.

9 Could you please explain whose job is
10 it to go out and arrest a drug pusher, conduct an
11 investigation, conduct a surveillance, and do a
12 raid?

13 Is it a District Attorney's Office
14 function or a Police Department function?

15 DISTRICT ATTORNEY ABRAHAM: It is
16 primarily the Police Department's function.

17 We are not police. However, we do
18 conduct a limited number of investigations inhouse
19 through our Dangerous Drug Offenders Unit. But we
20 frequently engaged police, FBI, DEA, and other
21 federal agencies.

22 So if your constituent says to you,
23 "Councilman Rizzo, who do I call about a narcotics
24 location?" They can call the Philadelphia Police
25 Department, Narcotics Unit. Every district now has

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2 a Narcotics Field Unit.

3 And, specifically, if you wanted to
4 contact a high-ranking official, my suggestion would
5 be that you would contact Sylvester Johnson.

6 COUNCILMAN RIZZO: Then what is the
7 decision-making process that the District Attorney's
8 Office makes when you, basically, go beyond the
9 scope of prosecutors and become investigators and
10 police officers? Do you make that decision? Who
11 makes that decision?

12 DISTRICT ATTORNEY ABRAHAM: I think
13 the person who can best explain how we reach that
14 process is the man who is in charge of our Narcotics
15 Unit, my deputy, George Mosey, so I will allow him
16 to do that.

17 But I want to make sure that you
18 understand, we are primarily prosecutors, but we are
19 proactive.

20 If we were just reactive, Councilman,
21 I might suggest to you the police would just arrest
22 and we would just prosecute, we would be where we
23 were 20 years ago.

24 I believe in pro action. I believe
25 in prevention. And all of the units I have spoken

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2 about, Public Nuisance Task Force, L.I.N.E., our
3 Narcotics Dangerous Drug Offenders Unit, Domestic
4 Violence, Victim's Services, they are all
5 proactive. That means we try to prevent as well as
6 interdict.

7 MR. GEORGE MOSEY: One of the things
8 we have worked hard to accomplish.

9 PRESIDENT STREET: Please identify
10 yourself for the record.

11 MR. MOSEY: George Mosey, Deputy for
12 the Narcotics Division in the Philadelphia D.A.'s
13 Office.

14 One of the things we have really
15 worked hard to accomplish is to get rid of any wall
16 that exists between the Police Department and the
17 District Attorney's Office.

18 To that extent, just about every
19 venture that we are involved in is a cooperative
20 venture with the Police Department or other
21 agencies.

22 Now, when it comes to identifying
23 investigations that are to be handled by the D.A.'s
24 Office, as opposed to exclusively being handled by
25 the Police Department, that's usually done on a

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2 case-by-case basis, and it is usually fact
3 determinative.

4 There are certain techniques that
5 actually require the involvement of a prosecutor.
6 You know, we talk a lot about community prosecution
7 or community policing. We have to talk about
8 community prosecution, as well.

9 Because in this area, as opposed to
10 other areas, it becomes so hyper-technical, so
11 engulfed in the legalees, that you have to have a
12 prosecutor basically working hand in hand with the
13 police officers.

14 And under those circumstances, we
15 usually take the investigation and run with it.

16 COUNCILMAN RIZZO: So having the
17 District Attorney's Office involved assures, at
18 least hopefully assures, that everybody is doing the
19 right thing?

20 MR. MOSEY: And that's why we want to
21 do this L.I.N.E. expansion.

22 What it brings to bear is a
23 prosecutor working closely with the narcotics
24 officers who are already in the division. You have
25 both working hand in hand, and there is never a

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2 question about what is the legal route to take.

3 You know, it is interesting.

4 Prosecutors don't have the same kinds of protection
5 when it comes to investigating crimes that they have
6 in the courtroom. There is no absolute immunity for
7 prosecutors.

8 But we have, nevertheless, undertaken
9 the responsibility. And it is absolutely necessary
10 if we are going to be effective in this area.

11 COUNCILMAN RIZZO: Thank you.

12 Thank you, Mr. President.

13 DISTRICT ATTORNEY ABRAHAM: So to
14 answer your question, Councilman, when your
15 constituents say, "Who should we contact about a
16 drug issue," your first response should be, "Call
17 the Police Department."

18 PRESIDENT STREET: Thank you very
19 much.

20 The Chair recognizes Councilman
21 Nutter.

22 COUNCILMAN NUTTER: Thank you,
23 Mr. President.

24 Good afternoon, Madam District
25 Attorney.

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2 DISTRICT ATTORNEY ABRAHAM: Good
3 afternoon.

4 COUNCILMAN NUTTER: I want to go back
5 to the start of this part of the hearing and get a
6 little better understanding of, I guess, your budget
7 request and the process.

8 Is it my understanding that, I
9 assume, some time last year, the Mayor's Budget
10 Office sends out a call or a request to all the
11 various agencies that seek funding from the General
12 Fund to ask what they anticipate their next year's
13 appropriation request is?

14 DISTRICT ATTORNEY ABRAHAM: Yes.

15 COUNCILMAN NUTTER: And I assume you
16 participated in that process?

17 DISTRICT ATTORNEY ABRAHAM: Not
18 really.

19 COUNCILMAN NUTTER: Can you say why?

20 DISTRICT ATTORNEY ABRAHAM: Sure.

21 The Mayor's Office sends us a note and says, "This
22 is what you are going to get. Send us the paperwork
23 that matches this number." That's what we do.

24 So if you want to consider that a
25 process, I guess the answer is, not really, but okay

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2 for paperwork.

3 That's the way it has been done, I
4 have been told, for the past 10, 15, 20 years.

5 COUNCILMAN NUTTER: And was there any
6 followup discussion about that?

7 DISTRICT ATTORNEY ABRAHAM: Yes.

8 COUNCILMAN NUTTER: And is it true
9 that as a result of those discussions, the Mayor did
10 adjust that figure by about a half a million
11 dollars?

12 DISTRICT ATTORNEY ABRAHAM: Correct.

13 COUNCILMAN NUTTER: And is it also
14 true that they, apparently, made some commitment to
15 seek a little over \$100,000 in local law enforcement
16 Block Grant funding that might be reprogrammed for
17 the District Attorney's Office?

18 DISTRICT ATTORNEY ABRAHAM: Correct.

19 COUNCILMAN NUTTER: And is it further
20 true that there was a second commitment to seek
21 upwards of another half a million dollars for the
22 D.A.'s Office subsequent to discussions with the
23 Police Department about some of their funding
24 requests?

25 DISTRICT ATTORNEY ABRAHAM: Yes. But

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2 we told the Mayor it would be insufficient and we
3 would not accept money from any department,
4 including the Police Department, that would be
5 insufficient to do the work that we wanted to do.

6 So we told them, unless it could be
7 the figure that we asked for, which is about \$1.4
8 million, we would decline the offer of the money.
9 And that specifically was for a Police Misconduct
10 Investigations Unit.

11 As I told you when I appeared here
12 either last year and/or the year before, my first
13 request for investigation of allegations of police
14 misconduct or allegations of corruption or improper
15 firing of firearms or any kind of investigation
16 attendant upon any law enforcement officer using a
17 deadly weapon, whether fatally or not with fatal
18 consequences, in order to do that work effectively,
19 I first came in, I think, two years ago and asked
20 for \$600,000, for which I got nothing.

21 I later came in at a different time
22 and spoke to you specifically, as my memory serves,
23 to say that I was relieved that we didn't get the
24 money, because it wouldn't have been sufficient.

25 So to go to the Mayor's Office two or

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2 three years later, and for him to offer \$100,000
3 less than I asked for, which was already too low, it
4 didn't appear to us to be productive to take an
5 insufficient amount of money to try to make a
6 difference, when we knew we couldn't.

7 COUNCILMAN NUTTER: So you take it to
8 be an all or nothing proposition?

9 DISTRICT ATTORNEY ABRAHAM: No. I
10 suggested that we would like to talk to the Mayor.
11 The Mayor agreed to talk to me after Commissioner
12 Timoney -- excuse me, Commissioner Designate
13 Timoney, came on board. And the Mayor suggested to
14 me he would like to have a meeting with himself,
15 Commissioner Timoney, Council President, and our
16 office to see what, if anything, we could work out.

17 COUNCILMAN NUTTER: Let me respond to
18 one thing you mentioned.

19 With regard to the \$600,000 request
20 for a Police Misconduct Unit, as I recall that --
21 and I think the notes of testimony from that hearing
22 will indicate the same -- that request came with
23 less than an adequate backup of support for the
24 request.

25 In addition, at least at the hearing,

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2 you were unable to tell us, for instance, how many
3 police officers your office had prosecuted in prior
4 years.

5 So I didn't get the impression
6 personally, I guess, that you were fully prepared to
7 defend the \$600,000 request, and I would assume that
8 that may have been one of many reasons why that
9 request went nowhere.

10 It also seemed that that request, I
11 guess, kind of coincidentally came on the heels of
12 the much more public exposure of police corruption
13 out of the February '95 indictment.

14 DISTRICT ATTORNEY ABRAHAM: Well, I
15 disagree with that, Mr. Nutter.

16 Because when I came to City Council,
17 I thought -- and I will have to stand by the record;
18 whatever the record says, I agree with. I don't
19 have the record in front of me -- but I believe
20 there came a question specifically of me how many
21 police officers we had prosecuted.

22 And I believe either at that hearing
23 or a subsequent hearing, I think it was a budget
24 call-back, but don't hold me to the terminology or
25 the date, but I know it is in the record someplace,

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2 as my memory serves, I believe I advised Council at
3 that hearing that my office had prosecuted twice as
4 many police officers as either Ron Castille or Ed
5 Rendell, and it was something around at that time,
6 at that time, 60-some police officers. I forget the
7 exact number, and I don't want to be quoted
8 incorrectly.

9 But let me also suggest that my
10 coming to City Council and asking for the \$600,000
11 was a genuine expression on my part to try to do
12 something appropriate, that would be adequately
13 funded, to address the issues of any allegation of
14 misconduct.

15 And I am sorry if you felt it was not
16 properly prepared. I always try to do the best job
17 I can. And if there is something that you would
18 want specifically, I can get it for you.

19 But I didn't get the 600,000, and it
20 wasn't because I wasn't prepared.

21 COUNCILMAN NUTTER: Well, we don't
22 have to spend the rest of the day debating it. You
23 were not prepared at the first hearing. You did
24 come to a subsequent hearing and provide information
25 based on the first request.

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2 I am sure there are various reasons
3 why that didn't go forward. It may have to do with
4 previous involvement in police prosecution, or lack
5 thereof.

6 DISTRICT ATTORNEY ABRAHAM: It had
7 nothing to do with that.

8 COUNCILMAN NUTTER: Well, that's
9 certainly your view, and you are entitled to it.

10 We had a conversation back on January
11 8 regarding activities, or at that time at least
12 alleged activities, use of staff, in the Frederica
13 Massiah-Jackson judicial appointment matter, I
14 believe that was on a Thursday, as a result of a
15 newspaper story that indicated that a prosecutor in
16 another county had received information from
17 prosecutors in the Philadelphia District Attorney's
18 Office that they had, quote, unquote, compiled
19 internal memorandums, court transcripts, and other
20 documents setting forth a course of behavior by
21 Judge Jackson that is unjudicial, improper, and
22 illustrates a disdain for police and prosecutors.

23 In that conversation I asked you, was
24 it possible that people on your staff could be
25 engaged in such activities without your knowledge.

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2 My recollection of the conversation is that you said
3 yes.

4 Is that the case? Were people
5 engaged in this activity prior to our conversation
6 in January?

7 DISTRICT ATTORNEY ABRAHAM: I am not
8 going to get into the specifics of Judge
9 Massiah-Jackson.

10 However, when any law enforcement
11 agency, such as the Department of Justice or the FBI
12 or any appropriate official who wants information
13 from us, inquires of us, it does not come through me
14 necessarily.

15 So that if the FBI asked George Mosey
16 for some information, or the Department of Justice
17 or the Bureau of Justice Assistance, George wouldn't
18 come to me and say, "Can I give it to them." He
19 would give it to them.

20 So there are two things that you
21 should know. Number one, that law enforcement
22 agencies can ask another law enforcement agency for
23 information, and it will be divulged without coming
24 to me.

25 Second of all, there are people

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2 outside of my office who may have provided
3 information that I have no knowledge of.

4 COUNCILMAN NUTTER: I understand
5 that. The quote was that it was from prosecutors in
6 the office.

7 And I would certainly would expect
8 that you would cooperate with any of those agencies,
9 given your law enforcement responsibility.

10 I guess I would also assume that most
11 of that contact has to do with potentially criminal
12 legal matters.

13 DISTRICT ATTORNEY ABRAHAM: Not
14 necessarily.

15 COUNCILMAN NUTTER: I am sure it
16 doesn't cover all cases.

17 Since that time, there apparently
18 have been people in your office, I assume now
19 because it is public, to your knowledge who have
20 been engaged in preparing information or documents
21 or reports in this tick matter; is that correct?

22 DISTRICT ATTORNEY ABRAHAM: I will
23 not answer the question as you put it.

24 I will just say that as a result of
25 Senator Arlen Specter's request of my office, at a

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2 meeting that we held in his office, with Judge
3 Massiah-Jackson there, with a representative and
4 other representatives of law enforcement, Senator
5 Specter and Senator Santorum asked us for
6 information.

7 We are obliging the Senate Judiciary
8 Committee in their request.

9 COUNCILMAN NUTTER: Maybe I missed
10 the chain of events. I thought that they had asked
11 you for information because certain allegations were
12 made either by Mr. Morganelli or by yourself, and I
13 thought that you were asked to substantiate those
14 allegations?

15 DISTRICT ATTORNEY ABRAHAM: Well,
16 Councilman, I am not going to spend my time here
17 answering those kinds of questions.

18 I will just say to you that Senator
19 Specter and Senator Santorum asked us to compile
20 information to them which they would use and present
21 to the Judiciary Committee at a whole for Judge
22 Massiah-Jackson to respond to.

23 We have responded to that request.

24 COUNCILMAN NUTTER: Well, I can
25 certainly appreciate your reluctance to get into the

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2 matter.

3 But it would seem to me that it
4 actually goes directly to the heart of how the
5 office operates, function, role of the office, how
6 staff time is utilized.

7 DISTRICT ATTORNEY ABRAHAM: It does
8 not. It has nothing to do with that.

9 COUNCILMAN NUTTER: Well, the people
10 are working on these matters; right?

11 DISTRICT ATTORNEY ABRAHAM: In
12 compliance with a request from Senator Santorum and
13 Senator Specter, we are giving them information they
14 requested. And people are working on that, of
15 course.

16 COUNCILMAN NUTTER: But the initial
17 work didn't come as a result of, as I understand it,
18 either Senator Specter or Senator Santorum.

19 Wasn't it as a result of a
20 relationship and contact between you and District
21 Attorney Morganelli.

22 DISTRICT ATTORNEY ABRAHAM: I am not
23 going to answer that question, Mr. Councilman.

24 I run the District Attorney's
25 Office. I am the District Attorney. That's what

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2 the people elected me to do, and that's what I am
3 doing.

4 COUNCILMAN NUTTER: Which is why I am
5 asking you how the office is running. I don't
6 understand, I guess, the reluctance to explain what
7 people are doing or how they are doing it in their
8 spare time.

9 DISTRICT ATTORNEY ABRAHAM:
10 Councilman, I am here to answer questions about the
11 budget. That's what I am here for, that's what I am
12 going to do.

13 I am the elected District Attorney.
14 The people elected me to run my office. I run it
15 very well. I serve the people well. And that's
16 what I am going to continue to do.

17 I am not going to answer specific
18 questions about how the intricacies of my office
19 work, except as appropriate to justify the budget
20 that I am asking for.

21 Now, when a ranking Senator of the
22 United States Senate or the Justice Department or
23 any other law enforcement agency asks us for
24 information, just as with any other case we try or
25 any other issue --

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2 COUNCILMAN NUTTER: Madam District
3 Attorney, I am asking you for --

4 DISTRICT ATTORNEY ABRAHAM: Mr.
5 Chairman, may I finish my answer?

6 COUNCILMAN NUTTER: I am asking you
7 for --

8 DISTRICT ATTORNEY ABRAHAM: Mr.
9 Chairman, may I finish my answer?

10 PRESIDENT STREET: Can we just give
11 the District Attorney an opportunity to finish her
12 answer, and, Councilman, you can ask any question
13 you wish.

14 COUNCILMAN NUTTER: Thank you.

15 DISTRICT ATTORNEY ABRAHAM: When I or
16 anybody in my office are asked to handle an issue or
17 a case or anything else, we try to do it in an
18 effective way. But we don't have a dollar figure on
19 it and we don't have a time figure on it.

20 So when we are asked by Senate
21 staffers, judiciary members, or anybody else in law
22 enforcement for appropriate information and
23 documentation, we supply it.

24 COUNCILMAN NUTTER: How many people
25 are working on this?

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2 DISTRICT ATTORNEY ABRAHAM: I have no
3 idea.

4 COUNCILMAN NUTTER: Does any one in
5 the District Attorney's Office know how many people
6 are working on it?

7 DISTRICT ATTORNEY ABRAHAM: I am not
8 going to answer that question.

9 This is an internal matter for the
10 District Attorney's office, Councilman, and I am
11 running the District Attorney's Office. And I will
12 continue to run the District Attorney's Office.

13 COUNCILMAN NUTTER: Okay.

14 A year ago tomorrow you were at a
15 budget hearing, Mr. Gordon next to you was at the
16 same hearing, and I made a request, and I followed
17 up on that request on a couple of occasions, having
18 to do with the nature of apparently, potentially,
19 allegedly false complaints being filed against
20 Philadelphia police officers.

21 Mr. Gordon indicated that he believed
22 that the office, your office that you run, has
23 prosecuted people for filing false complaints. He
24 then stated that he was not personally aware,
25 though, of those prosecutions.

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2 I asked at that hearing a year ago
3 for information in this regard. I followed up on at
4 least one, possibly two occasions.

5 DISTRICT ATTORNEY ABRAHAM: I
6 received your letter of inquiry, I think,
7 yesterday.

8 COUNCILMAN NUTTER: Madam District
9 Attorney, I think you received a previous letter.

10 And the request itself was made in
11 the same forum, on March 6, 1997. I can provide you
12 with a copy of the transcript.

13 I sent you a letter in September, I
14 believe, of 1997, which I think was about a
15 six-month followup.

16 So the letter that you received, that
17 you are referring to, the other day is the second
18 request in writing. The first request was made
19 verbally here in the chambers.

20 Can you provide an answer to that
21 question, as you run your office?

22 MR. ARNOLD GORDON: Councilman
23 Nutter, we don't know the name of any cases --

24 PRESIDENT STREET: Please identify
25 yourself for the record.

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2 MR. GORDON: Arnold Gordon, First
3 Assistant District Attorney.

4 We don't know the name of any cases
5 that you have inquired about, and I haven't made any
6 effort to find the answer to that question.

7 COUNCILMAN NUTTER: You have made no
8 effort to find the answer to that question?

9 MR. GORDON: That's correct.

10 COUNCILMAN NUTTER: Is it because you
11 chose to ignore the request, or you have been too
12 busy, or you are doing other things?

13 MR. GORDON: It is because we didn't
14 think it was a productive use of our time.

15 COUNCILMAN NUTTER: But the other
16 things you have been working on are most productive.

17 MR. GORDON: Absolutely.

18 COUNCILMAN NUTTER: You are saying
19 that finding out and following up on allegedly false
20 complaints made against Philadelphia police officers
21 is not a worthwhile use of the District Attorney's
22 time, at the same time --

23 MR. GORDON: No, that's not exactly
24 what I said. That's not even close to what I said.

25 PRESIDENT STREET: Sir, I would

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2 appreciate it if you would let him finish. Just let
3 him finish we are all going to let everybody finish
4 here.

5 COUNCILMAN NUTTER: You don't think
6 that finding out whether or not those kinds of
7 prosecutions have been made, even though your
8 testimony last year was that you believed that they
9 had been made, that you think that filing false
10 complaints against police officer is serious, and
11 the District Attorney testified that it is a crime,
12 a violation of Title 18, but you don't think finding
13 out whether people are actually filing false
14 complaints and what your office has done about it is
15 a worthwhile use of the District Attorney's Office
16 time? That's what you are saying?

17 MR. GORDON: No. What I am saying
18 is, finding out the answers to some of the many
19 questions that you ask for, in our opinion, purely
20 political purposes, is not a worthwhile use of our
21 time.

22 Prosecuting cases involving false
23 complaints against police officers is a very
24 worthwhile use of our time.

25 And when any such complaints, with

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2 sufficient evidence to warrant taking the case to
3 court, come into our office, we are absolutely
4 positive that the people charged with that
5 responsibility carry it out and prosecute those
6 kinds of cases.

7 COUNCILMAN NUTTER: And I have asked
8 you, and I asked you a year ago, how many cases were
9 prosecuted by the D.A.'s Office for such an offense,
10 which everyone believes is significant and
11 important?

12 Now, there must be an answer to that
13 question. It is either a number, or it is zero.
14 What is the answer?

15 MR. GORDON: I don't know the
16 answer. As I told you, we did not attempt to answer
17 that question. Because you ask lots of questions
18 that seem to have no purpose other than to attack
19 the District Attorney and attack the District
20 Attorney's Office.

21 COUNCILMAN NUTTER: Mr. Gordon, you
22 have no basis for determining what the purpose of
23 the question is under any circumstance. You have
24 none. You have none.

25 MR. GORDON: I work for the District

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2 Attorney, and not you.

3 COUNCILMAN NUTTER: I asked you one
4 question in the hearing last year which came as a
5 result of a previous hearing where it was stated
6 that some officers, police officers, are allegedly
7 reluctant to do their job because they are concerned
8 that people may file complaints against them.

9 What we were trying to determine was,
10 are people in fact engaging in that practice, and,
11 secondly, as the District Attorney testified a year
12 ago, it is a violation of the law.

13 I believe you are in the law
14 enforcement business, the prosecution business. And
15 if someone were to violate the law, I assume that
16 you go after them.

17 I asked a very simple question, how
18 many of those cases have happened. You testified
19 that you believe that the office has prosecuted such
20 cases.

21 And so whether you think the question
22 is for one thing or think the question is for
23 something else, I think you have some responsibility
24 to just respond, regardless of what the motivations
25 are and whether or not you think it is an attack or

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2 not an attack.

3 It is a very legitimate question. It
4 has been asked by other people, including the
5 President of the FOP, who has a tick interest in
6 this regard.

7 And actually, I have also tried to
8 get that answer as a result of an inquiry by
9 Mr. Costello.

10 Now, maybe you will tell him, or
11 maybe you will tell Mr. Costello that it is a
12 worthless question and not an appropriate use of the
13 District Attorney's time.

14 But I don't think, if I make a
15 legitimate request and it is a very serious issue, I
16 resent the notion that somehow you decide over there
17 whether it is an appropriate request, or what the
18 basis of it is. Or how could you possibly know?

19 You are a very intelligent man,
20 Mr. Gordon, but you are not in my head.

21 MR. GORDON: I don't work for you,
22 Councilman. I work for the District Attorney.

23 COUNCILMAN NUTTER: I understand
24 that.

25 MR. GORDON: And if she directs me to

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2 answer your questions, I answer them.

3 I am also confident that --

4 COUNCILMAN NUTTER: You work for the
5 people of the City of Philadelphia, like the rest of
6 us, that's who you work for.

7 MR. GORDON: I take direction from
8 the District Attorney. She is elected by the people
9 of the City of Philadelphia to run the District
10 Attorney's Office, as she sees fit, in accordance
11 with the law and the Rules of Professional
12 Responsibility.

13 I take my direction --

14 PRESIDENT STREET: Mr. Gordon, maybe
15 I can get the District Attorney to respond to this
16 question.

17 DISTRICT ATTORNEY ABRAHAM: Let me
18 answer the question directly, Councilman. Let me
19 try to answer the question a little more pointedly.

20 When Councilman Nutter asked
21 Mr. Gordon the question in the way he placed the
22 question, I remember Mr. Gordon's answer, and I knew
23 right away there would come a request to go find the
24 cases.

25 I am not aware, in the years that I

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2 have been in the District Attorney, which is almost
3 seven years now, I am not aware of one prosecution
4 of one person who has filed a false Complaint
5 against an officer claiming that the officer did
6 something improper.

7 For example, of all the Complaints
8 filed against officers with the Police Review Board
9 or -- the Police Advisory Board, whatever that group
10 is called, and who file Complaints against police
11 with the Police Department, they are either founded
12 or not founded.

13 If they are founded, that is, some
14 Complaint against the police officer, the officer
15 may be disciplined.

16 If they are not founded, it doesn't
17 mean that the Police Department calls us up and
18 says, "Arrest Mrs. X or Mr. X for filing a Complaint
19 against Officer Y which turned out to be untrue or
20 unfounded."

21 Similarly, if there are any other
22 cases where anybody gets up on the witness stand and
23 lies about a police officer, there is almost no way
24 you can find out about that because the cases are
25 not referred to us for perjury.

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2 If there was for a filing a false
3 police report, we do would do that. But since a
4 judge says, "Guilty," "Not guilty," and doesn't make
5 a determination this witness has committed perjury
6 we have no way of practically finding that out.

7 So the answer to Councilman Nutter's
8 question really is, I don't know of any, to my
9 knowledge we haven't prosecuted any, and there is no
10 practical way of finding them.

11 As I have said previously in this
12 forum, all of our cases are listed by a court term
13 and number. We don't have cases listed by kind of
14 crime.

15 So what we would have to do, in a
16 practical way, in a very down-to-earth way, to find
17 out the answer to his question, if we could find it
18 at all -- which I suggest we would never find -- is
19 to go through millions of cases, page by page, to
20 try to discern whether a witness lied about a police
21 officer.

22 We have no way of doing that.

23 PRESIDENT STREET: District attorney
24 Abraham, that's a very different answer than having
25 a subordinate of yours lean into a microphone, in a

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2 very disrespectful way to a Councilmember at a
3 budget hearing, and saying, "We didn't do it because
4 we didn't think it was a good question and because
5 we didn't think you were properly motivated." And
6 Councilman Nutter is right about that.

7 We sometimes ask questions for a
8 variety of different reasons, and people ask
9 questions of us for a variety of different reasons.
10 But sometimes we have to answer those questions.

11 And I have asked a couple of
12 questions of a couple of departments myself over the
13 course of the last 20 years. Sometimes people
14 didn't want to supply the information, but you have
15 to supply the information.

16 And I think just as a matter of
17 respect for the office that a Councilmember holds,
18 just as a matter of that Councilmember also having a
19 responsibility in all of this, sometimes if you
20 can't give a definitive answer, a Councilmember is
21 entitled to an explanation as to why a definitive
22 answer cannot be given.

23 But it is unacceptable for a
24 subordinate of yours to say, "We didn't think the
25 question was properly motivated," because we have a

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2 right to ask questions for whatever reason. And
3 there are a number of things. And it happens, and
4 it happens all the time.

5 And, you know, it is a part of the
6 give and take of being in these public offices that
7 these kinds of things develop.

8 And I would appreciate it very much
9 if you would just have anybody who works with you
10 give whatever information you think you can give to
11 any reasonable request that comes.

12 DISTRICT ATTORNEY ABRAHAM: I think
13 you just put your finger on it, Councilperson.

14 I don't believe there is any
15 Councilperson here, except Mr. Nutter, who has had
16 any difficulty getting any information out of us.

17 If anything, if anything, we would
18 bend over backwards to try to help a City Council
19 person because they are representative of people
20 they work for.

21 However, I have to say that many of
22 Councilmember Nutter's requests are unreasonable,
23 are time consuming, and they don't address
24 themselves to the issue that we try to address,
25 which is fighting crime.

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2 If I spent all the time and directed
3 my people to spend all the time looking through
4 thousands of files to get information that
5 Councilman Nutter asked for, and it helped to
6 decrease crime one-tenth of 1 percent, I would be in
7 the stack myself doing it.

8 But all the requests that he makes
9 are not designed to fight crime; they are designed
10 to tie up my time in endless letter writing.

11 I have asked Councilman Nutter on
12 numerous occasions, "Michael, you want something
13 from me, pick up the telephone and ask it of me. I
14 will give it to you."

15 But he wants to write letters so that
16 he can pull them out at budget time and give me fits
17 about all of the letters that I didn't write him.

18 I am not going to spend the time of
19 my office answering letters that have, really, very
20 little to do with what I do.

21 I am here to do one thing, and this
22 is the way I take my oath. And I am not suggesting
23 anybody has any different oath reasons than I do. I
24 am not ascribing improper motives to anybody.

25 I am here to fight crime. I believe

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2 the people want me to do things. I want to do
3 them.

4 All I am asking when I come here is
5 just give me something that I can take back to the
6 people of Philadelphia and say, "Council wants to do
7 something about it, and here is what they are
8 doing."

9 I believe there are men and women in
10 this Council who are as highly motivated as I am.
11 All I want to do is to do something. I don't want
12 to talk about it.

13 And I am tired of responding to
14 letters that Michael Nutter writes me which have
15 nothing to do with the issue at hand which I am
16 elected to do, and that's fighting crime and
17 preventing crime.

18 That's all I want to do, that's all I
19 am elected to do, and that's what I want to do.

20 I will give him any information I
21 can. But I am not going to spend endless hours
22 looking for something where there is nothing there.

23 Now, I believe that Councilman Nutter
24 knows the answer to that question before he asked
25 it.

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2 I believe that there is no evidence,
3 and I believe that Rich Costello know it, too.
4 Because I know Rich very well. We work together
5 like we work together with Council.

6 He is not aware of any case where a
7 police officer has been falsely accused and a
8 citizen has been prosecuted, nor am I. So that's
9 the answer to the question.

10 But I am not going to spend thousands
11 of hours trying to find out the answer, because I
12 don't believe there is an answer to the question.

13 PRESIDENT STREET: Well, do you think
14 you have an obligation to answer in any way, shape,
15 or form a letter from a Councilmember?

16 DISTRICT ATTORNEY ABRAHAM: Yes, I
17 do.

18 However, what I try to do, where
19 other Councilpeople have written me letters, and I
20 prefer not to write an answer, I call that person up
21 and I say, "Listen, this is what the story is, X Y
22 and Z." The Councilperson either says, "Well, can
23 you do this or can you do that," and I will try.
24 You can't do that with him.

25 I have met with him privately, I have

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2 talked to him on the telephone, and all I am met
3 with is confrontation.

4 Now, I am going to do publicly what I
5 have done privately with Councilman Nutter. Ever
6 since I have been the District Attorney, now almost
7 seven years, I have met with him and said, "I am
8 willing to extend my hand to you, to the people of
9 Wynnefield, to the people of Roxborough and
10 Manayunk, and every person who works with you or is
11 in your councilmanic district. Tell me to do
12 something for you. Tell me to help your community.
13 You always call my office anyway. You get whatever
14 you ask for. Why don't you accept my hand in
15 friendship, and let's get on with the business of
16 working for the people who put us in office."

17 But this is beyond that,
18 Mr. President. This is just a personal animosity
19 against me.

20 But I am not going to let him get
21 personal with me because by God I am the elected
22 District Attorney and I am going to do for his
23 constituents the same thing I do for every other
24 Councilperson, without resistance or with it.

25 PRESIDENT STREET: The Chair

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2 recognizes Councilman Nutter.

3 COUNCILMAN NUTTER: Thank you, Mr.
4 President. That's a very interesting response.

5 Madam District Attorney, the only
6 reason that I had to follow up with a request is
7 that, if you recall, when I asked the question last
8 year on this tick matter, this is from the notes of
9 testimony, I said, "Now, my question is, have you
10 ever prosecuted anybody for filing a false
11 complaint?"

12 Mr. Gordon said, "Have I personally
13 or has the office? Yes, the office has. And I
14 don't believe I personally have."

15 Now, I would assume that you didn't
16 search through thousands and thousands of files to
17 come to the answer that you came to today.

18 And if you or Mr. Gordon had given
19 that answer last year at this time, we wouldn't be
20 having this discussion.

21 But his answer in testimony was that
22 the office has prosecuted people for these
23 offenses.

24 DISTRICT ATTORNEY ABRAHAM: Filing
25 false police reports?

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2 COUNCILMAN NUTTER: Yes. Mr. Gordon
3 said the office has. I asked the followup
4 question.

5 So we are only here asking this
6 because of his response to the question. If you had
7 given this answer a year ago, we wouldn't be having
8 this discussion.

9 DISTRICT ATTORNEY ABRAHAM: Well,
10 Councilman, as I have told you before, you pick up
11 the phone. You want any information from me, just
12 anything, I will try to get it for you.

13 But you have taken an adversarial
14 posture with me, and it is counter-productive to my
15 doing my work.

16 I will tell you as a matter of fact,
17 I can't remember, even as a judge for 16 years, I
18 can't remember one case that I sat on, especially in
19 Municipal Court -- Common Pleas Court I was doing
20 major trials in homicide -- I can't remember one
21 time that I ever handled a filing false police
22 report claim against anybody. I can't remember.

23 COUNCILMAN NUTTER: You could have
24 said that last year.

25 DISTRICT ATTORNEY ABRAHAM: The

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2 answer is still the same. I can't remember.

3 COUNCILMAN NUTTER: If your First
4 Assistant had said it last year, I wouldn't have had
5 to make a followup request.

6 DISTRICT ATTORNEY ABRAHAM: Well, now
7 you have your answer.

8 COUNCILMAN NUTTER: And in terms of
9 any personal characteristics that you have
10 attributed to any of this, I don't know you well
11 enough to be personal with you.

12 This is what I do for a living. I
13 ask questions, I try to get information. And we all
14 take the same oath, and we all represent the same
15 people.

16 DISTRICT ATTORNEY ABRAHAM: Well, I
17 have offered -- I will say what I said before,
18 Councilman. I have offered you my hand to help you
19 and your constituents. If you don't want to take
20 it, that's fine with me, but I am still going to
21 work for your constituents. I think it would be
22 much more productive --

23 COUNCILMAN NUTTER: Madam --

24 DISTRICT ATTORNEY ABRAHAM: Excuse
25 me. I want to finish.

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2 I think it would be much more
3 productive, since I know you have problems in
4 Wynnefield, which I read about in the paper, I
5 believe we can help you, including twice when your
6 car was broken into. I don't know if I can help you
7 with that.

8 But I believe that I have been
9 through the neighborhood that the people are
10 complaining about. I personally, or one of my
11 staff, will be more than happy to come out, meet
12 with your community or the people who are aggrieved,
13 and I will try to fashion some solution. And I use
14 that word --

15 COUNCILMAN NUTTER: I appreciate all
16 of the extra personal attention. But let me assure
17 you that notwithstanding anything that has ever
18 happened between us, I have never not called your
19 office to request assistance for the district that I
20 represent. I would never let such petty things get
21 in the way of performing my job.

22 So let me assure you that whether we
23 have exchange of hands, secret handshakes, codes, or
24 anything else, it really doesn't matter. I am going
25 to do my job. I hope that you continue to do

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2 yours.

3 DISTRICT ATTORNEY ABRAHAM: You have
4 no worry about that, Councilman.

5 COUNCILMAN NUTTER: Okay. Madam
6 D.A., I read in your testimony, and I have wondered
7 about this for some time, on Page 2 of the testimony
8 you talked about there were 64 serious crimes per
9 thousand of our population, and you have a Footnote
10 No. 2.

11 DISTRICT ATTORNEY ABRAHAM: Yes.

12 COUNCILMAN NUTTER: It says, "Serious
13 crime is defined as covering only murder, rape
14 robbery, aggravated assault, burglary, larceny, and
15 auto theft."

16 I know what most of those are. But
17 can you provide us with your definition or a legal
18 definition of aggravated assault and larceny?

19 DISTRICT ATTORNEY ABRAHAM:
20 Aggravated assault and larceny; is that what you
21 said?

22 COUNCILMAN NUTTER: Yes.

23 DISTRICT ATTORNEY ABRAHAM: Well, it
24 is not called larceny anymore. It used to be. It
25 used to be called theft.

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2 But the figures to which I referred
3 came from the Uniform Crime Report, the last
4 volume.

5 I believe that's a misnomer, that's
6 why I put "serious," quotation marks around the word
7 "serious."

8 The figure that I refer to, the
9 96,000, assumes the accuracy of the latest recount
10 as printed in the Inquirer of how many crimes per
11 thousand of population there are in Philadelphia.
12 That assumes the accuracy of that.

13 The story was that, you will recall
14 last year when we were here, there was a complaint
15 about how the police compile their crime figures.

16 And there was a recalculation as a
17 result of that. And it came out to, I believe, 64
18 crimes per thousand. I think that's the figure;
19 don't hold me to it.

20 If you take 64 per thousand, and
21 multiply that by the number of thousands of people
22 of Philadelphia, that's still 96,000.

23 Crimes that are denoted as Part 1
24 crimes, which the UCR refers to as, quote, Serious
25 Crimes, they call Part 2 crimes, I consider them

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2 very serious.

3 But if you look at the crime figures
4 in the UCR, or on the front page of our papers, they
5 call those serious crimes; that's what I meant by
6 that.

7 COUNCILMAN NUTTER: I understand.

8 What is aggravated assault?

9 DISTRICT ATTORNEY ABRAHAM:

10 Aggravated assault is the threatening, the putting
11 in fear, or the actual activity which delivers
12 serious bodily injury or the threat of serious
13 bodily injury to a person.

14 Serious bodily injury is a very
15 serious injury, but not death. I mean, that's
16 the --

17 COUNCILMAN NUTTER: So whether you
18 actually put your hands on the person or threaten
19 them in such a way that --

20 DISTRICT ATTORNEY ABRAHAM: If I, for
21 example, if I had a baseball bat in my hand, and I
22 came up to a person and if I said to them, "I don't
23 like you and I have never liked you. And if you
24 don't walk away or get away, I am going to take this
25 bath and I am going to bash your brains in," that's

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2 threatening the person, assuming the person I say
3 those words to is --

4 COUNCILMAN NUTTER: Mr. President,
5 can we make sure that, at least for the moment,
6 there are no bats in the room?

7 DISTRICT ATTORNEY ABRAHAM: I have to
8 tell you one thing, Councilman, let me just answer
9 that.

10 In life, sometimes people who appear
11 to be our most severe adversary wind up to be our
12 best friend. I am working on that theory.

13 So to get back to the answer to your
14 question, if I said that to somebody, and raised the
15 bath in a menacing fashion. And the person, the
16 recipient of that remark, was threatened or put in
17 fear of serious bodily injury, that's aggravated
18 assault.

19 The fact that I never hit the person
20 wouldn't make it less of an aggravated assault.

21 Usually aggravated assault, however,
22 is, somebody takes a gun and shoots another person
23 in the chest, in the stomach, in the head, that is
24 the actual threat to a person's body which is by its
25 very definition serious. That is aggravated

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2 assault.

3 COUNCILMAN NUTTER: Okay. Who is
4 Brian Grady?

5 DISTRICT ATTORNEY ABRAHAM: Brian
6 Grady, I believe, is one of our Assistant District
7 Attorneys.

8 COUNCILMAN NUTTER: I am sure you
9 must be aware of the incident that Brian Grady was
10 involved in?

11 DISTRICT ATTORNEY ABRAHAM: Yes.

12 COUNCILMAN NUTTER: I believe in a
13 judge's chambers, did it take place?

14 DISTRICT ATTORNEY ABRAHAM: Yes.

15 COUNCILMAN NUTTER: And he threatened
16 a judge, and then allegedly punched a defense
17 attorney?

18 DISTRICT ATTORNEY ABRAHAM: No, not
19 correct.

20 COUNCILMAN NUTTER: Threatened a
21 defense attorney, did some possible harm to a
22 defense attorney?

23 DISTRICT ATTORNEY ABRAHAM: I am not
24 going to get into the specifics of that because I
25 believe we have received notice that Mr. Grady is

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2 being sued by the lawyer in question.

3 Mr. Grady and a defense lawyer were
4 in chambers with, I believe, Judge Richard Kline.
5 There became an exchange of words, Mr. Grady acted
6 in an inappropriate fashion. The lawyer in
7 question, I believe it was Mr. Stanton, has sued
8 him. There was a small article in the press about
9 it.

10 And Mr. Grady was disciplined by my
11 office. He was taken back before the Judge at the
12 Bar of the Court, and there was a proceeding before
13 the judge on the record in open court involving
14 Judge Kline.

15 COUNCILMAN NUTTER: On that issue?

16 DISTRICT ATTORNEY ABRAHAM: Oh, yes,
17 indeed, involving Judge Kline and Mr. Grady,
18 correct.

19 COUNCILMAN NUTTER: Is that activity
20 in any way, shape, or form considered to be
21 misconduct or in violation of the Rules of
22 Professional Conduct?

23 DISTRICT ATTORNEY ABRAHAM: Well,
24 again, without getting into the specifics, because
25 there is a lawsuit pending, we certainly consider it

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2 inappropriate, and Mr. Grady was disciplined for it.

3 COUNCILMAN NUTTER: Can you say what
4 the nature of the discipline was?

5 DISTRICT ATTORNEY ABRAHAM: Sure.

6 I believe that in addition to a
7 suspension, there were other corrective actions
8 taken.

9 If you would like to talk with me
10 about that privately, I would be more than happy to
11 tell you about it privately.

12 But, again, because Mr. Grady is
13 being sued, I don't really want to get into the
14 specific issue of that.

15 COUNCILMAN NUTTER: Mr. President,
16 are there other lights?

17 PRESIDENT STREET: Actually, yes.
18 Councilwoman Tasco's light is on and Councilwoman
19 Clark.

20 Councilwoman Clark and I are doing
21 something else. Why don't you just continue.

22 COUNCILMAN NUTTER: Take advantage of
23 the Chair's distraction.

24 Lastly on the Grady matter, is the
25 District Attorney's Office responsible for his

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2 defense in this matter?

3 DISTRICT ATTORNEY ABRAHAM: No.

4 COUNCILMAN NUTTER: Who is paying for

5 it?

6 DISTRICT ATTORNEY ABRAHAM: I don't

7 know.

8 COUNCILMAN NUTTER: So Mr. Grady has

9 to cover his own legal expenses in this matter?

10 DISTRICT ATTORNEY ABRAHAM: You bet.

11 That's a yes, just so I am not misunderstood.

12 That's a yes.

13 COUNCILMAN NUTTER: I think the

14 stenographer can get, "You bet."

15 DISTRICT ATTORNEY ABRAHAM: I wanted

16 to say, "You bet," to make sure -- first of all, I

17 shouldn't have said, "You bet."

18 But the answer yes. He is paying for

19 his own defense; we are not defending him.

20 COUNCILMAN NUTTER: A matter was

21 raised with me not too long ago having to do with

22 the District Attorney Office's use of -- you have to

23 try to, I guess, protect or accommodate witnesses in

24 various cases; is that correct?

25 DISTRICT ATTORNEY ABRAHAM: We try.

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2 COUNCILMAN NUTTER: I understand
3 that. I got the newspaper stories along with the
4 testimony.

5 Can you tell us what goes into either
6 housing potential witness in a case? And do people
7 get any compensation for their time or testimony, or
8 do they get any kind of stipend or anything?

9 DISTRICT ATTORNEY ABRAHAM: Well, I
10 can't be specific about the housing arrangements
11 that we make for our witnesses, but we try to make
12 various accommodations.

13 If, for example, a witness has a
14 relative in a distant state, we might ask the
15 witness, do you have some place else to live.

16 If that person is not capable of
17 doing that, we would try to make some other
18 arrangements, and I don't want to be specific
19 where.

20 We have to cover meals, so we do
21 sometimes cover meals and other incidental
22 expenses. It is not a tremendous amount of money.
23 And all of the money that we provide is documented.

24 In other words, we don't put him up
25 in some hotel or give them a false identity and give

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2 them a spending allowance, you know, like the
3 federal authorities do. We don't have a witness
4 protection program like that.

5 Mr. Gordon asked me to make sure that
6 you understood that sometimes putting them in a
7 hotel is part of what we do, but we can't give them
8 a new identity.

9 COUNCILMAN NUTTER: I understand
10 that. I assume you must put them somewhere.

11 DISTRICT ATTORNEY ABRAHAM: Yes.

12 COUNCILMAN NUTTER: I mean, you pay
13 for meals and that kind of stuff. Do they get any
14 cash or anything?

15 DISTRICT ATTORNEY ABRAHAM: They get
16 some small incidental expense money. Sometimes they
17 get some small money; for meals, mostly.

18 In other words, they don't pay the
19 money out first. We give them X amount of dollars
20 to cover meals.

21 COUNCILMAN NUTTER: Which they can
22 use for meals, or they can use it for anything they
23 want?

24 DISTRICT ATTORNEY ABRAHAM: Well,
25 no. No.

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2 As far as we are concerned, they are
3 not given money for any purpose other than
4 appropriate purposes.

5 If they are in the in some sort of
6 protective guarded custody, with a cop standing
7 outside their door, where they don't go anyplace --
8 and we don't really do that too much, because it is
9 too labor intensive --

10 COUNCILMAN NUTTER: So you put them
11 in a location?

12 DISTRICT ATTORNEY ABRAHAM: We just
13 say, "Listen, here is money to buy your meals." It
14 is not a lot of money.

15 And if they wanted to use it for some
16 improper purpose, which we hope they would not,
17 unless we are standing over them, we don't know,
18 really, what they do with it.

19 COUNCILMAN NUTTER: Well, by way of
20 that answer, are you saying that it is theoretically
21 possible that a person under these circumstances,
22 unless they are under the kind of
23 police-officer-at-the-door situation could be given
24 this cash for whatever their expenses are, and that
25 the person could possibly use those dollars for an

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2 illegal purpose?

3 DISTRICT ATTORNEY ABRAHAM: Well, you
4 may be aware -- and it seems as though you are
5 aware -- of a story that appeared in the newspapers
6 this past week about one of our witnesses allegedly
7 using some money for an improper purpose.

8 We have --

9 COUNCILMAN NUTTER: Actually, I have
10 not seen the story.

11 DISTRICT ATTORNEY ABRAHAM: Well, we
12 have had very few instances of that occurring.

13 Generally speaking, our witnesses
14 have been threatened with death if they testify.
15 Some witnesses have been murdered.

16 What we are trying to do is prevent
17 the person from coming in harm's way.

18 It is not beneficial to us, for
19 example, to take a person who might be testifying
20 against somebody involved, for example, drugs, to go
21 out in some drug neighborhood and buy drugs, because
22 they are going to be killed either for their money,
23 for their testimony, or both. So we don't believe
24 that that happens very often.

25 But, remember, if we send somebody

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2 some place and give them a train ticket to get to
3 Aunt Tillie's house some place, could they hitch
4 hike and take the money and spend it? Yes, they
5 could. But we try to avoid that by buying the
6 ticket.

7 Could they turn around and sell the
8 ticket for a discount? Sure, I guess they could.
9 We hope that that doesn't happen.

10 But are things possible? I suppose
11 everything is possible.

12 COUNCILMAN NUTTER: Okay.

13 Lastly --

14 PRESIDENT STREET: Is this the first
15 of your last questions? Is this like Councilwoman
16 Clark? She gets three last questions.

17 COUNCILMAN NUTTER: To paraphrase
18 someone much smarter than myself, I think this is
19 merely the end of the beginning. No. This is a
20 two-part question, it is at the end.

21 Mr. Mosey was over the other day in
22 one of his usually enjoyable experiences over here
23 in City Council.

24 We asked him about the makeup of the
25 Nuisance Task Force, as well as the larger makeup of

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2 the District Attorney's Office. We did, in rather
3 quick fashion, receive a response on both of those.

4 I believe it was last year, we had
5 some discussion on the record about composition of
6 the District Attorney's Office by way of gender and
7 race and various other demographic characteristics.

8 I wanted to ask you about, you have,
9 I guess, an intern program, where, what is it,
10 second year law students?

11 DISTRICT ATTORNEY ABRAHAM: No; we
12 have interns -- yes and no.

13 Yes, we have interns.

14 COUNCILMAN NUTTER: A very political
15 answer.

16 DISTRICT ATTORNEY ABRAHAM: Well, we
17 have an intern program where we will take high
18 school student, even, and college students from
19 around the city, and elsewhere, for that matter, who
20 will volunteer to work in the summer for X amount of
21 weeks for free.

22 COUNCILMAN NUTTER: Okay. I am
23 talking about people who are in law school.

24 DISTRICT ATTORNEY ABRAHAM: First
25 year and second year.

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2 First year are freebies, they
3 volunteer. Second year, almost everybody is a
4 freebie, other than about ten -- well, we have ten
5 paid positions for the summer, at \$300 a week.

6 We have a program where we will hire
7 an additional number of people for work study, which
8 if their work study will pay, I think, 10 percent of
9 the salary, which is \$30, and the school picks up
10 the rest or gives them a credit towards their
11 tuition.

12 Then we have the freebies who
13 volunteer.

14 COUNCILMAN NUTTER: Can you tell us
15 about the past two or three years, if you consider
16 these to be classes, I guess, of interns who, I
17 don't know whether this program starts in September
18 with the school year, or it is primarily geared
19 towards the summer, when, I guess, they have more
20 time, how many people were in the intern program the
21 last two years?

22 DISTRICT ATTORNEY ABRAHAM: I don't
23 know that I have that number, because we have high
24 school and college kids.

25 COUNCILMAN NUTTER: I am primarily

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2 focused on the people who are actually in law
3 school.

4 DISTRICT ATTORNEY ABRAHAM: I am sure
5 we have a list of it someplace, but I don't know
6 whether we have it broken down by race or anything
7 else.

8 In other words, I can get for you, if
9 you want me to get for you, how many people we hire,
10 how many people, law school, who volunteer, I think
11 I can find that out for you. I will get somebody to
12 look that up.

13 COUNCILMAN NUTTER: Let me just make
14 sure, since we are here on the record.

15 DISTRICT ATTORNEY ABRAHAM: Let me
16 make a note.

17 COUNCILMAN NUTTER: Do you consider
18 this to be a legitimate request?

19 DISTRICT ATTORNEY ABRAHAM: That's a
20 legitimate request.

21 COUNCILMAN NUTTER: And a valid use
22 of the District Attorney's Office time?

23 DISTRICT ATTORNEY ABRAHAM: Well, it
24 is not of my time, but somebody in my office, yes.
25 I will get somebody.

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2 You want to know how many summer
3 interns. Only law school; right?

4 COUNCILMAN NUTTER: Yes.

5 DISTRICT ATTORNEY ABRAHAM: First and
6 second year?

7 COUNCILMAN NUTTER: If you can split
8 it out, yes.

9 DISTRICT ATTORNEY ABRAHAM: Okay,
10 sure. By year?

11 I can tell you male or female. I
12 don't know if we have it broken down by race, but I
13 will try.

14 COUNCILMAN NUTTER: Does that pool of
15 people often become some group of folks who end up
16 actually working in the D.A.'s Office?

17 DISTRICT ATTORNEY ABRAHAM:
18 Sometimes.

19 What we do is, if a person, let's say
20 if you are in law school and you worked for me, the
21 first summer you volunteered.

22 COUNCILMAN NUTTER: That would be
23 incredible.

24 DISTRICT ATTORNEY ABRAHAM:
25 Absolutely not, it wouldn't. You would be pleased

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2 and proud to have the District Attorney's name
3 associated with yours. And you will see that one of
4 these days.

5 You came to work for me --

6 COUNCILMAN NUTTER: You would never
7 hire me, so I don't have to worry about it.

8 DISTRICT ATTORNEY ABRAHAM: I am the
9 eternal optimist, never mind. I am thinking
10 positive.

11 You came to work for me, and you said
12 to me, I want to apply for a second-year
13 internship.

14 We would say, Michael, you did such a
15 great job -- and you were evaluated. You just don't
16 work there. You get evaluations. Because we take
17 our first-year students. And then if they fit
18 within the ten that we pay for the next year, let's
19 say you would be paid.

20 Even if you wouldn't be paid, we
21 might invite you back for a second year work study
22 or even volunteer.

23 Then let's say you wanted to come
24 back for the third and final year, where you would
25 just come to work for us before or after the Bar

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2 exam and then, you know, work for us, we try, but we
3 don't limit it to our interns.

4 Now, maybe by that time an intern
5 says, "I am going to get a better job in a law firm.
6 They will pay me 70,000 a year, instead of 34,000.
7 I am going to work for a law firm." They may want
8 to come to work for us, but the economics may not be
9 with them.

10 But we do try to give a first
11 preference, if you will -- and I want to use that
12 word carefully -- first dibs, to the extent that we
13 can, without cheating other people who may not have
14 been aware of the program, to our interns, whom we
15 know have a track record of good work.

16 (Councilwoman Verna assumes the
17 Chair).

18 COUNCILMAN NUTTER: Well, I know you
19 committed to getting the numbers. I assume you, or
20 possibly someone at the table, or someone else in
21 the audience, is either in charge of these interns
22 or addresses the group from time to time or sees
23 them, or has some contact with them?

24 DISTRICT ATTORNEY ABRAHAM: Not
25 really. I will tell you why. Many of our interns

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2 float through the office.

3 So you might, if you are an intern
4 like a second-year intern or -- a first-year intern
5 stays in one division.

6 Let's say you are assigned to the
7 Municipal Court Division. You would get attorneys
8 in the D.A.'s Office assigned to sort of mentor you,
9 for want of a better term. We might get them to ask
10 for an evaluation of you.

11 In the second year, you float. You
12 spend X weeks in this division, X weeks in that
13 division, X weeks in some other division.

14 And we might ask for evaluations,
15 again, especially if we know you are interested in
16 coming back with us again, so we know how you worked
17 in the Juvenile Unit, how you worked in the
18 Municipal Court Unit, how you worked in the Appeals
19 Unit, or wherever it was that you were stationed.

20 COUNCILMAN NUTTER: Let me just
21 lastly ask, we, as I mentioned, last year had some
22 discussion about composition of the office.

23 The figures sent over as a result of
24 the request to Mr. Mosey indicates that of the
25 Assistant District Attorneys, you have 260; 42 are

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2 African-American, 9 are Hispanic, 8 are Asian.

3 Given the nature of crime, both
4 perpetrators and victims, in the City of
5 Philadelphia, can you tell us what your current
6 efforts are, if this is a goal, to increase the
7 numbers of minorities in general, and
8 African-Americans in particular, in the District
9 Attorney's Office?

10 DISTRICT ATTORNEY ABRAHAM: I believe
11 you asked the question last year, and I told you I
12 am interested in diversifying the office as much as
13 possible.

14 George Mosey is the Chairman of our
15 Minority Hiring Committee, so I will let George
16 answer that question again for you.

17 MR. MOSEY: The District Attorney has
18 given me the liberty to start special programs for
19 minorities, especially in the summertime.

20 I have a relationship with Villanova
21 Law School. We are trying to develop a relationship
22 with Temple, who we do pretty well with. And it may
23 not be as necessary there, but we are, nevertheless,
24 going to try to establish minority internship
25 programs.

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2 I am the Chairperson for minority
3 hiring in the office. And I have a committee that
4 works with me, attorneys who volunteer to help out.
5 And we go out to the various law schools, to job
6 theaters, and we actually make an effort to recruit
7 minorities, at least get them in the door.

8 After they get in the door, it is up
9 to them. But when people demonstrate that they have
10 the ability to do the job, they get hired.

11 COUNCILMAN NUTTER: Has anything
12 changed from last year, when we asked this question,
13 to this year?

14 MR. MOSEY: The program that I just
15 spoke about, and there is another interesting
16 innovate that we are trying to develop.

17 We are actually trying to solicit
18 contributions to help pay a kind of stipend for
19 soon-to-be attorneys who could come to work for us
20 for the summer programs and receive some money in
21 return.

22 It is pretty difficult for minority
23 students in tick to volunteer for anything. And if
24 there is a position that pays them, then most often
25 they have to opt for that position.

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2 This program would allow public
3 officials like yourself to commit to taking a
4 student to lunch. And there would be an auction to
5 win the Michael Nutter luncheon. And that money
6 would go to help to pay for the students who want to
7 come work in the D.A.'s Office. That's just one of
8 the invasions.

9 But primarily what we try to do is
10 establish a relationship, a close working
11 relationship, with the various black law student
12 associations, for example, in the area. So that
13 when they have applicants who really want to try to
14 become prosecutors, they know who to contact.

15 COUNCILMAN NUTTER: Okay. I assume
16 your efforts will continue to try to get the numbers
17 up?

18 MR. MOSEY: Yes, it will.

19 COUNCILMAN NUTTER: Thank you. Thank
20 you, Madam Chair.

21 COUNCILWOMAN VERNA: You are
22 welcome.

23 The Chair recognizes Councilwoman
24 Clark.

25 COUNCILWOMAN CLARK: Thank you very

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2 much.

3 Good afternoon.

4 DISTRICT ATTORNEY ABRAHAM: Yes, it
5 is. Good afternoon. How are you?

6 COUNCILWOMAN CLARK: I am fine, thank
7 you. I wanted to talk about two matters.

8 But before I do, I have to speak on
9 what I think was a somewhat disrespectful manner
10 that emanated from your presentation to Mr. Nutter.

11 I think that whether the question was
12 the kind that you wanted to hear or not, that the
13 dignity of this organization should not be
14 compromised by a person deciding which questions
15 they will answer and which they will not.

16 And I am a little bit distressed that
17 you did not discipline your staff member and show
18 him a better way to do that.

19 And hopefully in an effort to lessen
20 tension -- and you know that I have been involved in
21 trying to lessen tensions, haven't I?

22 DISTRICT ATTORNEY ABRAHAM: Yes, you
23 have.

24 COUNCILWOMAN CLARK: Because I am one
25 who believes that our first attempts at problem

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2 solving ought to be peaceful.

3 DISTRICT ATTORNEY ABRAHAM: I think
4 the first and the second ought to be peaceful.

5 COUNCILWOMAN CLARK: You know, Lynne,
6 and even if you can work it out, even a third.

7 DISTRICT ATTORNEY ABRAHAM: I am
8 really trying.

9 COUNCILWOMAN CLARK: But I think that
10 sometimes, I wish you could have seen your body
11 language. Okay?

12 DISTRICT ATTORNEY ABRAHAM: My body
13 language?

14 COUNCILWOMAN CLARK: Yes. All three
15 of you. To a lesser degree Mr. Mosey.

16 But you and your deputy, Mr. -- tell
17 me your name, sir.

18 DISTRICT ATTORNEY ABRAHAM: Gordon.

19 COUNCILWOMAN CLARK: You and
20 Mr. Gordon you were loaded for bear. I mean, you
21 were like -- I mean, this is the best place for that
22 kind of posture, because you can always get a fight
23 over here.

24 But some of us are trying not to
25 fight, and it might be useful in the future to try

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2 not to add to the coals.

3 DISTRICT ATTORNEY ABRAHAM: May I
4 just respond?

5 COUNCILWOMAN CLARK: Of course.

6 DISTRICT ATTORNEY ABRAHAM:
7 Councilwoman, you and I have known each other for a
8 long time. Let me just say how I think that we feel
9 up here.

10 It is exceedingly frustrating to see
11 and hear Council wrestle with the problems of crime
12 and drugs and privation and disorder in the
13 community. We have solutions. I can't say we can
14 solve every problem.

15 It is exceedingly frustrating to come
16 here year after year after year after year and get
17 really what amounts to a zero base budget. In fact,
18 really, we are off. In fact, we buy less in the way
19 of people with the money we get today from Council
20 than we ever had.

21 And what happens is that when you
22 have hearings about, let's do something about drugs,
23 let's do something about crime, I know that you want
24 to. So do I.

25 So when you come here year after year

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2 and you say, look, this works, this works, we have a
3 way to do it, we can solve this problem, and you
4 comma way empty-handed, with a lot of questions that
5 don't go anywhere and don't address the needs of our
6 people, it is very frustrating. And we are
7 frustrated.

8 COUNCILWOMAN CLARK: I do not doubt
9 that you are frustrated. I simply offer you what I
10 believe is a better technique.

11 DISTRICT ATTORNEY ABRAHAM: It is
12 well noted.

13 COUNCILWOMAN CLARK: And received.

14 DISTRICT ATTORNEY ABRAHAM: And
15 perceived, oh, sure.

16 COUNCILWOMAN CLARK: And received
17 gratefully?

18 DISTRICT ATTORNEY ABRAHAM:
19 Perceived, received, gratefully.

20 COUNCILWOMAN CLARK: And happily so.

21 DISTRICT ATTORNEY ABRAHAM: Yes, yes,
22 yes, yes. I give up. Well, not really. But all
23 right, yes, thank you.

24 COUNCILWOMAN CLARK: I am only
25 saying, like my mama told me years ago, and yours

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2 too, you can get more flies with honey than you can
3 with vinegar. And for that matter, it is 1, 2, 3 of
4 you, and 17 of us.

5 DISTRICT ATTORNEY ABRAHAM: I am
6 covered in flowers.

7 COUNCILWOMAN CLARK: And it is our
8 forum. So it might be better if you used a little
9 less hostile approach. Only a suggestion.

10 Now, I would like to talk about death
11 penalty.

12 DISTRICT ATTORNEY ABRAHAM: Yes.

13 COUNCILWOMAN CLARK: I have to find
14 my death penalty question.

15 Does your office seek the death
16 penalty in a colorblind manner?

17 DISTRICT ATTORNEY ABRAHAM: Yes. Our
18 death penalty cases --

19 COUNCILWOMAN CLARK: If you believe
20 this to be the case, then why is the death penalty
21 given to African-Americans approximately 8.5 times
22 more frequently than whites in Philadelphia?

23 DISTRICT ATTORNEY ABRAHAM: Well,
24 Councilwoman, let me just say this: The death
25 penalty is fact based. In other words, all murders

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2 are bad, but there are certain murders that have
3 what are called statutory aggravating
4 circumstances.

5 If the facts of a given case have
6 aggravating circumstances, we seek the death
7 penalty, where appropriate.

8 COUNCILWOMAN CLARK: In every case?

9 DISTRICT ATTORNEY ABRAHAM: No. You
10 didn't let me finish. Where appropriate. It
11 doesn't mean we always get it.

12 But last year, for example, I believe
13 it is 1996, we got the death penalty seven times.

14 And, by the way, everybody -- and I
15 haven't gone back over all of this -- but I can tell
16 you the answer to your question absolutely is fact
17 driven, and not race driven.

18 In the seven death penalties last
19 year, we got a death penalty in three cases where I
20 think -- I think it is three and four, but I don't
21 remember which way.

22 All of the perpetrators and all of
23 the victims were of the same race. And, moreover,
24 most homicides, as in other crimes, are committed by
25 one person against a victim usually of the same race

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2 or ethnicity.

3 COUNCILWOMAN CLARK: I believe that.

4 But now let me ask you why the
5 requests for death penalty is running 8.5 to 1,
6 black to white?

7 Are you suggesting that those crimes
8 which fit your aggravated circumstances definition
9 are committed, and the persons are convicted 8.5
10 times more frequently than whites?

11 I am only asking for an answer. I
12 don't ask you to defend it. Just tell me what your
13 rationale is.

14 DISTRICT ATTORNEY ABRAHAM: Well,
15 remember, the death penalty is a very complex
16 issue. Let me try to answer it in a very narrow
17 way.

18 As you have perceived yesterday with
19 the big story about homicide, and with other stories
20 about homicide that preceded it, the primary victim
21 in Philadelphia is African-American, Latino, or some
22 other non-white person.

23 And, as I mentioned before, it is
24 usually committed by a person of the same racial or
25 ethnic background, usually.

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2 The aggravating circumstances are not
3 my aggravating circumstances; they are set by
4 statute.

5 COUNCILWOMAN CLARK: I understand
6 that. I never was confused on that.

7 DISTRICT ATTORNEY ABRAHAM: I
8 understand that, because you are a lawyer.

9 COUNCILWOMAN CLARK: I speak only to
10 the number of times it is requested.

11 DISTRICT ATTORNEY ABRAHAM: It is not
12 requested --

13 COUNCILWOMAN CLARK: Ever?

14 DISTRICT ATTORNEY ABRAHAM: If we
15 start out with the proposition that there are -- and
16 I want to be really careful about this, because I
17 want you to be assured it is fact driven and law
18 driven, not race driven.

19 If we start with the idea that we
20 look at the facts of the case, did X shoot Y in a
21 crowded room, with a lot of other people, in a
22 dispute?

23 COUNCILWOMAN CLARK: Causing him to
24 die? So he is now dead --

25 DISTRICT ATTORNEY ABRAHAM: Oh, sure

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2 causing him to die.

3 COUNCILWOMAN CLARK: -- and convicted
4 of the crime.

5 DISTRICT ATTORNEY ABRAHAM: Just hear
6 me out.

7 If the killer is in a room with a lot
8 of people, takes out a semi-automatic pistol and
9 shoots up the whole room, killing one or more
10 people, and the dispute arose out of a drug deal,
11 and there was injury, you know, committed against
12 others, and, let's say, a police officer walked in
13 and got shot and killed, as well, there would be
14 several statutory aggravators, amongst which was
15 death involving a drug transaction, if there is a
16 dispute over a drug deal.

17 Number two, he gravely put in risk
18 other people in the immediate area. Number three,
19 he killed a police officer in the performance of his
20 or her duties.

21 There would be three statutory
22 aggravating circumstances. That is color neutral,
23 race neutral, gender and ethnicity neutral. It is
24 fact driven.

25 COUNCILWOMAN CLARK: Is it a fact

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2 that 8.5 times to 1 African-Americans are sentenced
3 to the death penalty? Is that a fact? Is it
4 equal?

5 DISTRICT ATTORNEY ABRAHAM: I don't
6 know.

7 COUNCILWOMAN CLARK: Would you do me
8 a favor, would you check that?

9 DISTRICT ATTORNEY ABRAHAM: I will
10 try to find that out.

11 COUNCILWOMAN CLARK: Would you check
12 it by race?

13 DISTRICT ATTORNEY ABRAHAM: I mean, I
14 think we can find it out by race.

15 My guess is that again, now remember,
16 if we don't have it in our computer base, that means
17 that somebody is going to have to go through
18 thousands of cases. I can tell you only this --

19 COUNCILWOMAN CLARK: Lynne, if you
20 don't have it in a a machine-retrievable way, tell
21 me that.

22 DISTRICT ATTORNEY ABRAHAM: We
23 don't. We don't.

24 COUNCILWOMAN CLARK: I am not asking
25 you through green eye shades. I am not asking you

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2 to thumb through piles and piles and piles of
3 cases.

4 DISTRICT ATTORNEY ABRAHAM: We don't.

5 COUNCILWOMAN CLARK: I don't know how
6 your data is.

7 DISTRICT ATTORNEY ABRAHAM: It is on
8 5 by 8 cards.

9 COUNCILWOMAN CLARK: 5 by 8 cards
10 lends itself to green eye shades. I thought you
11 were going to manipulate a computer base.

12 DISTRICT ATTORNEY ABRAHAM: No. I am
13 going to tell you something, one of the things that
14 I have talked to Council about is how we are
15 operating on 1940's technology.

16 COUNCILWOMAN CLARK: Well, I do need
17 you to know that I have a continuing interest in the
18 equity of, of the evenness, in the number of times
19 that the death penalty seems appropriate to the
20 D.A.'s Office, whether you liked it or not, if you
21 had to ask for it, or if it is called for by the
22 facts of the case.

23 Now, I would like to go back for a
24 second to the discussion that you and Councilwoman
25 Tasco were having about truancy.

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2 I am a very strong advocate, but I am
3 not persuaded that everybody understands truancy.

4 Failure to attend school regularly is
5 not necessarily truancy; would you agree with that?
6 There could be reasons --

7 DISTRICT ATTORNEY ABRAHAM: No; it is
8 truancy. But instead of being, let's say,
9 willful -- in other words, if I don't go to school
10 because I don't feel like going to school, that may
11 be truancy.

12 If my mother had me tied to the
13 Chair, it might still be truancy, but there would be
14 a justification for the truant. I was tied to a
15 Chair.

16 COUNCILWOMAN CLARK: I think that all
17 of us use this one little word and mean different
18 things by it.

19 For instance, Philadelphia does not
20 have a standardized school day opening and school
21 day closing; right?

22 So that if a person encounters a
23 young person upon the public highway at 1:30 in the
24 afternoon, that person is not necessarily truant, is
25 he or she?

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2 You would have to know what time
3 their school day starts, whether that student was in
4 a school without walls, going from one building in
5 one section of town to another in another section of
6 town.

7 So the question of young people upon
8 the public highway during times which some person
9 believes that they ought to be in school raises
10 questions to me about the ethicacy of having
11 somebody who is not in the school system sweep the
12 pavement, that worries me.

13 DISTRICT ATTORNEY ABRAHAM: I am not
14 doing that. Let me just back you up a little bit.

15 I would never suggest to this Council
16 that it would be an appropriate use of the District
17 Attorney's manpower to sweep pavements in the way
18 you used it.

19 The program that we are suggesting is
20 an absence from school without cause.

21 COUNCILWOMAN CLARK: Right. Now, I
22 don't have a problem with that. I think that is
23 exactly the definition that we need to publish about
24 what is truant.

25 I can't ask police officers to know

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2 that, because there are at least ten different times
3 when you can go to school in the Philadelphia public
4 school system, including some people who don't go to
5 school until 4:00 in the afternoon.

6 Now, that is an unusual school time,
7 and there are not very many people that are involved
8 in the program. But those people have a right to be
9 upon the public highway. And we should not get into
10 a situation, Madam District Attorney, where
11 Americans have to carry cards.

12 DISTRICT ATTORNEY ABRAHAM: No. No.
13 No.

14 COUNCILWOMAN CLARK: See, that's
15 what's worrying me about it, how it gets
16 implemented.

17 DISTRICT ATTORNEY ABRAHAM: Just
18 remember one thing, this is palliative, it is
19 restorative, it is not supposed to be punitive.

20 So that if little Gussie Clark
21 doesn't come to school for 25 days without cause, in
22 other words, no note, Mrs. Clark doesn't call up and
23 say little Gussie is sick today, or her father was
24 sick, or she had to go some place, she just doesn't
25 show up, she is gone, and we can't find out, there

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2 is no information that indicates that this person is
3 absent with a cause, we would send a letter saying,
4 "Dear Mrs. Clark: Do you know that Gussie has been
5 out of school for 25 days? Why don't you come on in
6 to the school, you will meet with us, we will talk
7 to you, we will acquaint you with the problem, we
8 will try to assist you with anything we can assist
9 you."

10 And the way that we envision this,
11 this will be service-oriented. If you need
12 counseling, help from some department of the city,
13 treatment for some ailment or illness, or your child
14 does, if there is some intervention that we can
15 offer you, more is the better.

16 And that works because what it does
17 is, it gets you the treatment or help that you as a
18 child need and it gets the treatment or intervention
19 or help that your mother might need to make sure
20 that you come to school.

21 COUNCILWOMAN CLARK: It seems to me
22 we can't disagree on that. You and I are on the
23 same page with respect to that. It just seems to me
24 that your office is the wrong place for it.

25 If it is going to be done by some

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2 institution or agency other than the schools, it
3 seems to me that the better place is Family Court.

4 Because yours is a charging,
5 fault-based system. The Family Court is in local
6 parentis; instead of the parent, you stand in the
7 place of parents.

8 And here everything is what is in the
9 best interests of the child.

10 DISTRICT ATTORNEY ABRAHAM: Let me
11 offer you something.

12 COUNCILWOMAN CLARK: I don't know how
13 much money you are planning to devote to this
14 effort, but I really do not think that it is the
15 best use of your staff and your dollars.

16 DISTRICT ATTORNEY ABRAHAM: Let me
17 offer you something to think about. I won't ask it
18 rhetorically; I will ask it to myself.

19 I believe that if the school system
20 could do something about truancy, they would have
21 done it already.

22 I believe that the intervention of
23 the District Attorney's Office is appropriate
24 because we get people's attention.

25 COUNCILWOMAN CLARK: But Ms. Abraham,

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2 that is the same --

3 DISTRICT ATTORNEY ABRAHAM: I was
4 Lynne just a few minutes ago, now I am Ms. Abraham.

5 COUNCILWOMAN CLARK: Girlfriend.

6 DISTRICT ATTORNEY ABRAHAM: We are on
7 the same page.

8 I will tell you what I want to do --

9 COUNCILWOMAN CLARK: Listen. I mean,
10 if we use that rationale, we would say, if the D.A.
11 could do something about crime, she would have taken
12 care of it.

13 So to say that the School District,
14 the fact that they haven't fixed it means that
15 somebody else ought to bring fresh eyes to it does
16 not fly with me.

17 I think that it is outside the scope
18 of the District Attorney's Office, and I think this
19 is an unnatural extension.

20 A better extension, it seems to me,
21 if you believe it ought to be outside the school
22 system, would be in Family Court, which is a more
23 child-friendly environment, you have to admit than,
24 the District Attorney's Office.

25 MS. ABRAHAM: I am only interested in

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2 one thing, that kids come to school.

3 We use the Los Angeles model. In my
4 recitation of the program to you, in the Los Angeles
5 program, the Los Angeles District Attorney's Office,
6 which is the model that we used, has become involved
7 in truancy prevention, this is crime preventive and
8 education friendly.

9 In 1993, 1994, 1995, of the over
10 14,000, 14,500 families got letters, 90 percent of
11 them, once they got the letter saying, hey, guess
12 what, your little child didn't attend school, and it
13 is a responsibility to get your kid to come to
14 school, they had a 90 percent improvement rate out
15 of the 14,500 families.

16 COUNCILWOMAN CLARK: So in that model
17 they only had to have one contact. It was
18 sufficiently high, sufficiently scary, so that
19 parents and children --

20 DISTRICT ATTORNEY ABRAHAM: Not
21 scary; persuasive.

22 COUNCILWOMAN CLARK: Persuasive to
23 cause parents and children to change their behavior.

24 DISTRICT ATTORNEY ABRAHAM: Correct.

25 COUNCILWOMAN CLARK: I yield to my

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2 colleague Happy Fernandez.

3 COUNCILWOMAN FERNANDEZ: I just
4 wanted to note for the record we did have the
5 hearings on truancy in January, and I think a lot of
6 folks are already working on this.

7 And I think the question would be, I
8 would think the D.A.'s Office could coordinate with
9 the schools and the police, who are already taking
10 action. And I understand you want to focus on the
11 younger children.

12 But the School District has really
13 started to focus much more on attendance because
14 schools are held accountable for the attendance of
15 their students and their teachers.

16 There has been a gradual increase, I
17 think it is a 1 percent overall increase, in
18 attendance in the system.

19 And they are increasingly having
20 teachers, principals, and volunteers who come into
21 school, parents and stuff, call kids when they are
22 absent and try to get directly in touch and nip the
23 issue in the bud from the school side.

24 COUNCILWOMAN CLARK: I am saying it
25 is a school responsibility. And I wonder --

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2 COUNCILWOMAN FERNANDEZ: Could I just
3 finish, Councilwoman?

4 The other piece -- because I think it
5 needs to be hit from a number of angles -- the other
6 piece is, the police have had two officers in each
7 police division who have been rounding up kids who
8 are truant, getting them back to school, getting
9 them to their homes.

10 And they have had a dramatic decrease
11 in crime already, petty crime, auto theft, and
12 overall crime, like 40, 50 percent.

13 So some progress is being made. And
14 I think the issue would be, how does this fit in
15 with all these other options.

16 COUNCILWOMAN CLARK: I know we are
17 all grappling with the same problem and we all have
18 the same concern. But we have to have a school
19 system that is left that is worthy of respect.

20 Now, I guarantee you if you strip one
21 naked to the waist and flog him, you would make all
22 the rest of them go to school. But do we want to go
23 there? Are there not some things that we don't want
24 to do to the learning environment?

25 Since you and I went to school, we

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2 have already got uniformed police officers in
3 schools, we have some children walking through metal
4 detectors, we have things that you can't carry in
5 your pocketbook and your book bag because somebody
6 thinks it is bad. And I am not arguing against
7 that.

8 When it finally gets down to it,
9 though, we have truancy court and the D.A. charging
10 kids? This is taking education too far afield.

11 Now, whether it is effective has
12 not -- the statute says we have the right to do it.
13 I think we have always to be concerned with what is
14 best for the children; not just the right, do we
15 have the right.

16 And, Madam, Lynne, I think we are
17 going too far afield. I don't give you bad
18 motives. I think that all of us are task driven,
19 and we want to see children go to school regularly
20 and do well.

21 But I want you to know that
22 everything we do takes us away from that little red
23 schoolhouse where children were respected and
24 everybody expected them to do well. And I just am
25 worried that we are going in the wrong direction.

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2 And I promised to yield to my
3 friend --

4 DISTRICT ATTORNEY ABRAHAM: I will
5 tell you what, Councilwoman, if you fund L.I.N.E.
6 and PNTF, you can have truancy.

7 COUNCILWOMAN CLARK: Well, I don't
8 agree to all of that, but I do appreciate your
9 willingness to rethink some of the directions that
10 we are taking public schools in.

11 COUNCILWOMAN VERNA: Is this the same
12 issue?

13 COUNCILMAN MARIANO: You might have
14 missed it, but yesterday I went to a press
15 conference that Judge Panepinto from Family Court,
16 he had the Truancy Court, and they are going to have
17 a Truancy Master and they will have all the records
18 in one place.

19 And these are for chronic truants,
20 chronic. It is not somebody who missed two days.

21 I appreciate Councilwoman Clark's
22 idea on this, and I understand that little red
23 school house idea. It wasn't quite as little and
24 red when I went there, but it is probably getting
25 bigger.

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2 I don't know what will happen ten
3 years for the people that have to go to school with
4 the metal detectors, what that's going to cause in
5 their sight 10, 20 years down the road remains to be
6 seen.

7 COUNCILWOMAN CLARK: We are headed to
8 a detention cell in a school; that's the next step.
9 We are headed to having a detention cell in a
10 school.

11 Now, you know, people always rise or
12 sink to your expectations, always. And if we turn
13 schools into armed camps and holding places until we
14 can get them to jail, the stupidest kid in the class
15 will pick up that message. That's all I'm talking
16 about.

17 If we really love children, the way
18 we all say we love children, then let's treat
19 children in loving ways.

20 COUNCILMAN MARIANO: Councilwoman,
21 the only thing I can relate to are my two sons, and
22 one is 17 and one is 13.

23 The 17-year-old, he is up at 6:30
24 looking at his cords for what he is going to study.
25 When the alarm rings at a quarter of 7:00, ten of

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2 7:00, I am pulling 13-year-old Vincent out of bed by
3 his feet. I have to take him over to the shower,
4 put the shower on, help him get out of his bed
5 clothes. So there are two brothers, and that's how
6 different they are.

7 If I didn't pull Vincent out of
8 bed -- and that's my responsibility as a parent --
9 he would probably still be in bed now. Ricky would
10 go to school.

11 So I don't know where we are going
12 with this eventually, and I don't see your vision
13 being probably much different than what I see is
14 going to happen.

15 But I do know every day when I drive
16 past Frankford High School, there are people sitting
17 on the wall, people going in the door and out the
18 door, and that makes it hard for people to
19 constantly pay city taxes, for real estate taxes,
20 for school taxes, and all these taxes, and they feel
21 like, what's going on.

22 I know Frankford High School has two
23 policemen patrol there, which is an incredible
24 thing. I can imagine policemen being in a high
25 school when I was in high school.

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2 I don't know that answer. Again,
3 that's a rhetorical answer to your question. But
4 hopefully we can go a little between both of them,
5 where people are going to be safe.

6 COUNCILWOMAN CLARK: I am not going
7 to stretch this record out any further, because we
8 are not that far apart in what we are saying. We
9 are not that far apart.

10 If we keep ourselves in local
11 parentis, if we stand and face the parents in
12 everything we do, if we do what is best for the
13 child, we will swing that pendulum back in this
14 direction, rather than go to the extreme measures
15 which I see public education going to. That's all I
16 am talking about.

17 Madam Chair, I thank you for your
18 forbearance on the record.

19 COUNCILWOMAN VERNA: The Chair
20 recognizes Councilwoman Tasco.

21 COUNCILWOMAN TASCO: Madam Chair,
22 last year we talked about computerization of your
23 office.

24 Can you tell me what progress you
25 have made towards that goal? And how has the

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2 Administration assisted you in computerizing your
3 office?

4 DISTRICT ATTORNEY ABRAHAM: Well, we
5 are trying to make sure that we have not only
6 sufficient computers -- we have had some, I can't
7 give you the exact numbers, maybe somebody else
8 can.

9 The real problem is that with
10 computers, requires data entry clerks and an
11 interface between our office, the court system, and
12 everybody else.

13 The problem with computer buying is
14 that lots of people buy systems that don't
15 interface. We need an overall system that will
16 interface all aspects of what we do, plus we will be
17 able to keep our own statistics.

18 And I can ask somebody from my office
19 who knows how many computers we have, how many are
20 outmoded because the computer technology changes,
21 and all the other stuff. And if I don't have it
22 here, I will tell you.

23 But I can tell you, many of our
24 D.A.'s do not have a computer.

25 For example, in the courthouse, where

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2 our D.A.'s sit in the courtroom, it is computer
3 ready, but there are no computers.

4 So if we needed some information
5 about a case, we can't use a computer because it is
6 not there. And some of our courtrooms don't even
7 have a telephone, so we can't even find out where we
8 are.

9 So the technology is here now,
10 everything is technology based, but we are still
11 operating with cards, I mean, with 3 by 5.

12 Everything that we do in our system
13 is based on a cardboard file like this by court term
14 and number.

15 So if you said look up Marian Tasco,
16 we might be able to look up on a computer criminal
17 record for Marian Tasco. But in order to find the
18 file, we would have to go to the warehouse and pick
19 up a paper file out of the warehouse.

20 We wouldn't have anything on-line.
21 Unless we have the file in house, in which case we
22 would say, here is the file and here is the
23 paperwork inside of the file.

24 But it is not computerized.

25 COUNCILWOMAN TASCO: Do you foresee

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2 in the future when that might happen? I am talking
3 about an integrated system.

4 DISTRICT ATTORNEY ABRAHAM: The idea
5 was, when the new courthouse was built, the CJC,
6 there was supposed to be, what? We were supposed to
7 have, I thought it was, 100 million, but there was
8 supposed to be a computer in every courtroom, Judge
9 Shapiro said no, so she cut back on that.

10 We have 300 usable computers, and we
11 are short about 150. But that's just hardware; that
12 doesn't mean integrated systems.

13 For example, Councilman Nutter sent
14 me a thing about VINE, Victim Information
15 Notification System.

16 It would be great. Everybody could
17 notify victims by way of computer. And they could
18 call up and say, "Hi, I'm Marian Tasco. I need to
19 know when the case of Commonwealth versus Smith is
20 coming up or when he is being paroled, you can get
21 it by computer.

22 But it all has to be integrated into
23 one working system. It, unfortunately, doesn't work
24 like that now.

25 COUNCILWOMAN TASCO: Well, we have a

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2 new Information Chief. So maybe some dialogue can
3 begin with him to talk about -- he seems to be
4 fairly progressive.

5 DISTRICT ATTORNEY ABRAHAM: Show me
6 the money. It is very nice to have a good computer
7 person. I am really happy.

8 That doesn't mean anything if he
9 says, we have this great system, but, unfortunately,
10 we have no money to give it to you.

11 Is very nice, but it doesn't -- and
12 we never get it, and that's the way it is.

13 COUNCILWOMAN TASC0: Okay. I think I
14 have one other question.

15 This question refers to a Daily News
16 editorial on Monday that there is a proposal that by
17 State District Attorneys, and your office included,
18 to be able to have the District Attorney request a
19 jury trial in a tick case.

20 What is the purpose of this, and does
21 this demonstrate that the District Attorney does not
22 believe that a judge will deliver a fair ruling?

23 DISTRICT ATTORNEY ABRAHAM: The law
24 of Pennsylvania up to a few years ago was that a
25 person could give up his right to a jury trial with

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2 the District Attorney's consent. That was changed.

3 We want it changed back. Because
4 sometimes it means that people do judge shop, and
5 that does happen.

6 So, therefore, the Attorney General
7 of Pennsylvania, Mike Fisher, and District Attorneys
8 from around the state, testified in Harrisburg --
9 let's see when did I go up there? -- two weeks ago
10 or so.

11 And I testified that it would be
12 appropriate for, in those limited circumstances --
13 and it is not going to be every case, and it is not
14 going to be even nearly every case, because the
15 system would break down -- in certain cases that we
16 would either ask for a jury trial or it would have
17 to require our consent to give up a right of a jury
18 trial, either one.

19 But we have asked for the
20 Commonwealth's right to have a jury trial, where we
21 think it is either judge shopping or judge
22 maneuvering.

23 COUNCILWOMAN TASCO: I am not a
24 lawyer. I am not familiar with all this court --

25 DISTRICT ATTORNEY ABRAHAM: Stuff.

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2 COUNCILWOMAN TASC0: -- stuff.

3 But who determines whether or not a
4 defendant is shopping, judge shopping?

5 DISTRICT ATTORNEY ABRAHAM: Well --

6 COUNCILWOMAN TASC0: Doesn't that
7 require a subjective decision?

8 DISTRICT ATTORNEY ABRAHAM: There are
9 a variety of ways where we find out where defendants
10 are forum shopping. It happens from time to time.

11 Where we believe that a person is
12 forum shopping, and comes in front of a judge who is
13 known to give out lenient sentences, we asked for
14 the right to have a jury trial.

15 We have not been successful in this
16 effort thus far. I don't know what success we will
17 be met with this time.

18 It is just a bill. It hasn't passed
19 yet.

20 COUNCILWOMAN TASC0: Thank you.

21 COUNCILWOMAN VERNA: Thank you.

22 The Chair recognizes Councilman
23 Mariano. Did you finish your questioning?

24 COUNCILMAN MARIANO: No.

25 COUNCILMAN MARIANO: Thank you, Madam

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2 Chair.

3 Madam D.A., when you put up that map
4 there, that big red box that you had up there,
5 that's my district, mostly.

6 So when you look at that other map
7 you have here, there are so many reds and greens, it
8 almost looks like my part is all red and green. So
9 to me, that tells me there are a lot of homicides.

10 DISTRICT ATTORNEY ABRAHAM: Keep
11 remembering, the green is a forfeiture petition
12 being filed against that property.

13 So all these, let's see, you are in
14 the 24th, 25th, and 26th?

15 COUNCILMAN MARIANO: The whole East.

16 DISTRICT ATTORNEY ABRAHAM: Do you
17 see where these little green triangles are? Our
18 office has filed to forfeit that property; that's a
19 drug property.

20 The blue circles with the dots in the
21 middle are a combined agency action. That's Liquor
22 Control, Licenses & Inspections.

23 COUNCILMAN MARIANO: ATF,
24 everything?

25 DISTRICT ATTORNEY ABRAHAM:

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2 Everything, all the agencies. Maybe not TF, but
3 agencies.

4 COUNCILMAN MARIANO: This is the box
5 with the homicides.

6 DISTRICT ATTORNEY ABRAHAM: Now, this
7 homicide map, what I have tried to do -- and I have
8 asked George and Joe Whitehead -- and come on up for
9 a second, Joe. This is Joe Whitehead, he is the
10 chief of the L.I.N.E. unit.

11 I said to Joe yesterday, I said, you
12 know, this map is so effective to show where the
13 PNTF action is. Could we get one made up to show
14 where L.I.N.E. worked, only in the 18th District.

15 But I guarantee you -- and I think I
16 have no fear of contradiction -- that the L.I.N.E.
17 map will cover virtually the same area as this area
18 over here.

19 The 18th District, the lower six
20 sectors of the 19th District, and a little bit of
21 the 12th District, the L.I.N.E. effort is virtually
22 the same.

23 So the point of making this box,
24 Councilman Mariano, was really the Police
25 Department's, not me.

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2 The Police Department wanted to
3 demonstrate that 20 percent of the homicides in
4 Philadelphia are committed in the East Division.

5 COUNCILMAN MARIANO: That's where all
6 the drugs are sold.

7 DISTRICT ATTORNEY ABRAHAM: Not where
8 all the drugs are sold, but where a lot of drugs are
9 sold. And I asked them to try to take it off, but I
10 didn't have enough time.

11 So 178 homicides, 21 percent .4
12 percent, of '96, '97 of the homicides were in this
13 box.

14 So with L.I.N.E., Councilman Mariano,
15 L.I.N.E. -- and Joe Whitehead, who is standing
16 behind me, can tell you -- L.I.N.E. depends on its
17 ethicacy upon community, home ownership, church,
18 political, state leadership, all those workers, all
19 the pieces that fit together to make it work.

20 I would tell you it would be
21 difficult, not impossible, but very difficult, to
22 get L.I.N.E. working in certain areas of that box
23 where there is very little infrastructure, very
24 little neighborhood cohesiveness.

25 We would probably have a better

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2 chance of it working in the 24th, rather than in --
3 I will be honest with you; I am not going to lie to
4 you -- the 25th or the 26th.

5 COUNCILMAN MARIANO: There may be
6 some infrastructure in the 25th. But the reason I
7 ask you these questions --

8 DISTRICT ATTORNEY ABRAHAM: We would
9 select an area; we wouldn't pick an area.

10 COUNCILMAN MARIANO: The reason I ask
11 you these questions, Madam D.A., is, the people I
12 remember from Girard Avenue to Grant Avenue, they
13 don't watch these hearings, some of them read the
14 paper, they are not interested about any
15 Councilpeople and D.A.'s talking back and forth,
16 what happens; it is results.

17 The Public Nuisance Task Force, I
18 have seen that work. I worked with Carl Anderson
19 and the new gentleman in the East, whose name I
20 forget.

21 DISTRICT ATTORNEY ABRAHAM: Give me a
22 second.

23 The East Division is Mr. Wolf.

24 COUNCILMAN MARIANO: Right,
25 Mr. Wolf. It is result orientated.

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2 DISTRICT ATTORNEY ABRAHAM: Yes, it
3 is.

4 COUNCILMAN MARIANO: I would have no
5 problem, if I was king of this Council, let alone
6 king of the world, I would be in favor of that.

7 Because results, these people are
8 going through the same thing every day, going out in
9 the street, getting to school, going to work.
10 Hopefully they don't get shot or killed on the way.

11 And it is very dangerous, and I am
12 not trying to belittle that.

13 If this works as good as the Nuisance
14 Task Force works -- and I have seen that work from
15 Kensington up to Cottman Avenue -- I mean, it works,
16 and I would be favorable, and the people in my
17 district would be happy to see it.

18 DISTRICT ATTORNEY ABRAHAM: Joe, who
19 is the head of L.I.N.E., the Chief of L.I.N.E., and
20 Ed Jaramillo, the Chief of PNTF, work together,
21 because they are all looking for the same things,
22 things that tend to rip the community apart.

23 And this works. I am telling you,
24 this works. It works.

25 COUNCILMAN MARIANO: Hopefully next

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2 year we will do this, next year you will come back
3 and tell us what a success this was, and we can have
4 this dialogue, and I can tell you how successful
5 this was in the East, and maybe even the Northeast
6 In the Northeast, things are happening.

7 DISTRICT ATTORNEY ABRAHAM:

8 Northeast, I spoke to Brian O'Neill, it is a little
9 bit different up there. But there are special
10 problems that need to be addressed up there, and
11 that's why we would tailor make a program that would
12 work in the upper part of your area and portions of
13 Councilman O'Neill's.

14 COUNCILMAN MARIANO: I appreciate
15 it.

16 And then just to quote Councilwoman
17 Blackwell, she said it, but she didn't know it was
18 James Brown, "Please, Please, Please." We need
19 that. Thank you.

20 That's all, Madam President.

21 COUNCILWOMAN VERNA: Thank you.

22 The Chair recognizes Councilman
23 Cohen.

24 COUNCILMAN COHEN: Thank you, Madam
25 Chair.

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2 I kind of enjoyed the exchange
3 between the District Attorney and Councilman
4 Nutter.

5 My one regret was that I wasn't in
6 the middle of it. I am not used to sitting on the
7 sidelines when there are those kinds of battles.

8 But I am respectful to you very
9 highly, and I am hoping that a lot of air has been
10 cleared.

11 But just as an introductory question,
12 how is it for the District Attorney's Office when
13 the Mayor is also a former district attorney?

14 In one sense one would expect it to
15 be very helpful, but I didn't gather that that was
16 the case in discussions, at least, of the budget.
17 It might be helpful in other ways. I don't know.

18 DISTRICT ATTORNEY ABRAHAM: Well, you
19 know I like Ed very much. You know we are friends.
20 And we talk all the time. Well, not all the time,
21 but from time to time, about issues about crime.

22 Let me first observe that when I
23 first became the District Attorney, we were broke.
24 He asked me to come in and not only take a cut, but
25 asked for nothing for that year and the year after.

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2 And I said okay, you know, Ed, I am
3 here to help the city. Whatever I can do, I will
4 work within my budget.

5 I think those problems still continue
6 today. I mean, I think we have gotten a little bit
7 out of the bottom. But I shouldn't say this, I
8 don't think we are in as safe a place as other
9 people do; I think we still have a lot of problems.

10 However, I will tell you, in my
11 considered judgment -- I am going to use this
12 board. Because I am a teacher, you know, or at
13 least I was. I always like to use a device.

14 This city's future is going to depend
15 on jobs. Jobs depend on safety and being crime
16 free. People want to feel safe and they want to be
17 crime free.

18 The number one issue, according to a
19 recent survey -- I don't know how reliable it was,
20 but I think it is pretty reliable -- you and I go
21 around, Councilman Cohen, to a lot of meetings. I
22 see all of you everywhere.

23 The one thing people want is a sense
24 of safety and a sense of being crime free.

25 You can't have jobs and industry and

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2 taxes and goodies and people coming here if they
3 feel unsafe or they feel that there is a sense of
4 lawlessness. And that's why, to me, quality of life
5 has a much more inclusive feel to it.

6 So when I go to Ed and say, "Ed, we
7 need money," he says, "Yes, Lynne, everybody needs
8 money."

9 What can I say? He is the Mayor
10 now. So if you take off your D.A. hat -- and I will
11 use the word petitioners -- people are petitioning
12 to you as the Mayor for everything, as you ladies
13 and gentlemen have, where do you put your
14 resources?

15 So unfortunately, and I do mean this,
16 if I had more money, if I had had more money and had
17 put in these programs earlier and kept them up and
18 running, you do have a leg up.

19 Now, you need other things. You need
20 not only prisons, you do need prison space, but you
21 need programs. Okay? So we are looking at prisons
22 and programs now.

23 The prison is full, it is overfull.
24 We just released in the past couple of weeks
25 everybody that we could release or that was -- we

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2 didn't release anybody, because that's not my gig.

3 But we agreed, we agreed that the
4 6300 hundred cap, that's the cap that the city
5 agreed to, 6300. So hundreds of prisoners are let
6 out. Many hundred don't get in, so they are out on
7 the street.

8 So, all right, we will try electric
9 home monitoring. That costs \$1500 a unit. Now, it
10 doesn't prevent me from permitting a crime. If I
11 wanted to sell drugs, I will just sell them inside
12 my house, instead of going out on the street. But
13 at least the probation department knows where I am,
14 sort of, maybe, maybe.

15 So we don't have prison space, we are
16 trying programs. We have a drug court now that's
17 operating two days a week. We are trying to do
18 intervention.

19 But when it is all said and done, the
20 best District Attorney in the world, I am going to
21 tell you the best District Attorney in the world,
22 which I am trying to be, I might add, is if you can
23 do this.

24 If you can prevent the crime from
25 happening before it happens, which is the best

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2 District Attorney in the world.

3 No District Attorney is ever going
4 to, quote, solve crime by convicting somebody of a
5 crime and sending them to jail maybe. You do the
6 best if you prevent crime.

7 All the programs I am talking to you
8 about, whether you agree with them or not, truancy
9 prevention, domestic violence, gun trafficking,
10 truancy, L.I.N.E., PNTF, are all prophylactic. They
11 also are crime abating.

12 But if we can move in and prevent --
13 we are not going to get everybody. We are just
14 going to miss some people. There is going to be
15 crime in every major city. But if we can prevent,
16 make our crime go down, you can do it.

17 Remember New York -- and I listened
18 very carefully to Mr. Timoney's statement yesterday
19 -- what he didn't say -- maybe I missed it, because
20 I didn't listen to all of it, I couldn't, I was
21 waiting to come over here, and I watched part of
22 it -- New York passed a special tax and I am not
23 saying you are going to pass a special tax.

24 Now, I am not saying that you are
25 going to pass a special tax, Councilman -- but David

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2 Dinkins, when he was the Mayor of New York, he got
3 the legislature of the State of New York to pass a
4 special tax, a special tax for New York. I think
5 they collected like \$400 million, some figure that
6 sticks in my head.

7 But of that money, I think it was 180
8 million, that's what sticks in my head right now,
9 don't hold me to it, but 180 million went to the
10 City of New York.

11 It went to pay for those 39,000
12 police officers, plus a big chunk of it went to the
13 D.A.'s Office.

14 So the D.A. didn't have to go to City
15 Council and say, "Please Mr. President, please City
16 Council, give me money to run the office so I can
17 cover the multitude of thousands of crimes that are
18 springing up the and the new crime."

19 Cyber crime. In a couple more years,
20 I can tell you there is going to be more money to be
21 made in taking a computer and transferring money out
22 of your account, into my account, generating phoney
23 checks, phoney signatures, encryption information,
24 stealing information, stealing, frauds galore.

25 I won't be asking you so much, if I

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2 am here then five or ten years from now, saying give
3 knee money for street crimes, stick them up, that
4 will always be there. But it is going to be cyber
5 crime. We are doing nothing about cyber crime.

6 So the D.A.'s Office and the Police
7 Department have the benefit of New York, of a very
8 rich city, with a state legislature and a Governor
9 willing to pass a special tax.

10 I am not asking you to do that,
11 because it is unrealistic. But that's what makes
12 innovation possible, so you can go and deliver
13 something to a community that wants it.

14 Do you want a special prosecutor
15 assigned to David Cohen's district office? You got
16 it.

17 Every forward-thinking District
18 Attorney should be doing what I am doing, and some
19 of them are.

20 COUNCILMAN COHEN: But when you use
21 the words "prevent crime," aren't there different
22 levels at which one can prevent?

23 DISTRICT ATTORNEY ABRAHAM: Sure.

24 COUNCILMAN COHEN: For example, I
25 think that, when nobody else thinks of me in that

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2 fashion, I think of myself as the most vigorous
3 crime fighter there is. Because I start with the
4 concept of prevention at a much earlier level, of
5 the education, of making jobs. What you said about
6 jobs is extremely important.

7 But until we develop a means of
8 providing enough jobs for people, so that when they
9 graduate, they can go into a job, or if we are going
10 to prune the Welfare rolls, to take steps to provide
11 that jobs exist, we create a situation which helps.

12 I don't say in any individual case it
13 causes a crime, but it helps to breed a situation
14 from which crimes come.

15 DISTRICT ATTORNEY ABRAHAM: Let me
16 observe.

17 Look, the best crime prevention
18 effort is if you had a great relationship between a
19 mom, a dad, and a child. Okay?

20 However, I am not a social worker; I
21 am a prosecutor. All right? I am not going to go,
22 I can't, it is not my role, to do that.

23 COUNCILMAN COHEN: That's true, that
24 is not your role.

25 DISTRICT ATTORNEY ABRAHAM: So my

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2 tools are relatively limited. And the best way I
3 can prevent crime, really, is if I take a dangerous
4 predatory offender, prosecute him to the hilt of the
5 law, and stick him in jail for 20 years. At least
6 that is a salutary effect.

7 Would it be better if we had no
8 crime? Yes. Are we going to? Never.

9 So I am left with imprisonment, which
10 I do. And that's what I believe in. I believe in
11 long-term incapacitation, I practice it, I believe
12 it. There are a lot of people incapacitated.

13 But if in addition to prosecuting and
14 incapacitating, which is what I get paid to do, I
15 can be a little more creative and say, okay, we are
16 going to start with these programs that prevents --
17 well, which picks up some time after a kid starts to
18 go to school and starts to do proactive
19 community-based prosecution, that will help.

20 It is not the only answer. I am not
21 the only person in this equation. I can't do
22 anything if we have no prison space and bad judges.

23 I mean, you can prosecute everybody
24 in the city. If we don't have a system that works,
25 it doesn't work.

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2 COUNCILMAN COHEN: But when one talks
3 of prison space, is it only to put somebody away and
4 to incapacitate him? Don't we have to take into
5 account that the likelihood is that people are going
6 to return to prison?

7 DISTRICT ATTORNEY ABRAHAM:
8 Sometimes. Most of our defendants are recidivous.
9 And Philadelphians represent about 40 percent of the
10 criminals in state prison. That's a pretty big
11 chunk from Philadelphia.

12 COUNCILMAN COHEN: Well, and I am
13 concerned about the fact that the prison population
14 has apparently trickled, over the last maybe less
15 than 20, 10 or 12 years, the community, with all the
16 great work done to incarcerate and kind of put
17 prisoners in jail and throw the key away, and make
18 sure you remove all luxuries, like maybe napkins at
19 the dinner table, you know, or availability for TV
20 and classes, people don't feel safer.

21 And I think that when people return,
22 when they ultimately get out of jail -- which most
23 of them still do; you know, a small percentage I
24 think stay in forever, but most of them get out -- I
25 think they represent a bigger menace.

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2 So I am just suggesting -- I am not
3 disputing; I am just suggesting -- that fighting
4 crime is a very big fight that all of us are engaged
5 in.

6 Your job is, after the damage has
7 been done, to try to remove people from the scene so
8 that they can't commit more damage.

9 But I am looking for additional ways
10 to prevent it at a much earlier stage.

11 I see nothing really useful in the
12 long range of society to have the state budget go
13 from about 150 million for corrections to over a
14 billion dollars in the period of 10 or 12 years.

15 It seems to me we have to combine a
16 whole host and a big range of different activities.

17 DISTRICT ATTORNEY ABRAHAM:

18 Councilman, look, as I told you --

19 COUNCILMAN COHEN: And I think what
20 marked the discussion between you and Councilman
21 Nutter is, I think what Councilman Nutter is trying
22 to do is to also get in at an earlier stage, to find
23 ways to prevent crime by eliminating crime-breeding
24 conditions like the lack of a good educational
25 system or an effective educational system, like the

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2 lack of jobs, like the fact that we passed Welfare
3 legislation at the federal level, say everybody has
4 to get a job, but do nothing to make jobs
5 available.

6 I am not asking you to be a social
7 worker.

8 DISTRICT ATTORNEY ABRAHAM: I am not
9 a social worker. I don't want to be a social
10 worker.

11 COUNCILMAN COHEN: And I am not a
12 social worker, either. But I am trying to get into
13 the point that would make your job much easier
14 ultimately.

15 DISTRICT ATTORNEY ABRAHAM: Look, I
16 am only a key; a key, but not the entire player.

17 451 killings last year. We are only
18 a little bit behind where we were last year. We had
19 seven murders, seven murders.

20 Now, many of those were submitted
21 with a gun after some kind of dispute. Maybe drugs
22 were at the heart of them. Some were domestic
23 violence. Some are just random killings. But
24 mostly, mostly they are committed with guns, and
25 usually after some dispute over sometimes drugs,

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2 maybe not.

3 Okay. We have an increase of
4 workplace homicides. Store keepers, taxicab
5 drivers, and the like, armored car drivers, police.
6 A lot of shootings, a lot of armed robberies.

7 So when you tell me about what I want
8 to do, I can't do anything with these people except
9 prosecute them and ask for the maximum sentence.

10 I don't want to hear about any
11 problem about their mother didn't love them. I
12 can't listen to it.

13 And I think, frankly, Councilman, we
14 get too much into the root causes. Forget the root
15 causes. You robbed me, I don't want to hear it, you
16 are going to prison. That's all I want to hear.
17 And I think people are right.

18 What I am saying to you is, the 451
19 murders, and people feeling this sense of dis-ease
20 about where they live, if you think that this city,
21 which has lost 100,000 people, 100,000 people in the
22 past five years, has seen the last of its exodus, if
23 we as a city -- and I am sort of talking to the
24 choir here -- all working together, on the same
25 page, don't stem the exodus of this 100,000 people

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2 with jobs and taxes, why would anybody want to come
3 here? And that's what I am trying to do.

4 I live here, too. I lived here all
5 my life. So all I am saying is, I don't want to be
6 a social worker. I can't climb into the womb and
7 tell a mother not to abuse drugs.

8 But if I can get to her early enough
9 with anti-violence prevention, if I can get her
10 boyfriend, husband, significant other to stop
11 beating up on her, her kid, and her mother, I won't
12 have her killing her husband, I won't have her
13 husband killing her, I won't have either one of them
14 prostituting themselves or killing to get drugs.

15 So there is a payback in crime
16 prevention.

17 COUNCILMAN COHEN: Of course, there
18 is.

19 DISTRICT ATTORNEY ABRAHAM: And I
20 will use Bill Gates' famous saying from Microsoft,
21 and that's the bottom line, and this is really the
22 end of the line for me.

23 COUNCILMAN COHEN: I am just trying
24 to broaden the scope of crime prevention, because I
25 think it begins at a very early stage.

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2 DISTRICT ATTORNEY ABRAHAM: Where do
3 you want to go? This is Bill Gates' Microsoft logo,
4 "Where do you want to go today?" So where do you
5 want to go?

6 And I only want to ask one thing:
7 Show me the money; that's all I am here for. Show
8 me the money.

9 All this talk is wonderful. But if
10 you don't accede to my fervent request for programs
11 that I can crime prevent and interact with the
12 community, I will go back to my --

13 COUNCILMAN COHEN: I think the
14 program that you have presented in L.I.N.E. is a
15 superb program, and I hope it will be put into
16 effect.

17 And as I advised another group, it
18 will be much easier if you convince the Mayor in the
19 first place.

20 Because it is kind if difficult, in
21 dealing with the District Attorney's budget, to have
22 to overcome a Mayor's opposition, who has been a
23 Mayor who has been the District Attorney.

24 DISTRICT ATTORNEY ABRAHAM: Different
25 realm.

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2 COUNCILMAN COHEN: We are very much
3 interested in that program.

4 Because I know in the Northwest was
5 where the Victim Witness Program started. And we
6 convinced all the community organizations to
7 participate. It has been a tremendous success, as
8 you know.

9 Let me ask you one other question.
10 Because this other thing that I am raising is not in
11 opposition to what you are talking about, but trying
12 to get all the crime-fighting forces together.
13 Because I think if we all can work together, we are
14 going to be much more successful.

15 I read an article in a magazine very
16 recently which dealt with the subject that has
17 perplexed me a long time, and that's the area of
18 forfeitures.

19 And this article put forward the
20 proposition that, in many areas, what seemed to be
21 guiding prosecution forces was the promise of what
22 money they get.

23 And they said that in some areas of
24 the country, some District Attorney's Office,
25 whatever they may call their prosecuting offices,

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2 financed themselves entirely on forfeiture money.

3 Because we have economic problems,
4 some other areas have them much worse.

5 And that what was troubling was, the
6 conclusion the article had was judgment as to
7 prosecution, as to the choice of what cases to
8 prosecute, might be influenced by forfeiture, you
9 know, by the promise of what funds you might get by
10 forfeiting the property of people arrested.

11 Does that have any relevance at all
12 in the Philadelphia area?

13 DISTRICT ATTORNEY ABRAHAM: No. And
14 for this very simple reason: Last year, when I was
15 asked about forfeiture, we showed how forfeiture
16 money has gone down from about 4-point-something
17 million to about 1-point-something million.

18 Because drug dealers are smarter.
19 And not only that, but now they wire their cash
20 around the world. They Internet their cash to
21 foreign depository banks.

22 It is a rare occasion where you find
23 a lot of drugs and a lot of money now.

24 And also, I have to tell you how I
25 operate. I am a public servant, and I am a real

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2 flag waiver. I can't be motivated by how much money
3 I think I am going to get at the end of the tunnel.

4 I can tell you we do make some money
5 from forfeiture. But the money that we get from
6 forfeiture pays our overtime.

7 And, frankly, if forfeiture was as
8 great a tool as you say it was, why would I be
9 here? I wouldn't be asking you for money, if it was
10 that great. We could pay for maybe a good chunk of
11 our budget by forfeiture. It just doesn't happen to
12 work that way.

13 Drug activity, which allows asset
14 forfeiture, does pay for overtime and it pays for
15 the labor-intensive costs.

16 But if you are dealing with, for
17 example, the City of Philadelphia, you almost never
18 get a big chunk of dough out of a little house in
19 neighborhood X or Y that gains us anything.

20 Sometimes the house is in terrible
21 disrepair, it is overloaded with taxes. All we want
22 to do is get it out of the hands of the person who
23 took it.

24 If it is in decent repair, it will go
25 up for auction, and a decent citizen would go and

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2 buy it and fix it up and move into it.

3 But we are not motivated by how much
4 money we are going to make. It is sort of like
5 found money. If we find some money or get assets,
6 that's another way of attacking a problem.

7 Because the law is very clear that
8 you shouldn't be able to profit from your own
9 wrongdoing. And civil asset forfeiture is a tool
10 that we use, but it is not our driving force.

11 We are only looking at activity. If
12 we come by some money, swell.

13 COUNCILMAN COHEN: Thank you, Madam
14 Chair.

15 COUNCILWOMAN VERNA: The Chair
16 recognizes Councilman Nutter.

17 COUNCILMAN NUTTER: Thank you, Madam
18 Chair.

19 Madam District Attorney, I do want to
20 return to one of the issues that I raised at the
21 beginning of the first round of questions.

22 And I think Councilman Cohen, upon
23 his arrival, raised a similar question. And I would
24 just like to get your perspective on it.

25 It is perplexing, and this has

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2 happened, I think, just about every year that I have
3 been here, and you described the process, I guess,
4 that you go through with the Mayor. Although by
5 your description, it may not sound like much of a
6 process on the budget, but that's more of an issue
7 between you folks. But there is some kind of
8 process.

9 And what strikes me is that no matter
10 what you propose, or even the display today -- which
11 I think this is the first time we have had the
12 expanded display with the board and all of that -- I
13 mean, did you make that presentation to the Mayor?

14 DISTRICT ATTORNEY ABRAHAM: Not the
15 board, but we talked to the Mayor about a variety of
16 things. And we told him some of the programs that
17 we believed that we needed.

18 You know, with all due respect to the
19 Mayor, he has the attention span of a gnat. And to
20 try to get him, you know, sitting still for, you
21 know, a half hour is difficult.

22 However, what we did was, we talked
23 to him about narcotics, juvenile, and the other
24 things. So we concentrated on narcotics, on
25 juvenile crime, on manpower.

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2 And the \$500,000 that we talked about
3 has nothing to do, the \$500,000 that you mentioned
4 has nothing to do, with any of these programs.

5 This \$500,000, you will forgive me,
6 in the world that I operate, is this. It is a
7 little tiny dot.

8 All this does is, this allows us to
9 hire a number of attorneys to cover our courtrooms.

10 You heard Ms. Greenlee testify, maybe
11 hours ago, about covering. We have to cover every
12 court. They only cover -- and I say only -- what is
13 it, 53 percent? Somewhere around 53 percent of the
14 cases. We cover 100 percent of the cases.

15 So what happens is, you have a
16 District Attorney with 30, 40, 50 cases a day. This
17 money that the Mayor very graciously agreed to give
18 us -- and I am happy, happy, happy -- will only
19 allow us to push.

20 COUNCILMAN NUTTER: She was happy.

21 DISTRICT ATTORNEY ABRAHAM: Well, she
22 is happy, too. But I am really happy, how is that?

23 I am really happy that we will get
24 some relief for our D.A.'s in the courtroom. That's
25 all this does.

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2 It allows us to put two people in a
3 courtroom with 50 cases a day, instead of one poor
4 D.A..

5 And then we have the other thing, we
6 have the combined major trial homicide list. So
7 there is no more homicide calendar. We have to have
8 a D.A. trying 5 or 6 or 8 major cases today, who, if
9 the cases all break down, they say, we'll get your
10 murder case on.

11 I mean, this is not good for
12 victims.

13 COUNCILMAN NUTTER: I understand
14 that. And I have said a number of things about the
15 Mayor, although I have never made any
16 characterizations about his attention span.

17 DISTRICT ATTORNEY ABRAHAM: He has a
18 lot of things on his plate.

19 COUNCILMAN NUTTER: Well, I
20 understand that. But I also understand that he is
21 not the only person involved in this process. He
22 has the ultimate responsibility.

23 But what has always perplexed me over
24 the years is that Ed Rendell is a former two-time
25 District Attorney, hard-charging, anti-crime person,

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2 yes, with a lot of things on his plate.

3 But, I mean, it seems to me that if
4 anybody would understand all of the things that you
5 have discussed today, it would be him.

6 And so what I have never understood
7 is that we go through this process, you pass a slip
8 of paper, I guess, back to them, or you throw it
9 back or mail it back or do whatever you do with it,
10 it apparently never comes to exactly meet what you
11 say you need, and then you leave that process and
12 end up over here.

13 Whereas, every other entity, small,
14 medium, and large, that is a part of this government
15 called the City of Philadelphia, all somehow figure
16 out how to get even their increases in the budget.

17 And they are not doing it in late
18 February or early March; it is in October, November,
19 December of the previous year.

20 And so, you articulated earlier that
21 you are frustrated. We are quite possibly a little
22 perplexed as to why the one agency that the Mayor
23 actually knows an incredible amount about -- all of
24 his previous experience is in law enforcement -- why
25 you can't seem to figure out how to get the numbers

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2 right before you get here is perplexing to me. It
3 is beyond my understanding.

4 Which then results in you making the
5 request. Then you either criticize or complain
6 about the Council not supporting programs, when no
7 one else goes through this kind of tortured
8 process.

9 DISTRICT ATTORNEY ABRAHAM: I think
10 the Mayor has done an extraordinary job. However,
11 one of the problems that he faces is with a presence
12 of police on the street. So I think he has
13 concentrated his efforts on police on the street.

14 He knows what I need. I mean, I have
15 spoken to him enough times.

16 I think the problems are so acute
17 that sometimes you make decisions because they are
18 the best decisions you can make.

19 So I am not here to criticize the
20 Mayor. And I am not going to criticize the Mayor.
21 He is my friend and my colleague, and he helps me
22 out a lot.

23 You will really have to ask him why,
24 because I don't know why.

25 I can tell you that this year I wrote

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2 him a letter back in November, early November, and
3 said, "I would like to come sit with you."

4 COUNCILMAN NUTTER: You wrote the
5 Mayor a letter?

6 DISTRICT ATTORNEY ABRAHAM: Yes, I
7 did. Sure. And I have spoken to him on the
8 telephone, I see him on the street.

9 As far as I have been able to tell,
10 the process has always been this way. I said, why
11 do we do it this way? You get the figures that the
12 Mayor is going to give, and we figure our budget
13 figures out to the exact dollar that we think we are
14 going to get, and then we have to go through this
15 process of coming to City Council. And the answer I
16 was given is, it is always done that way.

17 I don't want to do that. And that is
18 why this year, more than in other years, I have
19 tried to start the process in a different way, to
20 show you -- "you" meaning all of you -- that the
21 programs that I have work and that there is no magic
22 to it.

23 All you need is the resources and the
24 dedication of people in my office, working with
25 people like you and people like the commissioners

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2 and the community leaders. We can get a lot done.

3 COUNCILMAN NUTTER: Let me ask you
4 this question: Where do you think we should take
5 the \$3 million from?

6 DISTRICT ATTORNEY ABRAHAM: Hey,
7 that's not my job. Sorry.

8 I mean, I know that it is always
9 difficult making choices. But I can tell you, if it
10 is true -- and I believe it is true -- that people
11 are worried about crime as the over-arching reason
12 of their dis-ease or their complaints, if they don't
13 feel their quality-of-life crime is going anywhere,
14 you cannot have a system where you don't have a
15 prosecutor or involved in a crime. You can't.

16 I mean, none of the prophylactic
17 programs that I have read about depend on
18 themselves; they need prosecutors.

19 So that when this Partners In
20 Progress started out in your councilmanic district,
21 in part, they made hundreds of more arrests.

22 Well, who is going to cover the
23 courtroom? Nobody thought about that.

24 So 7,000 cops or 20,000 cops is
25 good. Who is going to prosecute the cases?

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2 So the question I am coming to you
3 with is, if it does no good just to make an arrest
4 if there isn't a prosecutor, or if you have a
5 prosecutor in a courtroom with 50 cases which they
6 can't handle, where are we going? So it is all
7 inter-related.

8 That's where I am saying, I play a
9 very vital role in policing, in prevention, in all
10 of the restorative things that Council wants to
11 accomplish.

12 Where you guys get the money from is
13 not for me to decide; that's for you all to decide.

14 How much is crime worth? How much is
15 it worth?

16 COUNCILMAN NUTTER: Well, I don't
17 know. I think this year it is going to be, for you,
18 worth about \$30 million.

19 DISTRICT ATTORNEY ABRAHAM: I beg
20 your pardon?

21 COUNCILMAN NUTTER: I said, I don't
22 know. I think this year, for you, it is going to be
23 worth about \$30 million.

24 DISTRICT ATTORNEY ABRAHAM: Sounds
25 good to me. Sounds very good.

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2 COUNCILMAN NUTTER: That's what the
3 budget is.

4 DISTRICT ATTORNEY ABRAHAM: Well, it
5 is not really 30 million. No, it isn't.

6 If it were 30 million, I would be out
7 of here two hours ago.

8 COUNCILMAN NUTTER: That's what the
9 little book they gave me says. I am just telling
10 you what the page says.

11 DISTRICT ATTORNEY ABRAHAM: That's
12 with benefits. What is it? It is around \$23
13 million, and that's only \$3 million more than it was
14 seven years ago. We are not even keeping the rate
15 of inflation up.

16 So the answer is, it is really
17 nothing, not a whole lot. I am grateful for the
18 500,000; it is just insufficient.

19 COUNCILMAN NUTTER: I understand.

20 Your testimony this year is fairly
21 similar to your testimony last year with regard to
22 the L.I.N.E. program, although last year you didn't
23 explicitly state that you would have to end the
24 program, but you did decry the apparently long ago
25 lost federal and state money.

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2 In light of that, how is it that you
3 are paying for the program now?

4 DISTRICT ATTORNEY ABRAHAM: Out of
5 our General Funds.

6 COUNCILMAN NUTTER: Why can't you
7 continue to do that?

8 DISTRICT ATTORNEY ABRAHAM: Because
9 what has happened is that we have an up-tick in
10 drug-related crimes and all kinds of crimes all over
11 the city.

12 And it is appropriate, I think, that
13 we deliver the maximum amount of services possible
14 to all districts.

15 We just can't keep a program in one
16 district. The demands are just too great on our
17 manpower.

18 It is very manpower and labor
19 intensive to keep seven district attorneys out in
20 the community. And as much as I want to do it --
21 and, believe me, I am here to tell you, this program
22 is phenomenal. You have seen the benefits of it, as
23 has Councilwoman Blackwell.

24 But, remember, the grant was only a
25 grant so that it could be funded later on. It was a

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2 pilot project.

3 COUNCILMAN NUTTER: All right. One
4 last thing on that, and then I will move on.

5 We do have one outstanding issue with
6 regard to a forfeiture. I would take it as a
7 legitimate request made about something that does
8 affect the community. If you could respond to that,
9 I would appreciate it.

10 DISTRICT ATTORNEY ABRAHAM: Yes. The
11 request that you made, so that the record will be
12 clear, was that we -- I think I can characterize it;
13 and if I am wrong, you can correct me -- we share
14 assets with some community group to fix up a
15 playground.

16 We cannot do that.

17 COUNCILMAN NUTTER: Let's make sure
18 the record is absolutely clear.

19 This process started and the
20 discussion about the sharing of those assets started
21 prior to my involvement in that whole issue.

22 Your office and the community out in
23 Overbrook have proceeded down that path a long time
24 ago, and apparently commitments were made.

25 DISTRICT ATTORNEY ABRAHAM: I don't

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2 believe so. I think what happened, if I remember
3 correctly, that was --

4 COUNCILMAN NUTTER: I am sharing with
5 you what I was told.

6 DISTRICT ATTORNEY ABRAHAM: Okay.
7 They are not accurate.

8 And I think Mr. Minges made it quite
9 plain in the letter that he sent back to the
10 community that we agreed that we would provide them
11 with some equipment, like I think it was sort of
12 some kind of in-kind contribution.

13 But we did not ever promise that we
14 would split asset forfeiture proceeds with them,
15 because it is a violation of the law.

16 COUNCILMAN NUTTER: I mean, whatever
17 the answer is, I think they need a definitive
18 answer. That request, I believe, has been
19 outstanding for some time.

20 Lastly, in light of an exchange that
21 we had earlier about worthwhile use of time or valid
22 use of time, I do want to, I guess, get a better
23 understanding of, if that is the general policy --
24 and there was discussion back and forth between
25 either yourself and the Council President or

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2 yourself and Councilwoman Clark -- if that's part of
3 the decision-making process about whether to respond
4 either to Councilmembers' letters or whatever the
5 District Attorney's Office may do, can you just
6 briefly explain to me what, I guess, the general
7 benefit is to the citizens and taxpayers of
8 Philadelphia as it relates to the activities of the
9 District Attorney's Office in the Judge
10 Massiah-Jackson situation?

11 DISTRICT ATTORNEY ABRAHAM: Very
12 briefly. If you have a judge who denigrates the
13 rights of police officers and victims which results
14 in a conviction, if at all, for a lesser included
15 defense than the something warrants, and if the
16 judge does not have a proper judicial demeanor, then
17 justice isn't served.

18 COUNCILMAN NUTTER: And out of that,
19 it is your belief that the use and expenditure of
20 time by the employees in your office, who are paid
21 by the citizens of Philadelphia, is an appropriate
22 use of their time as it relates to someone in their
23 appointment to a federal position?

24 DISTRICT ATTORNEY ABRAHAM: As I said
25 to you before, Councilman, when the Senior

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2 Pennsylvania Senator and the Junior Pennsylvania
3 Senator, or anybody else in the position of
4 authority, requests information from us, we will
5 provide it.

6 COUNCILMAN NUTTER: Well, I
7 appreciate that answer, although it does conflict
8 with the earlier answer --

9 DISTRICT ATTORNEY ABRAHAM: No, it
10 does not.

11 COUNCILMAN NUTTER: -- that at least
12 Mr. Gordon provided about what is a worthwhile use
13 of time and effort by the District Attorney's
14 Office.

15 Your answer is, if anybody of any
16 position or authority makes a request, you will
17 respond.

18 His response was, we will make a
19 determination based on the request of whether it is
20 worthwhile to use our time to get an answer.

21 DISTRICT ATTORNEY ABRAHAM: I don't
22 think he said that. But whatever the record said,
23 that's what he said. I am not going to try to
24 characterize. I am speaking for me now.

25 When people ask me for information, I

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2 have to decide whether or not and to what extent I
3 can devote manpower to it that doesn't take away
4 from our essential mission. And our essential
5 mission is to prosecute crime and to deal with a
6 variety of issues that relate to that.

7 It is an appropriate use of time,
8 when the Justice Department asks us for information,
9 or the Senate asks us for information, it is an
10 appropriate use of time to give the Senator what he
11 or they wish to have from us bearing upon the issue
12 of a confirmation of a federal judge to a lifetime
13 tenure, which includes sitting on criminal cases.

14 COUNCILMAN NUTTER: Just because I
15 don't know -- and you may have much more
16 experience -- do you have any sense of what the
17 caseload of a federal district judge is in any
18 proportion of criminal matters versus other matters
19 that come before them? I mean --

20 DISTRICT ATTORNEY ABRAHAM: No.

21 COUNCILMAN NUTTER: -- are they
22 seeing --

23 DISTRICT ATTORNEY ABRAHAM: They
24 don't have caseloads like we have. They have
25 selective jurisdiction, they have trial

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2 jurisdiction, they have post-convictions, habeas
3 corpus. They have all kinds of cases in Federal
4 Court.

5 We refer hundreds of cases to the
6 Federal Court for their trial; narcotics, violent
7 crimes, gun-trafficking crimes. So they handle a
8 significant load of criminal matters.

9 I am not in a position to say how big
10 their caseload or how many cases they have. But I
11 am sure the Court Administrator in the Federal Court
12 would be able to tell you numbers or any other
13 information.

14 I have no way of knowing it, but I
15 know it is important.

16 COUNCILMAN NUTTER: And you think
17 under the current circumstances, it would be
18 inappropriate for that individual to serve on the
19 federal bench, as compared to Common Pleas Court?

20 DISTRICT ATTORNEY ABRAHAM:
21 Councilman, I was asked by the Senior Senator of
22 Pennsylvania to take a position, and I took a
23 position.

24 COUNCILMAN NUTTER: Right. Well, but
25 I think your own --

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2 COUNCILMAN ORTIZ: Councilman
3 Nutter. Didn't you say that the Massiah-Jackson
4 position you took was requested from you by Senator
5 Specter?

6 DISTRICT ATTORNEY ABRAHAM: I was
7 asked by Senator Specter in December what my
8 position was with respect to Judge Jackson's
9 confirmation for Federal District Court judge.
10 The first time that that Senator has
11 ever contacted me about that issue was when he
12 called me on the phone on December the 9th.

13 COUNCILMAN ORTIZ: He held hearings
14 in Philadelphia in the summer, did he not?

15 DISTRICT ATTORNEY ABRAHAM: No.

16 COUNCILMAN ORTIZ: Didn't he hold
17 hearings in Philadelphia?

18 DISTRICT ATTORNEY ABRAHAM: October.

19 COUNCILMAN ORTIZ: October. In
20 October.

21 And at that time didn't he request
22 other folks that had an interest in this case and in
23 this situation to come forward? And you did not
24 feel compelled at that time to go forward?

25 DISTRICT ATTORNEY ABRAHAM: No,

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2 that's not correct.

3 What happened was -- and the record
4 is very plain on this -- his office called my office
5 on I believe it was the 1st of October, about 4:00
6 or 4:30 in the afternoon, to announce that he was
7 holding hearings on Friday morning.

8 This was the night before the Jewish
9 holiday. I was on my way out the door.

10 I instructed my secretary to tell the
11 Senator's staffer who called, whoever it was -- I
12 didn't speak to them -- I would be out of the office
13 on the following day, and on Friday I had a full
14 day, including a news conference which I held and
15 was unavailable.

16 I never heard another word, not
17 another word, not a followup phone call, not a
18 letter, not an inquiry, until December the 9.

19 COUNCILMAN ORTIZ: Continue,
20 Councilman. I just wanted to clarify that.

21 COUNCILMAN NUTTER: I appreciate
22 that.

23 COUNCILWOMAN CLARK: Would you yield
24 to me?

25 COUNCILMAN NUTTER: Sure.

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2 COUNCILWOMAN CLARK: For
3 clarification.

4 My understanding is that when first
5 requested, you did not respond.

6 DISTRICT ATTORNEY ABRAHAM: Not
7 true.

8 COUNCILWOMAN CLARK: Is this the time
9 when the Jewish holiday prevented your responding?

10 DISTRICT ATTORNEY ABRAHAM: No. What
11 happened was, as I mentioned a minute ago, somebody
12 from his office called my office and said, "The
13 Senator is having hearings on Friday on the
14 confirmation of Massiah-Jackson," and asked my
15 secretary was I available. She said no.

16 And she, I believe, asked, "Why did
17 you wait so long to call. She is on her way out the
18 door. It is a Jewish holiday tomorrow. She won't
19 be in, and Friday her schedule is full." That's the
20 way we left it.

21 I wrote him a letter and said, I'm
22 sorry I couldn't come.

23 COUNCILWOMAN CLARK: So that's why
24 you didn't come to the hearing?

25 DISTRICT ATTORNEY ABRAHAM: I had no

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2 notice of the hearing, didn't know anything about
3 it.

4 COUNCILWOMAN CLARK: I thought that
5 explanation you just gave was the reason you didn't
6 go to the hearing.

7 DISTRICT ATTORNEY ABRAHAM: I didn't
8 go because I didn't know anything about it until the
9 last minute because and couldn't come.

10 COUNCILWOMAN CLARK: You didn't come
11 to the hearing because of the short notice.

12 DISTRICT ATTORNEY ABRAHAM: No, I
13 didn't come because I didn't know about it until the
14 last minute, and couldn't make myself available with
15 last-minute notice and no preparation, and I was
16 busy.

17 COUNCILWOMAN CLARK: Are we saying
18 the same thing? You couldn't come because you had
19 short notice.

20 DISTRICT ATTORNEY ABRAHAM: Well,
21 short notice or no notice, whatever. Yes, okay.

22 COUNCILWOMAN CLARK: Well, you had
23 some notice because you said, "I can't come." So
24 short notice that prevented your coming the first
25 time you were given an opportunity to have a public

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2 opinion as to whether Frederica Massiah-Jackson is
3 suitable for the federal bench. Short notice
4 prevented that?

5 DISTRICT ATTORNEY ABRAHAM: The first
6 time I was asked to take a position was when Arlen
7 Specter called me up on the 9th of December and
8 asked me about my position with regard to Frederica
9 Massiah-Jackson.

10 COUNCILWOMAN CLARK: Okay. Stop. At
11 that point did you feel inclined to write a letter?

12 DISTRICT ATTORNEY ABRAHAM: No.

13 COUNCILWOMAN CLARK: Did you feel
14 inclined to do an in-depth investigation of her
15 sentencing record?

16 DISTRICT ATTORNEY ABRAHAM: Already
17 had done it.

18 COUNCILWOMAN CLARK: Oh, the
19 sentencing investigation and analysis was available
20 in --

21 DISTRICT ATTORNEY ABRAHAM: Not the
22 sentencing.

23 There was already in the information
24 in the office that was well-known to people in the
25 office about Judge Massiah-Jackson, predating my

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2 being there.

3 COUNCILWOMAN CLARK: Is this
4 information available on every Common Pleas Court
5 judge?

6 DISTRICT ATTORNEY ABRAHAM:
7 Sentencing information? Sure. It is on record at
8 the court.

9 COUNCILWOMAN CLARK: In a report? Or
10 does it have to be --

11 DISTRICT ATTORNEY ABRAHAM: I believe
12 the court keeps statistics on sentencing of judges.

13 COUNCILWOMAN CLARK: The data, Madam
14 D.A., is it in a form such as you could pull it
15 together in a report without a good deal of
16 manipulation?

17 Did you do anything to the data?

18 DISTRICT ATTORNEY ABRAHAM: To answer
19 your question, I believe the Court Administrator of
20 Philadelphia and the court system keeps tabs on
21 every judge, their sentencing.

22 COUNCILWOMAN CLARK: Is that where
23 you got your data?

24 DISTRICT ATTORNEY ABRAHAM: That's
25 where I got my data.

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2 COUNCILWOMAN CLARK: You didn't do
3 any independent investigation of her record?

4 DISTRICT ATTORNEY ABRAHAM: What do
5 you mean "independent investigation"?

6 First of all, I really don't want to
7 get too much into --

8 COUNCILWOMAN CLARK: Other than.
9 Wait. Just hold it a minute.

10 Other than that which the Court
11 Administrator had already conveniently provided.

12 DISTRICT ATTORNEY ABRAHAM: No, I am
13 not going to -- I think I didn't answer that
14 question that way.

15 What I said previously is what I am
16 going to say now. Hold on a second. I don't really
17 want to get too much into the Massiah-Jackson matter
18 because there is going to be a hearing on that issue
19 next week.

20 COUNCILWOMAN CLARK: We are having a
21 hearing on the D.A. and what is an appropriate use
22 of D.A. time and resources today.

23 Now, "I don't want to answer it," is
24 an answer, but I would caution against it. Of
25 course, you are free to accept some, all, or none of

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2 my advice.

3 I would say that that is not a good
4 answer.

5 DISTRICT ATTORNEY ABRAHAM: Well, as
6 I said before, there was information provided to the
7 Senate Judiciary Committee, which they asked for and
8 we provided to them.

9 Senator Specter asked for information
10 subsequent to our meeting, which we provided to
11 him. And when somebody calls up, who has an
12 appropriate law enforcement background, who asks us
13 for information, we provide it.

14 The specifics of what we did and when
15 we did it and how we did it, I am going to save for
16 another time.

17 COUNCILWOMAN CLARK: You could give
18 it today, but you choose to give it at another
19 time?

20 DISTRICT ATTORNEY ABRAHAM: I believe
21 as I mentioned previously to Councilman Nutter,
22 there is going to be a hearing.

23 COUNCILWOMAN CLARK: I don't want you
24 to give me any of those Nutter answers.

25 DISTRICT ATTORNEY ABRAHAM: They are

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2 the same answers I would give to anybody.

3 The hearing on Judge
4 Massiah-Jackson's confirmation is going to be, I
5 think, next week, and --

6 COUNCILWOMAN CLARK: The Senate
7 hearing; is that the hearing you speak of?

8 DISTRICT ATTORNEY ABRAHAM: That's
9 what I am given to understand.

10 COUNCILWOMAN CLARK: That's a forum
11 that we don't control.

12 DISTRICT ATTORNEY ABRAHAM: That's
13 right.

14 COUNCILWOMAN CLARK: We will be lucky
15 if we are invited to come and watch that.

16 But we have a more than passing
17 interest in what happens to a local Common Pleas
18 Court judge; isn't that true?

19 DISTRICT ATTORNEY ABRAHAM: Well, I
20 wouldn't comment on what you have a passing interest
21 in, but...

22 COUNCILWOMAN CLARK: But you would
23 not be surprised to learn that we had a more than
24 passing interest in what happens to a local Common
25 Pleas Court judge, now would you?

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2 Would you be surprised?

3 DISTRICT ATTORNEY ABRAHAM: No, I
4 wouldn't be surprised.

5 COUNCILWOMAN CLARK: I didn't think
6 so.

7 DISTRICT ATTORNEY ABRAHAM: I
8 wouldn't be surprised.

9 I would kind of be surprised on every
10 case, but I am not surprised.

11 COUNCILWOMAN CLARK: You wouldn't be
12 surprised that we who live, work, and have our being
13 in the same locality would be interested in knowing
14 what her fate would be? That couldn't surprise
15 you.

16 Let's at least be believable to each
17 other. That couldn't surprise you.

18 DISTRICT ATTORNEY ABRAHAM: Well, it
19 might or it might not, but in this case it doesn't.

20 COUNCILWOMAN CLARK: Did it surprise
21 you?

22 DISTRICT ATTORNEY ABRAHAM: Look,
23 Councilwoman.

24 COUNCILWOMAN CLARK: Come on, Lynne,
25 did that surprise you? That's a straight question.

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2 DISTRICT ATTORNEY ABRAHAM: Well,
3 since I saw your picture in the paper in support of
4 her, no, it didn't surprise me. So, there. So, I
5 mean, there you are.

6 COUNCILWOMAN CLARK: But do you know
7 what surprised me? That you were opposed to her;
8 that surprised me.

9 Because she has said to me -- and you
10 know we are in a couple of organizations, we are in
11 the same sorority, we are in the same chapter -- she
12 said, "Lynne said she expects to see me at my
13 confirmation party."

14 DISTRICT ATTORNEY ABRAHAM: Never
15 said that.

16 COUNCILWOMAN CLARK: You mean she
17 made it up?

18 DISTRICT ATTORNEY ABRAHAM: I'm not
19 saying that. I am saying I never said that to her.

20 COUNCILWOMAN CLARK: Am I the only
21 person who heard that? Goodness gracious. Is that
22 fiction?

23 DISTRICT ATTORNEY ABRAHAM: I can't
24 say that. All I can say is, I never said that to
25 her.

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2 COUNCILWOMAN CLARK: You never said
3 to her --

4 DISTRICT ATTORNEY ABRAHAM: Never
5 said it to her.

6 COUNCILWOMAN CLARK: Can I ask you
7 something?

8 Why don't you want her to be a judge,
9 a Federal District judge?

10 DISTRICT ATTORNEY ABRAHAM: I think,
11 Councilwoman, I have stated at my news conference
12 she has --

13 COUNCILWOMAN CLARK: Tell me.

14 DISTRICT ATTORNEY ABRAHAM: Well, I
15 am telling you.

16 She has an improper judicial
17 temperament, she treats police officers with disdain
18 and beyond incredulity, bias and prejudice. She
19 treats prosecutors improperly and demeans and
20 degrades them. She --

21 COUNCILWOMAN CLARK: Can I stop you
22 at that point?

23 DISTRICT ATTORNEY ABRAHAM: No. No.
24 I don't want to hold my point. Let me finish this.

25 COUNCILWOMAN CLARK: Hold your point,

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2 because I want to talk on that point.

3 Has there ever been a period since
4 you have been D.A. when one of your ADAs came before
5 Massiah-Jackson?

6 DISTRICT ATTORNEY ABRAHAM: I don't
7 believe so, since I have been there.

8 COUNCILWOMAN CLARK: Right. So you
9 don't have any firsthand knowledge of ADAs being
10 treated in a disdainful matter, do you?

11 DISTRICT ATTORNEY ABRAHAM: From the
12 record I do, yes. It is right on the record.

13 COUNCILWOMAN CLARK: Firsthand
14 knowledge.

15 DISTRICT ATTORNEY ABRAHAM: Firsthand
16 hearing with my own ears, no.

17 COUNCILWOMAN CLARK: Having anybody
18 who works directly for you, yes or no?

19 DISTRICT ATTORNEY ABRAHAM: Well,
20 Councilwoman --

21 COUNCILWOMAN CLARK: Well, now,
22 that's a yes or no question.

23 DISTRICT ATTORNEY ABRAHAM: Now, wait
24 a second.

25 COUNCILWOMAN CLARK: No. Yes or no,

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2 and then you can explain.

3 DISTRICT ATTORNEY ABRAHAM: I am not
4 going to answer that question, is my answer.

5 COUNCILWOMAN CLARK: Okay. Fine.
6 That's an answer, too.

7 I yield back.

8 COUNCILWOMAN VERNA: Thank you.

9 Councilman Nutter, are you finished?

10 COUNCILMAN NUTTER: No, Madam Chair.

11 So in light of all that's been
12 stated, in all the activities and reports back and
13 forth, do you think that Judge Jackson should even
14 continue her service on the Common Pleas Court in
15 Philadelphia?

16 DISTRICT ATTORNEY ABRAHAM: What I
17 have said on the record, Councilman Nutter, is that
18 I don't believe that she is deserving of an
19 appointment to the Federal District Court bench.

20 COUNCILMAN NUTTER: Let me say it
21 again. In light of all that has been said, and even
22 your response to Councilwoman Clark, I mean, is
23 there some particular demeanor or behavior that is
24 different that a judge should demonstrate on the
25 Common Pleas Court, as opposed to the federal

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2 bench?

3 I mean, logically it seems that if a
4 person is just so bad to be on one court, that maybe
5 they shouldn't be on any court.

6 I mean, it seems to me that she would
7 have a much greater impact directly on either the
8 citizens of Philadelphia, victims in Philadelphia,
9 prosecutors in Philadelphia, police officers in
10 Philadelphia at the Common Pleas level, than she
11 will ever have or would ever have at the Federal
12 District Court.

13 I mean, how many of your folks are at
14 Federal District Court? How many police officers go
15 to Federal District Court? How many people in my
16 neighborhood ever had a case prosecuted in Federal
17 District Court?

18 DISTRICT ATTORNEY ABRAHAM: More than
19 you would imagine.

20 But to answer your question
21 specifically --

22 COUNCILMAN NUTTER: What does that
23 mean?

24 DISTRICT ATTORNEY ABRAHAM: She is in
25 Civil Court right now. So your answer to the

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2 question is, she is not handling criminal cases, at
3 least she hasn't since 1991.

4 COUNCILMAN NUTTER: '91, right.

5 So you haven't answered the
6 question.

7 DISTRICT ATTORNEY ABRAHAM: How many
8 cases have we referred to Federal Criminal Court?

9 COUNCILMAN NUTTER: No. Do you
10 believe she is qualified to continue to serve in the
11 Common Pleas Court of Philadelphia, given all that
12 has been laid out on this record and other records?

13 DISTRICT ATTORNEY ABRAHAM: I am not
14 getting into anything other than the question I was
15 asked, which was asked of me by me my Senior United
16 States Senator, and that is, what is my position.

17 COUNCILMAN NUTTER: I wasn't there
18 with the Senior United States Senator. We are here
19 in City Council, and I am asking you that question,
20 it is yes, no, or I won't answer.

21 DISTRICT ATTORNEY ABRAHAM: I am not
22 getting into any other issue, other than what I was
23 asked by my Senior Senator, and that's all I am
24 prepared to answer.

25 COUNCILMAN NUTTER: If the senior

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2 Senator asked you the question this afternoon, are
3 you saying that you would answer him?

4 DISTRICT ATTORNEY ABRAHAM: The
5 answer to the question is, I was asked by my Senior
6 Senator about my position on the confirmation.

7 COUNCILMAN NUTTER: That's not the
8 question.

9 If Senator Arlen Specter asked you
10 whether or not Judge Frederica Massiah-Jackson
11 should continue to serve on the Common Pleas Court
12 of Philadelphia, are you saying that you would
13 answer for him?

14 DISTRICT ATTORNEY ABRAHAM: I am not
15 saying that at all. I am not saying I wouldn't
16 answer to him, either. I am not being asked that.

17 She was returned to office by the
18 voters, there she is.

19 COUNCILMAN NUTTER: Did you speak
20 about it then?

21 Didn't you two run the same year, you
22 ran for election, she ran for retention?

23 DISTRICT ATTORNEY ABRAHAM: We
24 campaigned I think at the same time.

25 COUNCILMAN NUTTER: Did you speak out

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2 on her record at that time?

3 DISTRICT ATTORNEY ABRAHAM: No.

4 COUNCILMAN NUTTER: It is the same
5 record; right?

6 DISTRICT ATTORNEY ABRAHAM: No. The
7 answer is no, I did not.

8 COUNCILMAN NUTTER: In 1993, wasn't
9 her record the same as the record you are now
10 talking about, since she wasn't in Criminal Court in
11 1991, and she was running for retention in 1993?

12 Wasn't it the same record that we
13 would be talking about in '93 that you would be
14 talking in '97 and '98?

15 DISTRICT ATTORNEY ABRAHAM: I did not
16 campaign for Judge Jackson. I campaigned for
17 election.

18 COUNCILMAN NUTTER: Did you speak
19 against her retention?

20 DISTRICT ATTORNEY ABRAHAM: No.

21 COUNCILMAN NUTTER: Okay. Why?

22 DISTRICT ATTORNEY ABRAHAM: I was
23 running for election, Councilman, period. That's
24 the end of my statement. And that has nothing to do
25 with anything.

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2 She wasn't up for --

3 COUNCILMAN NUTTER: So your running
4 for election supersedes your concern about the
5 administration of justice by a judge running for
6 retention?

7 DISTRICT ATTORNEY ABRAHAM: No, it
8 doesn't.

9 COUNCILMAN NUTTER: So why didn't you
10 speak out on her retention in 1993? In your view,
11 she would have had the same egregious record in '93
12 that you now claim that she has in '97 and '98.

13 DISTRICT ATTORNEY ABRAHAM:
14 Councilman, we have gotten far afield from the
15 budget. I campaigned for office --

16 COUNCILMAN NUTTER: Actually, we
17 haven't.

18 DISTRICT ATTORNEY ABRAHAM: I
19 campaigned for office in 1993. She campaigned at
20 the same time as I did. That issue was not before
21 me, period.

22 COUNCILMAN NUTTER: I asked you a
23 simple question.

24 DISTRICT ATTORNEY ABRAHAM: I am not
25 answering that question.

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2 COUNCILMAN NUTTER: It doesn't
3 matter, you already answered.

4 DISTRICT ATTORNEY ABRAHAM: I am not
5 going to answer that question. She ran, I ran. She
6 was elected, I was elected.

7 COUNCILMAN NUTTER: All right. No
8 problem. Thank you.

9 COUNCILWOMAN VERNA: Do you want to
10 being recognized, Councilman? Councilman Ortiz is
11 next. Do you mind?

12 Councilman Ortiz.

13 COUNCILMAN ORTIZ: Thank you, Madam
14 Chair. I ask excuse for my lateness today. I was
15 in Washington, D.C., this morning.

16 I wasn't going to get into the
17 Frederica Massiah-Jackson thing, but your statements
18 really are disturbing.

19 And I don't want an answer to this,
20 but you make it sound like the only good judge is a
21 judge that favors prosecutors.

22 DISTRICT ATTORNEY ABRAHAM: I never
23 said that. That's not true.

24 As a matter of fact, the best judge
25 in the whole world is a judge who calls it straight

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2 down the middle.

3 COUNCILMAN ORTIZ: In regards to the
4 Public Nuisance Task Force, how many houses were
5 closed in the East Division in 1997?

6 DISTRICT ATTORNEY ABRAHAM: Let me
7 get my figures. Just a second. I believe it is
8 right in the presentation, in my notes.

9 I think the exact figure is 258 in
10 Fiscal Year 1996-1997.

11 COUNCILMAN ORTIZ: How much?

12 DISTRICT ATTORNEY ABRAHAM: 258. It
13 says "Over 250" in the figure, in my statement. I
14 think the exact number is 258.

15 COUNCILMAN ORTIZ: Do you have that
16 by blocks and addresses?

17 DISTRICT ATTORNEY ABRAHAM: Did you
18 say in East Division?

19 COUNCILMAN ORTIZ: East Division.

20 DISTRICT ATTORNEY ABRAHAM: I'm
21 sorry. I didn't hear that. No, not in East
22 Division. I don't know.

23 36 in the East Division.

24 COUNCILMAN ORTIZ: Do you have that
25 by blocks and so on, addresses and so on? And can

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2 you make that available?

3 DISTRICT ATTORNEY ABRAHAM: We would
4 not make that available, Councilman, for a very
5 important reason.

6 We could give you selective
7 information. But sometimes giving addresses of
8 houses or locations that have been closed endangers
9 the lives of people who have given us information.
10 So we would not make that information generally
11 public.

12 COUNCILMAN ORTIZ: These houses are
13 closed.

14 DISTRICT ATTORNEY ABRAHAM: Yes, I
15 understand that. They may be closed, but --

16 COUNCILMAN ORTIZ: You are not going
17 to give us the names of the informants. We are not
18 asking for that.

19 DISTRICT ATTORNEY ABRAHAM: We can
20 try to give you whatever information we can give you
21 safely, without endangering the lives of any of the
22 people who might have given us information.

23 COUNCILMAN ORTIZ: I don't want who
24 gave you the information.

25 DISTRICT ATTORNEY ABRAHAM: I know

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2 that, but sometimes --

3 COUNCILMAN ORTIZ: I just want to
4 know the locations of areas where the Nuisance Task
5 Force has been operating and where they have closed
6 certain operations.

7 DISTRICT ATTORNEY ABRAHAM: As much
8 information as possible, I promise you we will give
9 you, including the addresses. We can do that.
10 Except where it may endanger the life of someone who
11 may have given us secret information.

12 COUNCILMAN ORTIZ: I don't have a
13 problem with that.

14 DISTRICT ATTORNEY ABRAHAM: Fine. We
15 can give you the addresses; we have them.

16 COUNCILMAN ORTIZ: And we can have it
17 relatively soon?

18 DISTRICT ATTORNEY ABRAHAM: Well, I
19 will ask. How soon is "relatively soon"?

20 I think Mr. Mosey has the list right
21 now.

22 COUNCILMAN ORTIZ: That's very good.

23 DISTRICT ATTORNEY ABRAHAM: That's
24 sooner than soon.

25 COUNCILMAN ORTIZ: That's sooner than

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2 soon.

3 Do you have records of major drug
4 dealers in the East Division, major drug dealers in
5 the East Division, that have been brought to trial
6 and prosecuted and convicted in the last three
7 years --

8 DISTRICT ATTORNEY ABRAHAM: I
9 believe --

10 COUNCILMAN ORTIZ: -- by your office,
11 not the U.S. Attorney?

12 MR. MOSEY: We should probably
13 clarify that often the cases that are prosecuted in
14 Federal Court are prosecuted by cross-designated
15 Assistant District Attorneys who are acting as
16 United States Attorneys. And many of those cases
17 came out of the Philadelphia D.A.'s Office.

18 COUNCILMAN ORTIZ: Give me those, and
19 give me those that were prosecuted in Common Pleas
20 Court.

21 DISTRICT ATTORNEY ABRAHAM: Well,
22 wait a minute. Before you get into that, the major
23 drug dealers -- first of all what's your definition
24 of "a major drug dealer"?

25 COUNCILMAN ORTIZ: I don't know. The

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2 owner of a corner.

3 DISTRICT ATTORNEY ABRAHAM: I don't
4 know what that means. I mean, we won't be able to
5 do that.

6 COUNCILMAN ORTIZ: The owner of a
7 corner. Corners in the East Divisions are owned.
8 You know that, I know that, the D.A. knows that, the
9 U.S. Attorney knows that.

10 DISTRICT ATTORNEY ABRAHAM: We can
11 give you the names of the cases that we have tried
12 in Federal Court, who are so-called major or king
13 pin drug users. We can get that information for
14 you.

15 But not every time in a Philadelphia
16 Court of Common Pleas do we have a person who you
17 call owns the corner designated as a king pin. They
18 may just be arrested for possession with intent to
19 deliver.

20 So I wouldn't have any real way of
21 knowing who owns a corner through that.

22 COUNCILMAN ORTIZ: Give me your
23 record of all the drug cases that you have
24 prosecuted in the East Division.

25 DISTRICT ATTORNEY ABRAHAM: I don't

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2 know if we can do that by name and case.

3 Can we, George?

4 COUNCILMAN ORTIZ: Why not?

5 MR. MOSEY: Did you get a copy of the
6 memo that I prepared?

7 COUNCILMAN ORTIZ: Yes. The one that
8 I asked --

9 COUNCILWOMAN VERNA: You will have to
10 speak into the mike.

11 COUNCILMAN ORTIZ: The one that I
12 asked you months ago, and I received yesterday?

13 MR. MOSEY: Yes. I am sort of acting
14 as a contortionist here. I apologize.

15 The problem is that we would have to
16 be able to separate the cases by D.C. number. And
17 that's pretty difficult to do. To the extent that
18 we can, we will try to provide it.

19 We can give you an estimation, but
20 not the complete figure.

21 COUNCILMAN ORTIZ: You cannot get the
22 records of the cases that you have prosecuted in the
23 East Division?

24 DISTRICT ATTORNEY ABRAHAM:

25 Councilman, just remember one thing. A police

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2 officer --

3 COUNCILMAN ORTIZ: There is a file;
4 right?

5 DISTRICT ATTORNEY ABRAHAM: No, it is
6 not filed that way. It is filed by Commonwealth
7 versus the name of the person. But it doesn't
8 necessarily mean East Division. But it doesn't
9 necessarily mean East Division.

10 So, for example, if a person who is
11 an East Division person is arrested in the West
12 Division, is that an East Division person according
13 to you or a West Division? We couldn't tell you
14 that.

15 What we have to do -- and I am not
16 going to allow George to do this -- is to go
17 thousands of files to find out on the initial
18 Complaint filled out by the police, the District
19 Complaint No. 25. We can't do that.

20 We have cases by name. We have cases
21 by court term and number. We don't have cases by
22 D.C. number.

23 COUNCILMAN ORTIZ: You know, it is
24 disturbing to me that when we ask for some data, so
25 that we can have a relative clear picture of what

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2 efforts the D.A. is conducting in the biggest drug
3 area in the city, in terms of the cases that it is
4 pursuing, the cases that it has pursued in Common
5 Pleas Court or Federal Court, that you say that that
6 data is very difficult to receive.

7 And when I ask you how many of those
8 cases have been taken to a conviction, and I ask for
9 those cases, and the period of time on that, you
10 tell me that that date is very hard to come by.

11 DISTRICT ATTORNEY ABRAHAM: The way
12 you are asking it, it is very hard to come by.

13 Let me explain this again.

14 COUNCILMAN ORTIZ: Do you know what
15 bothers me about that?

16 DISTRICT ATTORNEY ABRAHAM: Madam
17 Chair, may I finish my answer?

18 COUNCILMAN ORTIZ: No. No. No.
19 Madam Chair, please --

20 COUNCILWOMAN VERNA: Come on, now.
21 It is now ten of 4:00. We have two other
22 departments to hear, and we have had some members of
23 the community waiting since 1 o'clock to testify.

24 Now, I think we can conclude this
25 very quickly, if you will simply answer the

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2 question.

3 DISTRICT ATTORNEY ABRAHAM: We don't
4 keep cases by district. The case is listed by court
5 term and number or defendant's name.

6 We don't have a computer system that
7 lists cases by D.C. number; only by court term and
8 number or by a defendant's name.

9 So we can't go back and dig out all
10 those cases and give you that information, except by
11 going to thousands and thousands and thousands of
12 cases and looking them up.

13 Do you want to give me a name, we
14 will get that for you. If you want to know what
15 cases we have sent down to Federal Court, we have
16 that, but not every case that's arrested in the East
17 Division, which is the 24th, the 25th, and I think
18 the 26th District. We don't have that capacity.

19 COUNCILMAN ORTIZ: Give us, then, all
20 of the cases across the city, a listing of all of
21 the cases that you have prosecuted and taken to
22 conviction, those that have been lost or those that
23 have been -- well, just break it across. Give us
24 the data for the '97 period, only one year.

25 Can you do that?

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2 DISTRICT ATTORNEY ABRAHAM: I think
3 we can ask the court if they keep that statistic.

4 COUNCILMAN ORTIZ: Even those that
5 were plea bargained.

6 DISTRICT ATTORNEY ABRAHAM: Whatever
7 the disposition is, the court keeps a record of all
8 the dispositions. We think we can get that from the
9 court system.

10 COUNCILMAN ORTIZ: Can you make that
11 available to us?

12 DISTRICT ATTORNEY ABRAHAM: If it is
13 a public record from the court system? Of course.

14 COUNCILMAN ORTIZ: Thank you, Madam
15 Chair. Go ahead.

16 COUNCILWOMAN VERNA: You are simply
17 looking for a district?

18 COUNCILMAN ORTIZ: They cannot do
19 it. They find it impossible to do it. They don't
20 have the personnel to be able to give us very
21 specific data so that we can make a judgment as to
22 what is happening in an area or in a neighborhood or
23 in a district. But it seems that they can do other
24 things and have people analyze cases.

25 I would like to have a clear picture

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2 of what is going on from the D.A.'s Office in
3 several neighborhoods in the city.

4 Just like we asked the Police
5 Department how they are doing in several
6 neighborhoods and how they are fighting drugs in
7 several neighborhoods, I would like to have a very
8 clear picture of what the D.A.'s Office is doing in
9 the East Division and in other divisions across the
10 city, and in terms of disposition of drug cases as
11 they take. But, obviously, we can't do that
12 analysis.

13 DISTRICT ATTORNEY ABRAHAM: I will
14 tell you how we can do it. You give me the L.I.N.E.
15 program. Every case is divided by district.

16 The city, the court system, and the
17 Police Department don't compartmentalize or
18 geographically fix cases; they send them to whatever
19 court is available. So there is no tracking by
20 district, that I am aware of. There is no tracking
21 by district.

22 So you want a list of all the 12 or
23 13 thousand cases that we tried? You want a
24 computer list of every case; is that what you want?

25 COUNCILMAN ORTIZ: Give us that.

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2 DISTRICT ATTORNEY ABRAHAM: We will
3 call the up the court system and see if they will
4 send it to us.

5 COUNCILMAN ORTIZ: And for the
6 record, one question that I asked the other day, you
7 have 265 attorneys. And I would like to find out
8 how many of those 265 are Latinos, and when was the
9 last one hired, and what is the recruiting process
10 that takes place.

11 DISTRICT ATTORNEY ABRAHAM: With all
12 due respect, Councilman, you were out of the room
13 when George Mosey spoke to that issue with
14 Councilman Nutter.

15 And we have, let's see, I think we
16 have nine Hispanic Assistant District Attorneys,
17 Latinos, Hispanic District Attorneys.

18 COUNCILMAN ORTIZ: Nine?

19 DISTRICT ATTORNEY ABRAHAM: Nine.

20 COUNCILMAN ORTIZ: Out of 265?

21 DISTRICT ATTORNEY ABRAHAM: 260.

22 COUNCILMAN ORTIZ: When was the last
23 one hired?

24 DISTRICT ATTORNEY ABRAHAM: A couple
25 of months ago.

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2 COUNCILMAN ORTIZ: When was that?

3 DISTRICT ATTORNEY ABRAHAM: Who was

4 it?

5 COUNCILMAN ORTIZ: When was that?

6 DISTRICT ATTORNEY ABRAHAM:

7 September.

8 COUNCILMAN ORTIZ: You have nine

9 assistant D.A.'s?

10 DISTRICT ATTORNEY ABRAHAM: Correct.

11 COUNCILMAN ORTIZ: Were there any

12 interns that were Latinos in the last class?

13 DISTRICT ATTORNEY ABRAHAM: A lot.

14 COUNCILMAN ORTIZ: A lot?

15 DISTRICT ATTORNEY ABRAHAM: Yes.

16 When I say, "a lot," I mean, not thousands.

17 COUNCILMAN ORTIZ: How many?

18 DISTRICT ATTORNEY ABRAHAM: Probably

19 four, five, or six.

20 COUNCILMAN ORTIZ: In the last class

21 of interns that you had?

22 DISTRICT ATTORNEY ABRAHAM: When you

23 say, "interns," you mean could like people coming

24 into the summer program, volunteering?

25 COUNCILMAN ORTIZ: You have interns

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2 from which you hire later on, second-year students
3 that go on, third year and so on?

4 DISTRICT ATTORNEY ABRAHAM: No; we
5 are talking about two different programs.

6 To me the summer intern program is
7 college, high school, and law school. Second-year
8 law students, I don't remember how many there were
9 in our second-year intern, but I know we had at
10 least a few.

11 COUNCILMAN ORTIZ: I would like to
12 find out. Can you find out how many?

13 DISTRICT ATTORNEY ABRAHAM: I will
14 try.

15 COUNCILMAN ORTIZ: Okay. Thank you
16 Madam Chair that's it.

17 DISTRICT ATTORNEY ABRAHAM: Remember,
18 Councilman. I just want to tell you one thing.

19 We do not ask questions of our
20 attorneys about their ethnicity. So I won't be able
21 to answer perhaps even carefully or correctly how
22 many people believe themselves to be Latinos.

23 It is a very difficult guessing game,
24 and I won't want to guess. So I may not be able to
25 answer your question.

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2 COUNCILMAN ORTIZ: No problem.

3 COUNCILWOMAN VERNA: Thank you very
4 much.

5 Any other questions or comments?

6 Thank you.

7 DISTRICT ATTORNEY ABRAHAM: Thank
8 you.

9 The City Commissioner's Office will
10 be next.

11 COUNCILWOMAN VERNA: Good afternoon,
12 Commissioner. Please identify yourself.

13 MR. ALEXANDER Z. TALMADGE: Alexander
14 Talmadge, Jr., City Commissioner.

15 COUNCILWOMAN VERNA: Please proceed
16 with your testimony.

17 MR. TALMADGE: Good afternoon, Madam
18 Chair. I would like to thank you for this
19 opportunity to present our Fiscal 19989 Operating
20 Budget.

21 Our total budget request is
22 \$8,004,956 will be allocated as follows: Class 100,
23 personal services, \$4,241,009; Class 200, purchase
24 of services, \$3,111,035; Class 300, materials and
25 supplies, \$640,657; Class 400, equipment, \$12,255.

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2 In November 1998, we will be
3 conducting the election of the are for the offices
4 of United States Senator, United States
5 Representative, Governor, Lieutenant Governor, State
6 Senators, State Representatives, and State Committee
7 Members.

8 In the 1999 Primary, we will be
9 nominating candidates for the Mayor, for the Office
10 of Mayor; ten members of City Council; seven
11 Councilmen-At-Large; three City Commissioners; State
12 Supreme Court Justices; Judges of the Commonwealth
13 Court, Common Pleas Court and Traffic Court; Clerk
14 Of Quarter Sessions; Register of Wills; and
15 Sheriff.

16 The first priority of this department
17 is to assure the citizens of Philadelphia their
18 constitutional right to vote.

19 We have made every effort to reduce
20 our expenditure wherever possible. We will continue
21 to implement cost-savings, while striving to produce
22 the optimum level of service to the citizens of
23 Philadelphia.

24 COUNCILWOMAN Verna: Thank you.

25 I know that my colleague is engaged

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2 in conversation, but I know that he would probably
3 want to ask this question: What is the status of
4 the possibility of getting new voting machines?

5 MR. TALMADGE: I guess that's up to
6 Council.

7 We are now in the process of looking
8 into various sorts of mechanical and -- I'm sorry,
9 computerized electronic voting machines, in the
10 attempt of having an issue presented on the ballot,
11 hopefully in November of 1998.

12 By that time we will have made a
13 definitive -- we will have a definitive idea of the
14 type of machine that we are looking for. And
15 hopefully by that time we will be able to present a
16 lot of those machines to the public to see what the
17 public finds out is best for them in terms of
18 voting, and things like that.

19 We know what we need, and we want to
20 make it as simple as possible and make it look and
21 almost appear as if it is the machines that we have
22 now, but, of course, more modernized and
23 computerized.

24 COUNCILWOMAN Verna: Thank you.

25 Are there any questions of the

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2 Commissioner?

3 COUNCILMAN NUTTER: Thank you, Madam
4 Chair, for asking my question.

5 COUNCILWOMAN VERNA: Thank you very
6 much.

7 MR. TALMADGE: Thank you.

8 The next department to be heard is
9 the Office of Housing and Community Development.

10 I was also asked to make an
11 announcement that the briefing scheduled for 8:30
12 tomorrow morning has been cancelled.

13 Mr. Kromer, did you think we were
14 ignoring you?

15 MR. KROMER: It is a pleasure to be
16 here, Councilwoman Verna.

17 COUNCILWOMAN VERNA: Thank you.

18 MR. JOHN KROMER: Good afternoon. I
19 am John Kromer, Director of the Office of Housing
20 and Community Development.

21 I have submitted written testimony.
22 But just to summarize briefly, the proposed
23 Operating Budget under the Community Development
24 Fund and Grant Revenue Fund will be presented in
25 April to the Finance Committee in its Council bill

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2 on the consolidated plan authorizing the Community
3 Development Block Grant and other housing programs
4 for the coming Fiscal Year. And I will look forward
5 to a hearing of the Finance Committee on that
6 subject.

7 The proposed operating subject for
8 OHCD is 150.4 million in Fiscal '99. Of that
9 amount, 86.9 million will be in the Grants Revenue
10 Fund, 59.4 million in the Community Development
11 Fund, and 4.1 million in the General Fund.

12 Our Class 100 request of \$4 million
13 reflects an increase of \$125,832, compared to last
14 year. This increase is due to the wage increase
15 budgeted consistent with the city's current
16 collective bargaining agreements.

17 Included in the Grants Revenue Fund
18 is authorization for up to 13.6 million from the
19 Federal Home Investment Partnership Program, as well
20 as 3 million from the Federal Housing Opportunities
21 For Persons with AIDS Grant, and 4 million from the
22 state.

23 Authority is requested to provide
24 funding for emergency shelter grants in the amount
25 of 2.7 million, Section 108 loans in the amount of

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2 33 million, and 15 million for interim construction
3 assistance in the Bridge Loan Programs.

4 The latter two sources may not be
5 available, but OHCD is requesting authority so that
6 we will be able to administer the funds if they are
7 available.

8 OHCD is also requesting
9 appropriations in the General Fund. These funds
10 will be used to continue to support activities that
11 had been previously administered by the former OSHA,
12 and had been transferred over to OHCD.

13 There are three such programs. One
14 is the Tenants Rental Assistance Corporation,
15 Transitional Housing Program, which provides rental
16 assistance to people leaving the shelter system.

17 Under that program, a total of 322
18 households were assisted as of December 31, 1997.
19 And the goal for the coming Fiscal Year is to assist
20 at least 292 households.

21 The second activity is the Office of
22 Mental Health and Mental Retardation Short-Term
23 Placement Housing Assistance Program.

24 And under that program, for which
25 \$100,000 is proposed, a total of 106 clients were

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2 assisted as of December 31, and the fiscal goal is
3 at least 100 clients.

4 And, finally, the third such activity
5 is the Homelessness Prevention Program administered
6 by the Energy Coordinating Agency and the Tenants
7 Action Group.

8 The dollar amount proposed in Fiscal
9 '99 is \$2 million. As of December 31, 538
10 households were assisted through these programs.
11 And the Fiscal '99 goal is to assist at least 923
12 households.

13 While the housing in the city
14 continues, need in the city continues to grow, the
15 Community Development Block Grant, which is our
16 primary funding source, continues to be reduced by
17 the federal government. In the coming Fiscal Year,
18 the reduction for Philadelphia is 2.39 percent.
19 That amounts to approximately \$1.671 million.

20 It is not an overwhelming decrease,
21 but it is the third cut that the program has been
22 subjected to in the past three years and results in
23 a net loss for Philadelphia.

24 OHCD, as well as other departments
25 that receive CDBG funds, will be making an effort to

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2 reduce nonprogram costs, so that the impact of these
3 cuts will be minimized in terms of the effect on
4 Philadelphia residents and neighborhoods.

5 Thank you.

6 COUNCILWOMAN VERNA: Thank you,
7 Mr. Kromer.

8 Are you at liberty to give us the
9 status of your negotiations with Local 1971?

10 MR. KROMER: We are continuing to
11 negotiate with Local 1971. We have agreed with the
12 economic terms that are identical to those in the
13 D.C. 33 contract.

14 But the contract language of our
15 contract with Local 1971 differs from the D.C. 33
16 terms, and we are trying to reconcile the two.

17 A state-appointed mediator was
18 brought in toward the end of last year. And we have
19 worked with the mediator for several months, and
20 have twice submitted modifications of our position
21 in an attempt to reach a compromise.

22 As of last Friday, the union had not
23 responded to our proposals, and so we are awaiting
24 their response and any offer of compromise that the
25 union may have.

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2 COUNCILWOMAN Verna: Thank you.

3 Mr. Kromer, I note that there is a
4 \$17 million increase in allocations for 108 loans
5 from FY '98 to FY '99.

6 Can you identify the projects that
7 will be included with these funds?

8 MR. KROMER: As in prior years, the
9 Section 108 funding consists of funding for economic
10 development activity, which will be repaid by the
11 developer, the private developers, receiving the
12 financing, as well as some financing for affordable
13 housing development activity, and special activities
14 such as the acquisition and relocation in the Logan
15 triangle area.

16 Those affordable housing activities
17 and those special activities such as Logan are
18 repaid through the proceeds of the Community
19 Development Block Grant Program, and the debt
20 service is deducted from future years, Community
21 Development Block Grants.

22 The prospect of reducing future Block
23 Grant funding available to Philadelphia is a serious
24 one. But the fact is that 108 repayments amount to
25 roughly 4 percent of the entire Block Grant year.

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2 And in exchange for that, we have an
3 opportunity to organize a lot of funding to put into
4 targeted areas, such as the Cecil B. Moore area,
5 where we leveraged a multi-million dollar federal
6 award as a result of our ability to use our Section
7 108 to seek the award.

8 COUNCILWOMAN VERNA: I note that two
9 grants for Bethesda in the amount of \$1.4 million
10 are being discontinued.

11 What will happen to the Bethesda
12 housing programs in South Philadelphia?

13 MR. KROMER: I can provide you with
14 more information. But I believe it is the case that
15 Bethesda was making a change and was seeking funding
16 to make a change from, I believe, an emergency
17 service program to a transitional program, and that
18 our funding has supported that change.

19 COUNCILWOMAN VERNA: So they will
20 remain at their present location?

21 MR. KROMER: I believe that's the
22 case, but simply maintain the location as
23 transitional housing.

24 COUNCILWOMAN VERNA: Could I have
25 some information on that, please?

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2 MR. KROMER: Yes, I can provide
3 that.

4 COUNCILWOMAN VERNA: I realize that
5 this is not a full-blown CDBG hearing, but I see
6 something that gives me cause of great concern, and
7 that is the reduction of neighborhood-based home
8 ownership funding by \$1.5 million.

9 Is there a reason for that?

10 MR. KROMER: The emphasis that we are
11 proposing for Year 24, the coming Fiscal Year, is on
12 moderate rehabilitation through the Home Ownership
13 Rehabilitation Program, which is all home
14 ownership.

15 Secondly, on extending the Home Start
16 Program, which had previously been targeted, on a
17 citywide basis, so that we can pay for
18 rehabilitating more houses at lower costs.

19 And then finally on sales housing
20 development in the North Philadelphia target areas,
21 west Poplar and Cecil B. Moore area.

22 So although that line item is
23 reduced, the overall home ownership effort, in fact,
24 is increased.

25 I think a discussion that is going to

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2 be especially important when we do return for our
3 Finance Committee hearing, which we can begin now,
4 does relate to the Home Start Program, which PHDC
5 has used to rehabilitate vacant houses.

6 In the past, that program has
7 targeted the houses in the worst condition, which
8 require a lot of money to fix up. And the rationale
9 has been, if we don't do it, nobody else will. And
10 this is the way to treat some tough blocks.

11 However, I return to City Council
12 year after year and hear Councilmembers say, why
13 can't you do something on the better blocks, where
14 you have only one or two or three vacant, can't you
15 help clean up those blocks?

16 So this year we want to propose
17 considering doing just that, with the Home Start
18 funding. Not restricting it to target areas, but
19 extending it on a citywide basis to treat those
20 blocks that are in relatively good condition, where
21 we can make a difference.

22 COUNCILWOMAN Verna: I note that Page
23 4-72 would give you budget authorization to apply
24 for an additional \$5 million in grant revenue
25 throughout the year.

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2 Why wouldn't you just come to Council
3 for additional authorization when these grants come
4 up, instead of asking for a blanket authorization?

5 MR. KROMER: The practice that we
6 followed in past years is to try to obtain the
7 authorizations as part of that single consolidated
8 plan, and to let Council --

9 COUNCILWOMAN VERNA: We have done
10 that in the past?

11 MR. KROMER: Yes. And to let Council
12 know of opportunities that are on the horizon that
13 may or may not be realized, and seek that
14 authorization as part of that single plan. And I
15 believe we are being consistent here.

16 Could you please give me the
17 reference again, so that I can verify that for you?

18 COUNCILWOMAN VERNA: I believe it is
19 Page 4-72.

20 MR. KROMER: Our fiscal officer left,
21 after waiting for several hours. So he is not here
22 to clarify it, but I will be sure to follow up on
23 that.

24 COUNCILWOMAN VERNA: Thank you.

25 The Chair recognizes Councilman

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2 Ortiz.

3 COUNCILMAN ORTIZ: Thank you, Madam
4 Chair.

5 Mr. Kromer, it doesn't mean that you
6 are not loved, right, just because the chamber is
7 empty.

8 On Page 2 of your testimony, you
9 indicate that the TRAC, transitional housing
10 program, TRAC program, reduces projected '99 goal
11 from 322 households in '97, to 292 households in
12 '99.

13 This means that there will be 30
14 households that will not be able to participate in
15 that period.

16 How does the program work? Are the
17 support services provided, who is eligible to
18 participate in the program? How long can a
19 household participate in a program? And have the
20 individuals who finished the TRAC program been
21 followed to determine their success in full
22 tenancy?

23 MR. KROMER: I don't have all the
24 answers to all of those questions, Councilman. But
25 we do have the information, and I would be glad to

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2 provide you with a detailed report.

3 Basically, the TRAC program, which
4 has been in existence for several years now, under
5 the administration of the Tenants Action Group,
6 provides rental assistance over a short term.
7 Frequently a year or less, sometimes as much as 18
8 months to 2 years.

9 But the rental assistance is combined
10 with counseling that is provided by the TAG staff
11 that is intended to help the individual or household
12 move up. So that when the rental assistance ends,
13 some degree of self-sufficiency is achieved and the
14 subsidy is no longer required, or the household has
15 received a Section 8 or some other form of
16 assistance that's hoped to be longer terms.

17 COUNCILMAN ORTIZ: Could you forward
18 and answer, that is, a very detailed answer
19 answering the questions that I just asked you?

20 MR. KROMER: Yes.

21 COUNCILMAN ORTIZ: At the Council
22 hearings we had on Section 8, you and other folks
23 mentioned that the TRAC program came up as a
24 potential feeder into the Section 8 program.

25 How man TRAC participants go on to

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2 become Section 8 tenants?

3 MR. KROMER: I think in the past
4 couple of years, at least, more than half have
5 received Section 8.

6 Again, we have a detailed breakdown,
7 which I will be sure to provide you.

8 COUNCILMAN ORTIZ: I would like
9 that.

10 And in light of the Administration's
11 proposal to increase collaboration between city
12 agencies to deal with the numbers of individuals who
13 are in need of supportive services after leaving
14 city shelters, and who are not ready to assume the
15 responsibility of tenancy, why isn't the TRAC
16 program being increased as a working example of such
17 cooperation?

18 MR. KROMER: The TRAC program is
19 proposed for funding at the same level.

20 And the intent is to combine this
21 with the Homelessness Prevention Program, funded at
22 a level of \$2 million, to prevent people from
23 reaching the shelters in the first place and to
24 build up the capability of the homelessness
25 prevention effort, which will be operating for the

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2 first full year starting in '99.

3 COUNCILMAN ORTIZ: But in this
4 hearing -- and I know the Chairperson said that this
5 is not -- over here, in terms of the Homeless
6 Prevention Program, you are reducing that program by
7 close to 4 and a half percent. I am reading from
8 your --

9 MR. KROMER: Okay.

10 COUNCILMAN ORTIZ: So how does that
11 fit in, you know?

12 MR. KROMER: For homelessness
13 prevention we are proposing a level budget of \$2
14 million in Fiscal '99.

15 COUNCILMAN ORTIZ: A reduction of 4
16 and a half percent. These are your numbers. I am
17 not making them up.

18 MR. KROMER: Uh-huh.

19 COUNCILMAN ORTIZ: Okay. If the
20 reduction is not four and a half percent, you know,
21 you have got to go back to your staff and tell them
22 that they made a mistake.

23 MR. KROMER: Okay. The city General
24 Funding is leveled at \$2 million. I understand the
25 question, and I will account for the 4 percent

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2 reduction.

3 The additional support, though, as I
4 indicated in the hearing on Section 8, is proposed
5 to come from the Housing Authority in the form of
6 net income generated by the Section 8 program
7 itself.

8 This is a period, as I pointed out,
9 in which we are undergoing our third federal budget
10 cut. And so we are doing our best to keep programs
11 such as this at a level, at the current level of
12 funding, while cutting back in terms of overhead.

13 COUNCILMAN ORTIZ: And on Page 3 of
14 your testimony, you indicate that the Homeless
15 Prevention program administered by the Energy
16 Coordinating Agency and the Tenants' Action Group,
17 is almost doubling the number of households it will
18 assist in '99. At the same time, the projected
19 funding is not increasing, or is remaining the
20 same.

21 How is it possible to assist 923
22 households with the same amount of money that 530
23 households were assisted with?

24 MR. KROMER: The --

25 COUNCILMAN ORTIZ: I know the story

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2 of the wine and the bread and all of that.

3 MR. KROMER: I wish I could do that,
4 but I cannot.

5 However, the fact is that in the
6 prior years, the Homelessness Prevention Program was
7 not operating throughout the entire year, with both
8 organizations, Energy Coordinating Agency and
9 Tenants Action Group. This will be the first time.

10 COUNCILMAN ORTIZ: You mean that
11 before it wasn't a full-year operation, but now it
12 is a full-year operation?

13 MR. KROMER: Yes.

14 COUNCILMAN ORTIZ: So now it would be
15 able to do that.

16 MR. KROMER: That's right.

17 COUNCILMAN ORTIZ: We will look into
18 that.

19 When you testified before in a
20 Section 8 hearing, you indicated that there would be
21 a project to eliminate the T01 preference in order
22 to provide more slots to other eligible recipients
23 in Tier 2.

24 According to the Philadelphia Housing
25 Authority, there are currently 1086 formerly

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2 homeless individuals in Section 8 housing.

3 If these individuals did not have
4 Section 8 to go into, where would OHCD put them?

5 MR. KROMER: As I said in my
6 testimony before that hearing, there is widespread
7 support in Council and elsewhere for preventing
8 homelessness, rather than funding the shelter system
9 and funding programs that are designed to get people
10 out of shelter.

11 And so recently we put a lot more
12 emphasis into prevention, to help people financially
13 with rent payments and security deposits, and
14 provide the services that they need to --

15 COUNCILMAN ORTIZ: Where is that
16 reflected in your budget? I don't see it.

17 MR. KROMER: In the three activities
18 that are being funded through the General Fund, the
19 Home Assistance Prevention Program and the Tenants
20 Rental Assistance Program, as well as the --

21 COUNCILMAN ORTIZ: Those programs
22 will take over those individuals that would be taken
23 off the Section 8?

24 MR. KROMER: No.

25 My point is that if we can reduce the

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2 number of people entering the shelter system, then
3 we won't have that large a Tier 1 --

4 COUNCILMAN ORTIZ: We are talking
5 about homeless. Not all of the homeless go into the
6 shelters. And we are talking about, you know,
7 preventing homeless.

8 So I don't see that reflected in your
9 budget.

10 MR. KROMER: To me, again, the Tier 2
11 population consists of people that are right on the
12 borderline, that are a step away from homelessness.

13 And broadening the Section 8 program
14 to admit some people in this Tier 2 category will
15 reduce the burden on the city's shelter system by
16 preventing them from becoming homeless.

17 COUNCILMAN ORTIZ: Can you write me
18 an explanation of that?

19 MR. KROMER: Sure, I would be glad
20 to.

21 COUNCILMAN ORTIZ: And submit it
22 through the Chair.

23 Because your budget doesn't reflect
24 it. I don't know where the money is going to come
25 from. So it is not reflecting in the materials that

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2 we have. And I am very concerned.

3 Thank you, Madam Chair.

4 COUNCILWOMAN VERNA: You are

5 welcome.

6 The Chair recognizes Councilman

7 Cohen.

8 COUNCILMAN COHEN: Thank you, Madam

9 Chair. A few questions, maybe quickly.

10 There is a project that, I guess, I
11 spoke to about a year ago on Value Through Labor, on
12 Hansberry Street, if my memory is right.

13 MR. KROMER: That is right.

14 COUNCILMAN COHEN: How is that
15 proceeding?

16 I think all of the folks in City
17 Council that you were interested in have now voiced
18 their approval?

19 MR. KROMER: I just spoke with Greg
20 Palmeri this week. And my understanding is that
21 everyone is on board with the property transfer.

22 And I have written to the
23 Redevelopment Authority asking them to get all the
24 parties together and expedite the donor/taker
25 transfer of the property.

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2 COUNCILMAN COHEN: You say you have
3 done that?

4 MR. KROMER: Yes, I have.

5 COUNCILMAN COHEN: And we can expect
6 some positive response?

7 MR. KROMER: Yes.

8 The situation looks very good. It
9 seems a very clear-cut situation.

10 COUNCILMAN COHEN: All right.
11 Secondly, there is an organization I think called
12 Raise of Hope. And I was hoping top the paper here
13 to know whether "Raise" was spelled R-A-Y-S, which I
14 believe, or is staff member of mine says it is
15 R-A-I-S-E.

16 MR. KROMER: Your staff person is
17 correct.

18 COUNCILMAN COHEN: The last one is
19 correct? I thought it made more sense the other
20 way, but the staff member is right. Put one up for
21 the staff.

22 What can be done to assist them? I
23 have met with them. They seem to be a very capable
24 group. I can't remember the name of the woman in
25 charge.

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2 MR. KROMER: Habeebah Ali is their
3 Director and Founder.

4 COUNCILMAN COHEN: Yes, that's why I
5 can't remember the name. Habeebah Ali.

6 She and folks working with her both
7 seem to both have a special competence and a special
8 interest in this area.

9 And I think what they were looking
10 for was some assistance either in the way of funds
11 to enable them to have a little staff to do the work
12 that was necessary, or to have somebody maybe
13 provide the services for them.

14 I would very much appreciate it if
15 you could kind of look at that and wake it up from
16 your end.

17 MR. KROMER: I will be meeting with
18 Ms. Ali to discuss that.

19 COUNCILMAN COHEN: We will do all the
20 easy ones first.

21 And then the third question is, I
22 understand there is a lot of rethinking going on
23 about the shelter at 21st and Clearfield Street.

24 Is that an ongoing process?

25 MR. KROMER: The shelter system is

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2 not part of our budget, so I wouldn't be familiar
3 with that.

4 But if you have a question, I can
5 make sure that it gets answered by Michael Nardone.

6 COUNCILMAN COHEN: Yes, I would kind
7 of like to get an update on that.

8 MR. KROMER: Okay.

9 COUNCILMAN COHEN: I am not one of
10 the people favoring it. I was at the Zoning Board,
11 and all of their activities in opposition to it from
12 the neighborhood point of view.

13 But I am also very concerned with
14 respect to the kind of service it will deal with.
15 It just did not seem to me to be fit for women and
16 children, after having examined it.

17 But I would like to know I don't want
18 to beat a dead horse. If it is a dead issue and it
19 is not going to rise again, fine. But I would just
20 like to know what the level is of interest by the
21 Administration.

22 That's the one that I understand the
23 original proposal was for something like \$750,000.
24 And it looks as if by current estimates, the cost
25 would be tripled. And I would hardly think it was

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2 worthwhile. Sometimes you have to cut your losses
3 and take them.

4 But if you could look into that and
5 get me an answer.

6 The last one is, on the question I
7 think the Chair raised with you before, about one of
8 the three units in your office.

9 My question may be a little different
10 than Councilwoman Verna, because she is very
11 ladylike, and I am often not gentlemanly-like in the
12 question. I want to know when is the money going to
13 be paid.

14 I wouldn't say I could care less
15 about negotiations. But negotiations is an ongoing
16 process, and I hope they are successful from both
17 ends, management and labor.

18 But I don't think that negotiations
19 has anything whatever to do with the payment of that
20 3 percent raise.

21 And all I want to know today is, is
22 there an agreement to pay it, or do I introduce --
23 what's today? Wednesday? Tomorrow is Council day.

24 Councilman Ortiz, I would appreciate
25 it if you paid attention, because I am going to be

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2 calling on your staff for assistance if the answer
3 is unfavorable, and they may have to work late
4 tonight.

5 Or do we have to introduce the
6 resolution to City Council and call for public
7 hearings, as we did on the Register of Wills and the
8 Sheriffs in order to get them paid?

9 Because we just think it is totally
10 unreasonable to withhold that wage increase from
11 this group of roughly 35 people, mostly women,
12 mostly minority, while you negotiate other issues.

13 Whether the union is right in
14 charging that you are trying to take rights away
15 from them, or whether you are right in saying the
16 union is, you know, unreasonable in its demands,
17 that, you will just decide through negotiations.

18 But we think that holding that pay
19 increase hostage makes no sense, and it is a policy
20 that I think this Council would disagree with
21 totally.

22 Now, we tried to do it easy and
23 soft. We have raised this issue now it is well over
24 a month.

25 So I would just like from you one

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2 answer. Is there agreement that the money should be
3 paid right away, or is it still the policy -- oh, I
4 raised it with the Personnel man when he was here
5 for your department. Or do we go ahead and do what
6 we have to do?

7 We just think it is just dead wrong,
8 no matter what the other issues are, to hold this 3
9 percent increase, or whatever the figure was,
10 hostage.

11 MR. KROMER: We all agree with the
12 economic terms of the D.C. 33 agreement, including
13 the pay raise.

14 But let me be clear, we need an
15 executed contract. I think we all agree on that.
16 And the way to a contract is through satisfactory
17 completion of negotiations.

18 Now let me --

19 COUNCILMAN COHEN: Is your staff
20 ready for tonight? I don't want to go into
21 discussion because I couldn't disagree more
22 vehemently. And it is getting late in the day, and
23 there are other witnesses, otherwise I would be
24 ready to proceed at length.

25 But we don't think you really have

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2 any right. I think, John, it is disgraceful to try
3 to put pressure on the union to come to terms the
4 way think it ought to be, because you're management
5 in that case, really.

6 When you are dealing with this group
7 of people, you know you are going to have to pay the
8 increase, because it was negotiated, and you are
9 trying to eke out another pound of flesh,
10 apparently.

11 Maybe the union, this would lead me
12 to believe that probably the union is right in its
13 characterization of what management seeks.

14 But all I want to know for this
15 purpose is, is the matter going to be resolved the
16 right way, or should we go ahead?

17 I just want to know because tomorrow
18 is a Council day, and you are saying that you are
19 not prepared to okay the payment of that 3 percent
20 increase.

21 MR. KROMER: We agreed to the
22 so-called signing bonus of \$1100 months ago, without
23 any request from Council or any pressure from
24 anyone, without a contract. We agreed to that
25 bonus, and we paid it.

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2 Several months ago, without a demand
3 for from anyone, we agreed to the Veteran's Day
4 holiday, and we observed that.

5 After each of those concessions,
6 there was no response from the union in terms of a
7 modification to their position. We have twice
8 submitted our position in modified form to the
9 mediator; the union still has not responded.

10 Granting the pay increase --

11 COUNCILMAN COHEN: You mean they
12 don't talk to you, or they haven't bent their knees
13 to you?

14 MR. KROMER: They have not
15 responded.

16 COUNCILMAN COHEN: They don't talk to
17 you? I thought there was a meeting last Friday.

18 MR. KROMER: There was a meeting last
19 Friday. And when we presented our modified proposal
20 for the second time, the union president said that
21 it could not be considered until it was submitted in
22 writing.

23 Now, this is never done in serious
24 labor negotiations. And that sends us a message
25 that there is a need to have some remediation.

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2 COUNCILMAN COHEN: John, that's
3 because of the totally arbitrary an ununderstandable
4 position of management.

5 Now, I am not going to say that the
6 union is going to agree to management's position. I
7 would fight to the end that they understand they
8 don't have agree to any of management's position,
9 except through the normal process of negotiation,
10 which I hope both parties come to some agreement
11 that's in the interest of both parties.

12 By it has nothing to do with an
13 agreed-upon wage increase that all other city
14 employees, as far as we know, have received that
15 increase. Right?

16 The only ones we had heard about
17 earlier were the Register of Wills and the
18 Sheriff's.

19 MR. KROMER: The 3 percent increase
20 goes with an executed contract. And that is my
21 goal, an executed contract that is fair to
22 everyone.

23 COUNCILMAN COHEN: Okay. Wanda, I
24 would like a resolution tomorrow along the line of
25 the Register of Wills, agreed, and working with

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2 Julie. It will be my staff, as well.

3 Okay. There is no sense pursuing it
4 any further. Because, John, you can't have a policy
5 different from the rest of the city.

6 You can't have a policy which says
7 you have a right to withhold wage increases until a
8 whole contract is negotiated, while every other
9 employee of the City of Philadelphia covered by that
10 agreement, you know, covered by the agreement with
11 District Council 33, I guess it is?

12 MR. KROMER: That's right. That
13 would be a very compelling argument, if our
14 agreement with Local 1971 were identical to that
15 with D.C. 33, but it is not.

16 It is very different, and we have got
17 to straighten that out. And that is our aim with
18 negotiations.

19 COUNCILMAN COHEN: Well, you have all
20 the time in the world to straighten that out. But
21 you shouldn't be using those employees as hostage.

22 Because it tells us something else,
23 John, about your attitude in Housing, your attitude
24 toward employees who work for you.

25 You know. I am very serious about

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2 that. These 35 overwhelmingly black women, if your
3 feeling is that you are going to put such pressure
4 on them, that they are going to be forced to yield,
5 you will probably find me, if they ever decide, on a
6 picket line, and some other Councilmembers, too, out
7 on the picket line with them.

8 Because that's not the way a
9 government ought to show any kind of good
10 leadership. It is just the wrong way.

11 But let it go for tonight. You have
12 answered the question, because I had to know what to
13 do for tomorrow morning, and we will proceed.

14 One last question. PHDC, is that
15 under your jurisdiction, or is that an independent
16 agency.

17 MR. KROMER: We fund it through a
18 contract it is an independent agency, but most of it
19 is funded through a contract with the Office of
20 Housing.

21 COUNCILMAN COHEN: Madam Chair, at
22 the beginning of these budget negotiations some
23 weeks ago, it was agreed by the President that any
24 agency that any Councilmember wished to call back to
25 further hearings would be called back.

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2 And I am making the request for
3 PHDC -- I want to make sure I have it right --
4 Philadelphia Housing Development Corporation to be
5 called back for a public hearing on the budget.

6 COUNCILWOMAN VERNA: Thank you.

7 COUNCILMAN COHEN: They appeared, I
8 think, a couple of weeks ago, and some matters have
9 transpired since that I think would be very
10 appropriate to have them back before Council.

11 COUNCILWOMAN VERNA: Ms. Diaz is
12 making a note of that.

13 COUNCILMAN COHEN: Thank you very
14 much. John, rethink it tonight. We will assume you
15 are not changing your mind, and we will go ahead
16 unless we hear from the contrary.

17 MR. KROMER: Thank you.

18 COUNCILWOMAN VERNA: Thank you,
19 Mr. Kromer.

20 At long last we are now up to public
21 testimony.

22 Do we have anyone here from the
23 victims service agencies?

24 Identify yourself for the record and
25 proceed with your testimony.

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2 MR. FRANK SARBONE: Good afternoon,
3 Madam Chair. I am Frank Sarbone, the Director of
4 the Support Center for Child Advocates. We are the
5 volunteer lawyers program for abused and neglected
6 children in Philadelphia County.

7 And with me is Deborah Downey the
8 Director of Women Against Abuse, Legal Center,
9 advocates for victims of domestic violence.

10 Here today with us are some of our
11 colleagues from the victims service community,
12 Allison Sprague from Victim Witness Services of
13 South Philadelphia; Phyllis Gibson from West
14 Southwest was here earlier and left; Dan McElhatton
15 of Northeast Victim Services; Alberta James from
16 East Division Victim Service; Steve Bane and
17 Commissioner Alex Talmadge were here earlier from
18 North Central.

19 We represent, as I know you are well
20 aware, the 12 neighborhood and citywide victim
21 service agencies. We work closely with the District
22 Attorney's Office and with the community of legal
23 and social service providers who, in turn, we
24 connect with our clients.

25 More importantly, we work with your

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2 constituents, together our brothers and sisters who
3 are victims of crime and victims, indeed, of the
4 system intended to serve them.

5 You have each received by hand
6 delivery our statement last week. We have
7 documented, I believe we have made the case, for a
8 total need of \$554,000 in victim services support.

9 We want you to know that we are all
10 doing more, as we showed in our statistics. We have
11 increased the numbers of victim we served to over
12 36,000 people.

13 We have increased the numbers of
14 preliminary hearings at which we appear and staff.
15 We have increased our victim compensation claims and
16 recovery in dollars. And, of course, like everyone
17 else, our costs are up, insurance and rent and all
18 the rest.

19 We want you to know that while most
20 of the recent statistics suggest a certain leveling
21 of crime in the city, this is not the experience of
22 our clients and your constituents.

23 They feel pressured by perpetrators.
24 They feel threatened by criminals who are out on
25 bench warrants. They are frustrated by the court

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2 process. Certainly few of us know of victims of
3 crime who feel safe.

4 Ms. Downey will tell you now about a
5 client who has been served by Women Against Abuse,
6 who we think illustrates the services that we
7 provide.

8 MS. DEBORAH DOWNEY: Thank you. I
9 want to talk to you this evening about a client
10 named Janet. Janet happens to be --

11 COUNCILWOMAN VERNA: Do you mind
12 waiting a moment.

13 I would like to speak to you this
14 evening about a client named Janet. Janet is a
15 client of my agency, Women Against Abuse Legal
16 Center.

17 The services that she received
18 through our agency is pretty much an example of the
19 kinds of assistance, advocacy, and provision of
20 services you can receive from my agency or from any
21 of the victim service agencies in the community.
22 Everyone has a different story to tell about how
23 someone has been assisted, but this one is mine.

24 Our first point in contact with Janet
25 was in September of '97. She called the legal

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2 center where I worked to request information on what
3 legal options she had against her husband of seven
4 years who had been abusive to her, sometimes very
5 severely, throughout the seven years of their
6 marriage. They had two children, a 5 year old and a
7 3 year old.

8 We ran down the legal options, let
9 her know about the shelter services also provided by
10 our agency. She thanked us, and that was the end of
11 that contact.

12 She called us again in October of
13 '97. She was calling from the emergency room. She
14 had a broken nose, she had injury to the cornea of
15 one eye, and her body and arms were covered with
16 triangular burns from an iron that her husband had
17 used in the abusive incident.

18 By placing one call to Legal Center,
19 we were able to hook her up with shelter for when
20 she was released from the hospital, after emergency
21 treatment, in our shelter system.

22 We were able to put her in touch with
23 the Domestic Violence Officer in the district where
24 she lived to get a warrant out on her husband, who
25 was living in the home and had not been arrested at

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2 the time of incident.

3 We were able to refer her to our
4 advocates to go to Family Court, to seek and receive
5 a Protection Order that would grant her exclusive
6 possession of the residence on a temporary basis.

7 We walked her through the filing of
8 the Protection Order. Our advocates were present in
9 the Criminal Justice Center, a preliminary hearing
10 room, Courtroom 906, where all domestic disputes go
11 for their preliminary hearing.

12 She was granted supportive services
13 by her advocate in that room, given referrals for
14 counseling, for housing, for any other needs she
15 might have.

16 Eventually her husband pled out for
17 simple assault on the criminal matter.

18 We also represented her with her
19 petition for custody of her two children. Custody
20 was confirmed in her as the primary care giver.

21 Our attorneys also filed a petition
22 for her in Custody Court which would allow her to
23 leave the jurisdiction and travel back to her native
24 North Carolina with her two children. She has since
25 done that.

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2 Her husband is on probation and, as
3 far as I am aware, is currently having no contact
4 with the children.

5 Basically, all of these protections,
6 all of this assistance, all of this advocacy, and
7 all of this information was able to be put in place
8 by making one call to one of our agencies.

9 I know that our agency, the Legal
10 Center, services approximately 12 to 13 thousand
11 victims of domestic violence in the legal system
12 every year. Our larger agency, Women Against Abuse
13 services, 20,000.

14 We are just one of the statistics of
15 one of the victim service agencies -- ours are
16 citywide, some are community-based -- showing you
17 the kinds of support that are given to victims of
18 crime like Janet in the city when they are able to
19 reach out and access our services.

20 MR. SARBONE: Members of Council, we
21 raise money from other sources. You are not the
22 sole source of our funding. We, each of us
23 directors, are aggressive terribly overworked,
24 indeed, in trying to fill out the total needs of our
25 staff to meet the needs of this community. But we

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2 need your part. We need you to do your part.

3 We have asked for an increase. We
4 are still living at 1994 funding levels. Our costs
5 have risen. Certainly there is a need that we have
6 not yet met because we are of limited means.

7 And, so, we urge you to answer the
8 full request for this service.

9 COUNCILWOMAN VERNA: And the District
10 Attorney is also recommending that you receive an
11 increase?

12 MR. SARBONE: The district attorney
13 is indeed recommending an increase.

14 It was our understanding that she had
15 used the number that we provided to her. From her
16 testimony today, there appears to be some
17 discrepancy. We are in the \$550,000 range, and she
18 was in the \$470,000 range.

19 It may be that that gap was to be
20 made up by the Mayor's promise of additional
21 funding; I'm not sure.

22 There appears to be some discrepancy
23 in the numbers, which we are working with several
24 members of Council staff and with Ms. Abraham's
25 colleagues and staff to clarify.

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2 But she has indeed recommended at
3 least most of the increase on the face of her
4 testimony.

5 COUNCILWOMAN VERNA: I know I speak
6 not only for myself, but for most members of
7 Council, that your agencies really do a fabulous
8 job.

9 And I remember several years ago, I
10 think, the way you got your increase was by having
11 some of the clients coming in. And that was so
12 impressive, it really was.

13 And I think people don't realize what
14 your clients really go through unless they see it
15 with their own eyes.

16 The Chair recognizes Councilwoman
17 Fernandez.

18 COUNCILWOMAN FERNANDEZ: Thank you,
19 Madam Chair.

20 I also wanted to note just
21 personally, I am very familiar with the work that
22 all the different groups in your coalition do. And
23 it is absolutely essential for people living in our
24 neighborhoods who have been the victims of crime.

25 I don't know if you were here, but

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2 when the District Attorney was here, I did ask for
3 some further information about a line in the
4 line-by-line budget that we have that has described
5 other victim services. And it showed a requested
6 increase from \$75,000 to \$145,000.

7 So once we get that information from
8 the District Attorney, and hopefully there can be
9 continuing discussions, I would certainly hope that
10 you all as organizations, with a very strong track
11 record, that we could make sure that the resources
12 you have requested could be considered and hopefully
13 met.

14 MR. SARBONE: We thank you for your
15 support both on the numbers and in the emotion of it
16 all. This is a very emotional and draining work.
17 And I will certainly convey to all our colleagues
18 who weren't able to attend today your support.
19 Thank you.

20 On that line, we remain unclear as to
21 the disposition of the 75,000 from the prior two
22 years. And we will be working with Ms. Abraham's
23 office to determine what that means.

24 In fact, the Mayor's budget sheet, as
25 we are talking about it, doesn't jive with our

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2 books. That's what we want to all have, be working
3 on the same box.

4 COUNCILWOMAN FERNANDEZ: Get your
5 figures straight.

6 MR. SARBONE: Straight and high.
7 Think high. Add a zero, I always say.

8 COUNCILWOMAN VERNA: The Chair
9 recognizes Councilman Cohen.

10 COUNCILMAN COHEN: The discrepancy
11 may be the result of an overall discrepancy in the
12 District Attorney's budget of some 345,000,
13 something like that, relating to an audit, an
14 ongoing audit of the City Controller's Office, of
15 the District Attorney's Office.

16 That's been going on for about a year
17 and a half. It is expected to be concluded.

18 So it may be just a paper
19 discrepancy. It is good to find out, but more
20 important to let Councilmembers know what the status
21 is.

22 MR. SARBONE: We will keep you
23 posted.

24 COUNCILMAN COHEN: I think you have a
25 very strong report.

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2 I feel like years and years ago
3 programs were born in that portion of the city, and
4 in various departments and have proved very
5 successful.

6 And I join in what Councilwoman
7 Fernandez said and Councilwoman Verna. You are to
8 be commended.

9 MR. SARBONE: Thank you.

10 COUNCILMAN COHEN: But let us know,
11 so we can help go over those.

12 MR. SARBONE: I will keep you
13 apprised. Thank you.

14 COUNCILWOMAN VERNA: Are there any
15 other questions or comments from members of the
16 committee?

17 Again, I thank you for your patience
18 and all of your good work.

19 MR. SARBONE: Thank you.

20 COUNCILWOMAN VERNA: It is my
21 understanding that we did have someone here from the
22 Chamber of Commerce to testify, apparently had to
23 leave.

24 However, the testimony, a copy of the
25 testimony, has been circulated to members of the

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2 committee and a copy has been given to the
3 stenographer.

4 At this point I would like to
5 recognize Sally Kennedy. And after Ms. Kennedy is
6 Shelly Yanoff.

7 MS. SALLY KENNEDY: Good afternoon,
8 Madam Chair, members of the City Council. It is an
9 honor and a privilege, as well as a right, to have
10 this opportunity to address at least five of you.

11 My name is Sally Kennedy. And I am
12 Co-clerk of the Peace and Social Concerns Committee
13 of the Germantown Monthly Meeting of the Religious
14 Society of Friends and Convener of the Greater
15 Germantown Recreation Network, an ad hoc group made
16 up of community representatives of recreation
17 centers and playgrounds and Recreation Districts 3
18 and 4, which is about 29-plus centers and
19 playgrounds, and members of the Germantown Monthly
20 Meeting.

21 The Germantown Monthly Meeting's
22 interest in the status of the city's recreation
23 centers and playgrounds has evolved from a concern
24 about the violence experienced by too many children
25 in Germantown, often carried out by children in

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2 Germantown, a pattern repeated elsewhere in
3 different areas of the city.

4 With all due respect for the city's
5 declining crime rate under the leadership of
6 Commissioner Richard Neal and of the expressed
7 intentions of incoming Commissioner John Timoney to
8 attack the crime rate even more aggressively, it is
9 important to recognize that the only real solution
10 to our crime problems is not to grow the criminal in
11 the first place.

12 However, I will not bore you by
13 pontificating about things you already know, and
14 will keep this presentation short.

15 Since becoming exposed to the
16 recreation scene last July, I have learned a lot and
17 have much still to learn.

18 I have learned that, thanks to the
19 creativity of Commissioner DiBerardinis and the
20 dedication of a few staff and many caring
21 volunteers, we have a more vibrant recreation
22 program than the current funding would suggest be
23 possible.

24 I was present during the
25 Commissioner's presentation to the City Council last

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2 week, and observed that he was a good soldier trying
3 to reassure us that he could be adequately effective
4 in running the department within the funding
5 proposed by Mayor Rendell.

6 This is not true, however, if we are
7 to meet the needs of our young people, especially in
8 the economically deprived communities.

9 We appreciate that the Mayor has
10 proposed increased funding for Fiscal Year 1999, but
11 his proposal does not go nearly far enough.

12 There are a number of centers that
13 you would not send your children to because they
14 look so terrible.

15 The major problem mentioned by center
16 representatives is having maintenance problems
17 promptly and adequately addressed.

18 The Commissioner glossed over the
19 maintenance situation, possibly because of potential
20 union problems. Nevertheless, the quality,
21 quantity, and supervision of maintenance staff
22 seriously needs looking into.

23 Mr. DiBerardinis talked about all A
24 centers having two full-time staff members. Are all
25 the positions filled?

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2 Whether the center is an A level or B
3 level, two staff members are not enough to have the
4 kinds of activities or coordinate the number of
5 volunteers needed to meet the needs of our young
6 people, especially those neglected or inadequately
7 supported by their parents.

8 The needs of senior citizens and
9 young adults must also be addressed. Recreation
10 centers make ideal community centers crossing
11 racial, ethnic, and religious lines, places where
12 people of all ages can come to know each other,
13 work, learn laugh and eat together.

14 Centers should be open from 10:00
15 a.m. to 10:00 p.m., seven days a week. A staff of
16 two cannot manage to coordinate all of this, even if
17 there are additional part-time staff.

18 The centers should not be closed
19 object the days when the children need them most,
20 holidays and weekends, and all day when school is
21 out.

22 We have to get our kids out of the
23 streets and give them something constructive to do,
24 especially activities such as music and art, dance
25 and theater, sports and other things that will

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2 complement and expand their academic and social
3 experience, including the opportunities for them to
4 volunteer and help others.

5 For responsible parents to feel
6 secure about their children being at the centers and
7 playgrounds, there must be adequate supervision
8 available.

9 The Commissioner is to be commended
10 for the extensive interaction of his department with
11 other agencies and community programs, especially
12 the Philadelphia School District.

13 With regard to the last, however, the
14 most important interaction should take place at the
15 community level. If only the staff had the time
16 and/or the coverage to be able to leave the center
17 and visit elsewhere in the community.

18 During the Commissioner's
19 presentation, Council members asked the important
20 question of how the Recreation Department was
21 gearing up to respond to the increased demand
22 anticipated because of Welfare Reform.

23 What a joke. If the Commissioner is
24 to gear up, he must have more funds. The Council
25 can play an important role in this regard.

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2 In order to strengthen our
3 communities and grow responsible citizens, I propose
4 that you fund the following: One, increase program
5 staff so that all centers and playgrounds are
6 adequately supervised and staff can also be
7 available for community outreach and coordination.

8 Two, increase center and playground
9 hours to ensure that the centers are available to
10 meet the needs of the community.

11 Three, increase staff support to work
12 with volunteers and the Recreation Policy Advisory
13 Council.

14 Four, increase maintenance staff and
15 supervision of maintenance staff.

16 Five, the opening and staffing of
17 centers and pools during the daytime in the day, or
18 close to it, after school closes at the end of the
19 school year, continuing until time to return to
20 school.

21 I know there is a lifeguard problem.
22 Would a bonus for those who remain beyond a
23 specified date help address the problem? Especially
24 if Councilman Rizzo doesn't make himself available
25 to participate?

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2 Six, that adequate training and
3 supervision and meaningful responsibilities be given
4 the youth employed during the summer.

5 I request that the Councilmembers
6 commit to applying a major amount of unexpended
7 Fiscal Year 1998 city funds to the recreation
8 department for the summer program, that they commit
9 now so that the Commissioner will have time to gear
10 up properly before the summer begins, and that they
11 commit to increased FY '99 funding to allow him to
12 plan to meet community needs more adequately, and
13 respond to anticipated increased use of the centers
14 and playgrounds because of Welfare reform.

15 If it is not too late in the budget
16 process to comment, I would also urge you to
17 consider a major allocation from the capital budget
18 to meet the capital needs of a number of centers
19 beyond what has been envisioned by the Mayor at this
20 time.

21 The Greater Germantown Recreation
22 Network has just gotten started and will pursue its
23 concern for the Greater Germantown area. However,
24 it is also coordinating its efforts on a citywide
25 level, with the Urban Leadership Council, the

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2 Greater Philadelphia Urban Affairs Coalition, and
3 the Philadelphia Recreation Policy Advisory Council,
4 and will expand this collaboration to other
5 concerned citywide organizations in a drive to make
6 children and recreation a number one priority of the
7 city.

8 We hope you will join us in this
9 drive through some concrete decisions.

10 Thank you for your attention.

11 COUNCILWOMAN VERNA: Thank you, Ms.
12 Kennedy.

13 I attended a meeting at one of my
14 recreation centers just last week. And I guess most
15 of the issues that you mentioned were expressed by
16 my constituents. And I am certain that we will be
17 looking into many of your concerns. And I thank you
18 for your patient, waiting.

19 And I would suggest, have you been in
20 touch with the District Councilperson for your
21 recreation?

22 COUNCILMAN KENNEY: Oh, yes.

23 COUNCILWOMAN VERNA: And are you
24 working hand in hand with the District
25 Councilperson?

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2 COUNCILMAN KENNEY: Well, we are
3 intending to, as a group, meet with her. It happens
4 to be Donna Reed Miller.

5 Well, there are several District
6 Councilpeople that cross the Greater Germantown
7 Recreation Network, and it is our intention to work
8 with all of them.

9 But we were also talking about
10 meeting with Donna Reed Miller and her
11 subcommittee. She has agreed to do that.

12 COUNCILWOMAN VERNA: I would suggest
13 that you do that as soon as possible, because we
14 will be considering the budget before very long.

15 COUNCILMAN KENNEY: Okay. Thank
16 you.

17 COUNCILWOMAN VERNA: Thank you.
18 Shelly Yanoff.

19 MS. YANOFF: Good afternoon.

20 COUNCILWOMAN VERNA: Good afternoon.

21 MS. SHELLEY YANOFF: I was 14 when I
22 came in at the beginning of this hearing.

23 I am Shelly Yanoff, Executive
24 Director of Philadelphia Citizens for Children and
25 Youth, the region's child advocacy organization. I

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2 do have copies.

3 I am obviously going to talk to you
4 about what happens to children in the budget. And
5 overall the budget's good, but not good enough.

6 I want to start by talking about
7 what's happening to young children in the city,
8 investments in early childhood health, and in
9 in-school sponsored child care programs are not
10 keeping pace with need.

11 Recent City of Philadelphia research,
12 which you have held hearings on, on the readiness of
13 young children for schools shows we are not doing
14 near enough to have children arrive at the school
15 door ready to learn.

16 Good child care is important, but so
17 is maternal and child health.

18 In child care, our investment through
19 the School District, which is our only investment in
20 child care locally, is stagnating. And in maternal
21 and child health, local investment is down by
22 \$220,000 since Fiscal 1997.

23 Another component of school readiness
24 includes home visits that build on what we know
25 works to prevent child abuse and to help connect

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2 families to vital services, and to meet the needs of
3 children who continue to be born too small, too
4 soon, and in situations in which families need far
5 more than their neighbors and families can provide.

6 This budget, unfortunately, continues
7 the status quo in this area.

8 We recommend a number of
9 investments: One, invest enough funds to give every
10 baby and every baby's family home visits; provide at
11 least one visit to each newborn Philadelphia baby
12 and appropriate additional visits for families at
13 risk.

14 At other times you have held hearings
15 here, and we have talked about the home visits that
16 are going on in other states, in Hawaii
17 particularly, in which child abuse and neglect that
18 is plummeted as a result of early detection. There
19 is unanimous agreement that this is an important
20 piece. For \$3 million, you could do that in
21 Philadelphia.

22 School readiness. Establish a new
23 fund for child care with two components, a health
24 and safety fund for providers to comply with basic
25 health and safety requirements necessary to protect

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2 children, and a quality improvement fund to assist
3 child care programs in achieving standards to
4 support good school readiness outcomes for
5 children.

6 Administer this component of school
7 readiness through a child care office that would
8 also seek to maximize external funds for the city in
9 this area, and coordinate efforts among the many
10 city agencies that regulate the child care provider
11 community. We are asking for just a million dollars
12 for that.

13 Invest local funds in maternal and
14 child health. You heard, you listened to, and
15 talked about the fact that we were losing Healthy
16 Start Funds, and that there didn't seem to be any
17 move to do any support to make up, provide any
18 support to make up for some of that loss.

19 All we are asking for in this area is
20 to go back to the FY '97 level, put \$200,000 in, and
21 at least maintain where we were.

22 Next, expanding opportunities for
23 children in the non-school hours. As you know, we
24 have been working with you and the Administration,
25 and the United Way and Boys and Girls Clubs and

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2 churches and synagogues and civic groups to do this
3 all over the city.

4 We welcome the increased increment of
5 \$750,000. That's good, but we can do better. If we
6 invested another 1.25 million, we could reach \$2
7 million. It would make a major difference in the
8 lives of children and families in this city,
9 particularly as we are dealing with the Welfare
10 changes, when thousands more families will be
11 working, neighborhood after neighborhood will be
12 abandoned by grownups. We have got to do
13 something. We have got to increase it.

14 You have done it, you have increased
15 it each year in the last several years. We need to
16 make more of a giant step.

17 The next is transportation. And you
18 did have hearings, you did hear from SEPTA this
19 morning.

20 I think that most people in
21 Philadelphia do not realize that for high school and
22 middle school kids to go to take buses, most of them
23 in Philadelphia, unlike any other city in the state,
24 unlike most cities in the country, it is very
25 expensive to go to school.

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2 It costs \$36 a month, \$36 a month to
3 buy subsidized tokens for kids to go to high school
4 and middle school. That's expensive, when you look
5 at the fact that 80 percent of the kids in
6 Philadelphia are eligible for free and reduced-price
7 lunch.

8 In Detroit, they have guaranteed that
9 anybody who is eligible for free, reduced-price
10 lunch goes free. In New York, all kids go free. In
11 Los Angeles, in San Francisco it costs \$8 a month.
12 \$36 a month for a family that you all represent is
13 just a tremendous amount.

14 We talked earlier about truancy. We
15 shouldn't create barriers that prevent kids from
16 getting to school.

17 So after the negotiations, and when
18 you bring SEPTA back, I would hope that you could
19 engage in figuring out new ways to support children
20 in getting to school.

21 And one of the ways we are asking for
22 is to consider putting out \$2 million and saying
23 that all kids can go to school free in Philadelphia,
24 free to them.

25 And the next thing I want to just

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2 stress is preventive mental health services.

3 Community Behavioral Health, as you
4 know, has been successful in saving dollars. They
5 have proposed that they use a half a million of
6 those dollars to be used in ten schools, to provide
7 preventive mental health care to kids.

8 I don't need to tell any of you how
9 important that is and how needed it is. I would
10 urge you to do that.

11 The other issues that we have are
12 just ensuring access to health care, making sure
13 that the district health centers are there, and
14 making sure that they are doing the kind of followup
15 to make sure that there is health insurance that is
16 available, that we have the staffing so that we can
17 help families apply for it.

18 So we can make a major difference in
19 the city. All this would cost under \$8 million.
20 And if we did it, we could really be investing early
21 on in preventing the crisis kinds of stuff that too
22 often we have to wait and read about in the paper.

23 Thank you for your time.

24 COUNCILWOMAN VERNA: Thank you.

25 The Chair recognizes Councilwoman

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2 Fernandez.

3 COUNCILWOMAN FERNANDEZ: Thank you,
4 Madam Chair. Shelly, I want to thank you for
5 excellent testimony, for all your advocacy through
6 the years, which keeps pushing everyone to move more
7 rapidly toward goals everyone agrees we need to
8 reach for, and, also, for waiting all afternoon -- I
9 think you thought maybe you would testify at
10 11:30 -- and for all the other folks that waited so
11 long.

12 One comment. The issue is always
13 priorities. And as we know, everyone talks about
14 how important it is to invest in children, but
15 really the major measuring stick is what kind of
16 resources, time and money, is actually invested.

17 So I think your testimony is right on
18 in saying, shouldn't we look at ways to invest
19 more.

20 One option is the city budget. But I
21 think where we ought to continue these discussions
22 is around the savings in the Community Behavioral
23 Health area, where millions of dollars are being
24 saved, and the question is how will those be
25 reinvested.

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2 And it is my understanding it doesn't
3 have to be just in mental health services, but can
4 be broader in terms of prevention.

5 So I would like to work with you to
6 continue to look at the city budget, but also at
7 where the Community Behavioral Health savings may be
8 invested.

9 MS. YANOFF: Well, I certainly want
10 to work with you in the future, as I have always in
11 the past.

12 I do want to underscore that there is
13 an opportunity to use a half a million dollars to
14 get programs started by using Community Behavioral
15 Health programs. It's been okayed by the state to
16 get it into ten schools. It is very important, and
17 it is March.

18 And I am concerned that we don't --
19 that we need to move forward as best we can to move
20 that. That's both in this and in the next fiscal
21 year.

22 And certainly as far as we can use
23 the savings from Community Behavioral Health to
24 invest in prevention would be excellent.

25 In the meantime, I think that this

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2 group of Councilpeople has been creative in the past
3 in finding ways to support that which it supports.

4 And I think that there is unanimous
5 agreement from both the crime fighting and from a
6 youth development and from the public and private
7 sector that if we had something to do for kids after
8 school that was positive and constructive, we would
9 improve their school performance, we would keep them
10 out of trouble, we would make our communities
11 safer.

12 It is a win/win if we take some giant
13 steps. Tuscon has done it, LA has done it, we can
14 do it.

15 COUNCILWOMAN FERNANDEZ: Agreed.

16 MS. YANOFF: So has Boston,
17 absolutely. And New York is now doing it in a big
18 way, too.

19 And as we have said at other times,
20 unless we get to scale with programs like this, you
21 don't see the savings.

22 Because if there is a program on
23 these five blocks, but nothing that serves the
24 neighborhood next over, that neighborhood doesn't
25 get saved, and kids end up at the Youth Study

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2 Center. It doesn't work. So we encourage you to
3 continue pushing that envelope.

4 COUNCILWOMAN FERNANDEZ: And as it
5 was noted in the hearings on the after-school
6 programs, the Hospital Council reported that at
7 least \$15 million is spent for emergency room and
8 initial care and for victims, youth victims of
9 violent crimes. So we are paying it.

10 But until I heard those figures, I
11 had no idea it was as high as 15 to 16 million
12 dollars a year, just for that initial treatment of a
13 young person who is a victim of violent crimes.

14 So we are paying it, but it is going
15 to after the fact, instead of for prevention.

16 COUNCILWOMAN VERNA: Thank you.

17 The Chair recognizes Councilman
18 Ortiz.

19 COUNCILMAN ORTIZ: Thank you. I
20 would your for under \$8 million, for under \$8
21 million, we can do this.

22 And it all fits in, in essence, with
23 our economic development program. Because all of
24 these programs, to me, lean towards economic
25 development and so on.

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2 And we do have a fund that is
3 supposed to be an economic stimulus fund. And less
4 than \$8 million from that fund could be used very
5 well into funding this type of program and see how
6 it does.

7 We will take it under advisement. I
8 think it is a good ideas. Thank you.

9 MS. YANOFF: Thank you. I think
10 Mr. Sarbone would not have to work as hard for abuse
11 and neglect if we had every baby that was born
12 visited and followed up on.

13 COUNCILWOMAN VERNA: Thank you very
14 much, Shelly. Thank you.

15 Professor Seymour from Community
16 College.

17 PROFESSOR SEYMOUR: Good evening.
18 Good evening.

19 COUNCILWOMAN VERNA: Thank you for
20 your patience. You have been here for quite a
21 while.

22 PROFESSOR EVAN SEYMOUR: It has been
23 an education, actually. It is actually very good
24 for some of us in one field to hear all of the work
25 that this Council funds.

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2 My name, Madam Councilwoman Verna,
3 Councilman, my name Evan Seymour. I am a Professor
4 of English at Community College of Philadelphia.

5 And I am here to represent to Rick
6 Bojar and Karen Schermerhorn, who are the
7 Co-presidents of the Faculty Federation of Community
8 College of Philadelphia.

9 They would like to be here, and would
10 have liked to have been here this morning, but they
11 have been negotiating all day to reach a contract
12 agreement with the school.

13 They wanted to come this morning to
14 reinforce President Fred Capshaw's appeal to the
15 Council to increase the flat funding that the Mayor
16 has projected for this year by an amount of a
17 million dollars.

18 As President Capshaw said this
19 morning, we have been negotiating for over a year.
20 A couple of years ago we gave up 4 percent of our
21 raise. And so as he said this morning, we have
22 every reason not to be patient, or to have our
23 patience wearing thin.

24 Well, I am an English teacher, as I
25 said. And I was particularly glad to hear from

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2 Councilman Cohen and Councilman Street this morning
3 that some of my fellow Community College
4 Philadelphia English teacher colleagues have been
5 helping the City Council staff increase their
6 writing power and ability. That is, I am glad that
7 we can be of service in that way.

8 And I have at this late hour just one
9 brief English teacher story to tell. It is that I
10 require about three or four essays from my students
11 each semester, of about four typewritten pages long,
12 and those are to be typed on a computer.

13 And I don't know about the rest of
14 you, typing, so forth, but when I am writing
15 something or typing something, it takes me about an
16 hour a page. If I am going to produce a four-page
17 essay, that takes me about four hours, at least.

18 When my students go into the only lab
19 that is available, computer lab, for all the
20 students -- there are special classrooms with other
21 computers -- what they are likely to find is first
22 that every computer has someone behind it already
23 working on it.

24 And when they do get a seat, they are
25 told that they have it for 90 minutes only, and then

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2 they must get up and go to the back of the line.

3 And you can see that with conditions
4 like these, the progress of my students in my course
5 and these conditions across the school make their
6 progress and their education very difficult.

7 And we are asking the Council to
8 increase our funding enough so that these road
9 blocks can be removed and that our students, trying
10 to be good citizens in their communities by
11 increasing their education, in their efforts to
12 increase their careers, and the likelihood that they
13 will be able to hold onto those careers and actually
14 pursue them, that the Council seriously consider
15 giving us at least reasonable assurance that there
16 can be some raise in the amount of money that we get
17 this year.

18 As a teacher, I come equipped with
19 some visual aids, which I will use very quickly.

20 One I think you saw this morning
21 perhaps in a smaller form, the editorial here from
22 the last Saturday's Inquirer says it all. Community
23 Colleges, the remedies are available. The community
24 colleges for tomorrow's work force fixes today's
25 flaws, need more help from the state, and I would

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2 add the city.

3 The state, as always, is being
4 hesitant. And we are hoping that the city will
5 certainly come through.

6 One more visual aid. Again, you saw
7 lots of these this morning. I just point out a
8 couple of things about it.

9 First that it says that Community
10 College of Philadelphia needs a raise. This is not
11 just the teachers and the staff that need a raise,
12 but the whole operation does.

13 The second rather unfortunate thing
14 about this sign is that it is of a certain size, it
15 is, I am afraid, picket sign size. And it will be
16 seen marching up and down, being marched up and
17 down, Spring Garden Street, I fear, next week,
18 unless we come to some agreement.

19 And, again, Council can be of help
20 here by, again, increasing the funding above the
21 flat amount that is predicted or proposed by the
22 Mayor.

23 A strike is a very bad thing. It is
24 disruptive of students' lives, and particularly in
25 the semester in which it happens.

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2 But I am afraid there is worse. The
3 worse is that the administration and the faculty and
4 the staff would sign a contract or a series of
5 contracts which would allow the deterioration to
6 continue, that slow deadly deterioration that
7 President Capshaw was talking about this morning.

8 And Council can help both of us, keep
9 both evils away, by increasing the funding above the
10 flat amount proposed.

11 Thank you for your time in this late
12 hour.

13 COUNCILWOMAN VERA: Thank you.

14 Are there any questions of Professor
15 Seymour?

16 Thank you very much.

17 Our next witness to testify is Rocco
18 Stezzi.

19 MR. ROCCO STEZZI: I hope the
20 feedback has been eliminated.

21 For the stenographer's benefit, my
22 name is Rocco Stezzi. It is spelled R-O-C-C-O,
23 S-T-E-Z-Z-I. I live at 2442 South Mildred Street,
24 Philadelphia, 19148.

25 Madam Chair and members of the city,

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2 member, one or two, of City Council, this testimony
3 is in response to the Register of Wills budget
4 testimony he gave yesterday.

5 But first I would like to register my
6 protest in having to speak at this late hour, on an
7 empty chamber, to an empty chamber, on an empty
8 stomach, just to get the public testimony out of the
9 way. I feel it should have been postponed again
10 until tomorrow.

11 To begin, after reading the Register
12 Donatucci's testimony, I reread the City
13 Controller's audit since 1989.

14 Then I went straight to the District
15 Attorney Richard Downey and filed a criminal
16 Complaint indicated by the Controller's audits
17 against the Register under the Commonwealth statute
18 for fraud by public officials.

19 The Register's testimony reminded me
20 of the now deceased Henny Youngman's one-liner, my
21 business partner demanded a 100 percent increase in
22 profits, so I killed him. But this is no laughing
23 matter.

24 The outrageous conduct on the
25 Register and the Probate of Wills shows a blatant

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2 disregard for the Commonwealth Fiscal Code and the
3 taxpayers' money.

4 I have in front of me the latest
5 Philadelphia County audit report available from the
6 Auditor General and the City Controller audits from
7 1989 to present.

8 If a bank had received such audits
9 and conducted business as indicated by the audits,
10 the FDIC would have seized the bank immediately and
11 filed charges against the manager, the supervisors,
12 the workers and the clients implicated.

13 City Council is aware the Controller
14 has no authority to take action against the Register
15 of Wills, who is an independent elected official,
16 but City Council does have impeachment power.

17 Mr. Donatucci had the gall to state
18 on Page 2 of his testimony of the budget request,
19 quote, I must point out in this present Fiscal Year
20 we have computerized our fee billing which has
21 produced an additional \$47,000 in revenue.

22 What he did, to paraphrase comedian
23 Henny Youngman, is to eliminate his partner in
24 crime.

25 In a 1994 fiscal audit, the City

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2 Controller of Wills fired -- the City Controller,
3 period, fired a full barrage against the Register of
4 Wills, probating of wills processing, in general,
5 and the probate fee collection system in specific.

6 The Auditor kept firing away in the
7 1995 Fiscal Year audit, and the last fiscal audit in
8 1996.

9 The Auditor charged the Register
10 with, in essence, forming a partnership with a group
11 of lawyers to cheat the City of Philadelphia out of
12 the probate fees.

13 The \$47,000 increase in probate fees
14 is a direct result of the City Controller's audits
15 which exposed the apparent fraud.

16 Based on the increase of \$47,000 of
17 probate fees last year, we must conclude that the
18 Register's partnership with the identified group of
19 attorneys has cost the city millions of dollars in
20 lost revenue during his terms in office.

21 Quoting two paragraphs from the 1995
22 Register of Wills Annual Audit Fiscal 1995 Executive
23 Summary, we noted that over \$10,000 in delinquent
24 probate fees were written off over the last two
25 years.

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2 Our analysis disclosed that some of
3 the written-off accounts related to the same
4 attorneys acting as executors for various estates.

5 Accounts receivable related to
6 certain probate fees are maintained on an
7 inefficient, manually intensive system.

8 To improve controls and efficiency,
9 we recommend that the Register implement a
10 computerized receivable system.

11 I don't have time to go into that,
12 but they have been requesting that for five years.

13 The extent and the degree of the
14 probate fee delinquency pattern is indicated on Page
15 5 of the probate fee -- as indicated on Page 5 of
16 the '95 audit, and I quote, Our review determined
17 that over the last two fiscal years, \$10,000,
18 representing 90 delinquent additional probate
19 receivables, were written off.

20 Further analysis of the amounts
21 written off disclosed that some of the delinquent
22 accounts were related to the same individual acting
23 as executor of various estates.

24 For example, we noted that during
25 Fiscal Years 1994 and 1995, ten separate delinquent

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2 balances, amounting to \$1,300, relating to one
3 attorney were written off.

4 Such a pattern suggests that some
5 attorneys may be ignoring the additional fee
6 billings because they know that the additional fee
7 charge, when the estate is settled, is something
8 that will be written off without further action.

9 Now, the hour is late. You can all
10 get copies of the audits off of the memory bank in
11 the Controller's Office.

12 I will sum up my request simply
13 saying that I request a full, independent
14 investigation into the Auditor's recommendations and
15 allegations by the county audits.

16 And I ask you to support the District
17 Attorney's Special Investigations Unit with
18 additional funding.

19 I thank you. And I could stay here
20 all night answering questions about the extent of
21 what I have just related to you.

22 COUNCILWOMAN VERNA: Thank you. I
23 believe you were here Saturday, also, were you not?

24 MR. STEZZI: That was on the general
25 budget, as an example of how to improve the overall

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2 city budget. And I gave a four-step program.

3 COUNCILWOMAN VERNA: Yes.

4 MR. STEZZI: The four-step program
5 was to, of course --

6 COUNCILWOMAN VERNA: I do recall
7 that.

8 MR. STEZZI: Yes. Thank you.

9 COUNCILWOMAN VERNA: Thank you for
10 your patience and thank you for testifying.

11 Are there any questions of this
12 gentleman?

13 Apparently not. Thank you again for
14 coming in.

15 The Committee of the Whole will stand
16 in recess until Monday, March the 9th at 1:00 p.m.
17 Thank you.

18 (Public Hearing adjourned at 5:20
19 p.m.)

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

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I HEREBY CERTIFY that the foregoing

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proceedings of the Council of the City of

8

Philadelphia of Wednesday, March 4, 1998, were

9

reported fully and accurately by me, and that this

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is a correct transcript of same.

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RE: BUDGET HEARING

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DEBRA A. WHITEHEAD, RPR

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