

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, April 12, 2013
10:35 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN MARK SQUILLA

BILL 130140 -- An ordinance amending Title 21 of the Philadelphia Code entitled "Miscellaneous to Increase Appointments on the Mayor's Commission on Aging"

BILL RESOLUTION 121017 -- Authorizing Council's Committee on Public Safety to Investigate and Hold Public Hearings Reviewing the Commonwealth of Pennsylvania Board of Probation and Parole and its Benefits to the Criminal Justice System, Including the Provision of Adequate Supervision of the Offender While Protecting the Citizens of Philadelphia.

1 COUNCILMAN JONES: Good
2 morning. This is the Committee on
3 Public Safety, and will the clerk
4 please read the title of the
5 resolution.

6 THE CLERK: Bill number
7 130140, an ordinance amending Title 21
8 of the Philadelphia Code entitled
9 Miscellaneous to Increase Appointments
10 on the Mayor's Commission on Aging.

11 COUNCILMAN JONES: Thank
12 you.

13 Briefly, for the record are
14 Councilman Henon to my left and
15 Councilman O'Brien. To my right,
16 Councilman Squilla. For the record,
17 all freshman, and they are here on
18 time, and we're very appreciative of
19 that.

20 According to the
21 Philadelphia Corporation for Aging,
22 there were 2,800 reports of elderly
23 abuse in 2012, a sharp increase over
24 the 2,050 cases reported in 2008. A

1 sizable majority of these crimes were
2 at the -- by the hands of their
3 caretakers, which is particularly
4 disturbing.

5 Increased -- if you follow
6 the media, there have been increased
7 numbers of home invasions, and many of
8 those invasions were victimized
9 seniors, those people in the fourth
10 quarter of their lives, when they
11 should be treated and feel safe from
12 potential abusers, and, as a society,
13 we have a responsibility to make sure
14 they are.

15 We also note that
16 increasingly more older victims of
17 crimes are in white collar crimes.
18 Councilwoman Tasco has long been an
19 advocate for fighting against predatory
20 amending, in the senior part of their
21 lives, finding their number one asset
22 being taken from them in a way that is
23 alarming.

24 We find that seniors have

1 also been victimized by individuals
2 perpetrating being employees of the Gas
3 Works, PECO, and the Water Department,
4 and these individuals finding entry
5 into their houses and taking advantage
6 of them.

7 One of the reasons we are
8 here today is there's one agency that
9 is best prepared to deal with the
10 challenges that all citizens face, but
11 particularly those in the their senior
12 years, and that's the Corporation for
13 Aging, and what we hope to do is to
14 empower them with a wide perspective of
15 things.

16 I had an opportunity to
17 work with them on a conference, two-day
18 conference called Aging in the New Age,
19 where we did a blueprint of issues
20 germane to people that I'm finding
21 myself increasingly more akin to. I've
22 got my AARP card in the mail, and it
23 was traumatic, but...

24 So, we want to prepare a

1 way that keeps all citizens safe, but
2 particularly those in the retiree
3 community, elderly community, those
4 seasoned, I would like to call it.

5 So, with that, we're
6 looking to adding a wider scope of
7 services, including law enforcement, to
8 the responsibilities for the
9 Corporation for Aging.

10 I will note, no correlation
11 between aging, but a senior member of
12 our council, Councilwoman Blackwell,
13 has joined us --

14 COUNCILWOMAN BLACKWELL:
15 Senior in experience.

16 COUNCILMAN JONES: That's
17 all we mean.

18 So, with that, will the
19 clerk bring forth the first panel to
20 testify.

21 THE CLERK: Lydia Hernandez
22 Velez and Karen Buck.

23 COUNCILMAN JONES: Thank
24 you for coming. Good morning. Thank

1 you for coming. And please state your
2 name for the record and begin your
3 testimony.

4 MS. VELEZ: Sure. My name
5 is Lydia Hernandez Velez. And good
6 morning, Chairperson Jones and members
7 of the Committee on Public Safety.

8 I'm here to testify on Bill
9 130140, which increases the appointment
10 to the Mayor's Commission on Aging, by
11 adding the Police Commissioner of the
12 City of Philadelphia, or his designee,
13 and the Director of the Elder Justice
14 program of the City's District
15 Attorney's Office or their designee.

16 The past two years have
17 been really eventful for the Commission
18 on Aging.

19 In March 2011, a
20 reconstituted commission took on the
21 mission of the Mayor to make
22 Philadelphia an age-friendly city at
23 all stages of life.

24 Within the year, the

1 Commission had created a mission to
2 find a strategic plan and supported the
3 submission to the World Health
4 Organization of our application goal to
5 be designated an age-friendly city by
6 that international body.

7 Work was accomplished to
8 enhanced the Senior Committee Service
9 Employment Program and to reach out to
10 seniors about the Medicare choices
11 through the APPRISE program. Both of
12 these programs are funded by the
13 Philadelphia Corporation for Aging, a
14 better level of collaboration between
15 the City and the aging sector, which
16 includes agencies providing senior
17 centers, healthcare, housing
18 development, legal assistance and
19 crisis assistance is the day-to-day
20 experience of seniors in our city.

21 The stated goal of the
22 Commission would be better equipped to
23 realistically help serve the needs of
24 Philadelphia's vulnerable senior

1 citizen population, including the
2 quality of life of victims and justice
3 for victims of elder abuse and other
4 crimes that are committed against older
5 adults by increasing the Board's
6 representation through criminal justice
7 agencies and departments is assuredly
8 laudable.

9 One of the intended
10 outcomes of such an expansion of
11 membership is to engage all the actors
12 in the aging sector, which needs a new
13 collaboration, increase knowledge and
14 effective action on the individual, as
15 well as the City-wide level.

16 The identification of this
17 area has another dimension of the
18 discussion that the Commission can only
19 enhance the effective use of
20 constrained resources. The Mayor's
21 support, the effect and, of course, the
22 administration is not opposed to the
23 bill.

24 Thank you for your

1 consideration, and I'll be happy to
2 respond to any questions at this time.

3 COUNCILMAN JONES: Thank
4 you. We want to get the entire panel
5 in on the record, and then we'll open
6 up for questions from members of this
7 committee.

8 Good morning.

9 MS. BUCK: Good morning,
10 Councilman Jones. My name is Karen
11 Buck, and I have the privilege as
12 serving as the executive director of
13 the Senior LAW Center here in
14 Philadelphia.

15 We thank you and members of
16 the committee for this opportunity.
17 And for bringing issues of aging and
18 elder justice and elder abuse to the
19 forefront.

20 Our work at the Senior LAW
21 Center is to protect the rights of the
22 older Pennsylvanians. Located here in
23 Center City, just a block away in the
24 Land Title Building, we were founded 35

1 years ago, in 1978, to protect the
2 rights of seniors in need. And we now
3 serve over 8,000 seniors each year from
4 the young age of 60 to well over 100
5 years of age across Pennsylvania, legal
6 representation, education, and
7 advocacy.

8 We save homes, prevent
9 homelessness, fight for grandparents
10 and voting rights, stop elder abuse,
11 fraud and exploitation, and promote
12 independence and dignity.

13 And we are an independent
14 nonprofit, and we are the only
15 nonprofit organization totally
16 dedicated to protecting the rights of
17 seniors in Pennsylvania.

18 We also serve these group
19 of Pennsylvania seniors with limited
20 resources, of which we must raise each
21 year and none of which comes from the
22 City of Philadelphia.

23 And, as I said, in this
24 year of 2013, we're celebrating our

1 35th year of protecting the rights of
2 seniors, and the power and impact our
3 organization has had on their life and
4 on access to justice, which is our
5 mission.

6 We are very proud to serve
7 as the Commissioner on the Mayor's
8 Commission on Aging, and we strongly
9 applaud the new energy and initiative
10 of the Commission under the team
11 leader, Lydia Hernandez Velez.

12 We have long been a law
13 center dedicated to advocate for the
14 Commission and the issues for the aging
15 widely to have greater visibility,
16 greater respect and greater resources,
17 and a more powerful voice in city
18 government.

19 Seniors, as all of you will
20 agree, are an essential population in
21 our city, in our families, and in our
22 communities.

23 In my opinion, the City has
24 historically failed to provide adequate

1 resources and attention, not only to
2 this Commission, but to the needs of
3 the diversion and the diversity of the
4 seniors in Philadelphia, and we would
5 appreciate and are have happy to have
6 this opportunity this morning to
7 provide brief input on the bill on
8 issues of elder abuse, exploitation,
9 and justice which it references.

10 First, let me say that we
11 welcome any opportunity for greater
12 collaboration with our city's leaders
13 and law enforcement, with this council
14 with the Nutter Administration, and
15 with all other governmental and
16 quasi-governmental agencies in this
17 city, as all should be highly concerned
18 about the health and welfare of our
19 over quarter of a million seniors.

20 We and many of my
21 colleagues testifying here today
22 partner vibrantly with the age,
23 nonprofit, and human services networks
24 in creative ways to serve the expansive

1 needs of the older Philadelphians.

2 Many of our colleagues here
3 are members of our diverse and
4 collaborative Financial Exploitation
5 Prevent Task Force for older
6 Philadelphians, and you'll hear from
7 many of our co-members, and that
8 includes representation from the police
9 and District Attorney's Office.

10 We at the Senior LAW Center
11 also currently partner with the
12 Philadelphia Police Department on the
13 groundbreaking TOP, or Telephone
14 Outreach Program, through which we
15 receive reports of and reach out to and
16 offer services to all senior victims
17 who have called 911 where there have
18 been multiple responses by police to a
19 single household reporting violence.
20 And over the past seven months alone,
21 we've received over 120 reports of such
22 violence from the police, just for
23 senior victims alone, and we reached
24 out to each those senior victims.

1 And we're also proud to
2 serve Philadelphia police and the
3 District Attorney's Office on the
4 Domestic Violence Law Enforcement
5 Committee, on the Philadelphia
6 Coalition of Victim Advocacy, and many
7 of us serve on diverse other coalitions
8 addressing senior victims' needs here
9 in Philadelphia, in Harrisburg, and
10 across the nation, and we are proud to
11 bring the voices of senior victims that
12 we serve to those tables.

13 As to Bill Number 130140,
14 we welcome the addition of the
15 leadership of the police department and
16 the District Attorney's Office to the
17 Mayor's Commission, as we welcome other
18 leaders who will raise visibility and
19 contributions of older Philadelphians,
20 and the critical needs of Philadelphia
21 seniors, particularly those who are
22 facing the dual hardships of poverty
23 and aging.

24 We do recommend that

1 members who are appointed to the
2 Commission continue to be leaders with
3 authority to make real change. And as
4 such, we are recommending that the bill
5 be amended to appoint the Philadelphia
6 District Attorney or his or her
7 designee.

8 And when I arrived this
9 morning, I see that there's a proposed
10 amendment to the bill which does just
11 that. So we thank you for that.

12 We do think that this
13 appointment is just a first step toward
14 establishing an Elder Justice Unit. We
15 strongly applaud the recent appointment
16 of an Elder Justice Project. And I
17 think Deborah is here with us. And
18 we're delighted that she's here with us
19 and we're delighted to work with her.

20 But, like I said, this
21 appointment is the first step in
22 establishing an Elder Justice Unit in
23 the District Attorney's Office. And
24 that's a best practice that already

1 exists in many other cities across the
2 country and very desperately needed
3 here in Philadelphia with its
4 pronounced large and vulnerable
5 population.

6 And we've long recommended
7 to our District Attorney the formation
8 of such a unit as we shared national
9 best practices and examined the most
10 successful Elder Justice programs in
11 the nation.

12 The Elder Justice director
13 today, however, is a brand-new and
14 part-time position with very few
15 resources. If this position were
16 changed or terminated, it would render
17 this particular section of the bill
18 meaningless, but we are very much in
19 favor of this new attempt.

20 To make real change
21 regarding the elder abuse and justice,
22 the Mayor's Commission on Aging, the
23 District Attorney's Elder Justice
24 Project, and those who are serving

1 seniors need greater support and
2 greater visibility as to the seniors in
3 our city.

4 Today, we truly have a
5 crisis of elder abuse and exploitation
6 in our city and in our nation.
7 Seniors' homes are being stolen through
8 fraudulent conveyance. That is an
9 issue that we see in the Law Center.

10 And thousands of
11 grandchildren -- seniors are raising
12 their grandchildren, are being
13 illegally locked out of their homes by
14 unscrupulous landlords who take the law
15 into their own hands and defy any
16 notion of due process.

17 And you may know that this
18 council passed an anti-lockout
19 ordinance which prohibits such unlawful
20 eviction practices, and -- in the
21 1980s, and it is still not being
22 enforced.

23 They are defrauded by
24 contractors who take the money and run,

1 leaving seniors' homes to deteriorate
2 and become uninhabitable, leaving them
3 no place to age in place.

4 Financial exploitation --
5 you'll hear a lot of from my colleague
6 today -- costs older Americans \$2.5
7 billion nationally, and there are so
8 many crimes of financial exploitation.

9 Elder abuse is also raw
10 violence, often at the hands of
11 seniors' own family members and in
12 their own homes where the great
13 majority of seniors live.

14 Seniors, like our client,
15 Ms. V., a 79-year-old victim who lived
16 with her adult daughter and disabled
17 son, whose 42-year old daughter beat
18 her mother over a three-day period with
19 a belt, a broomstick, and the choker of
20 a dog collar. Our senior client
21 suffered broken ribs, a broken nose,
22 bruises about the face, eyes, forehead,
23 and a swollen leg and ankle.

24 She was left -- she was in

1 the hospital for four days. She had
2 been left on an outside step on a
3 sweltering hot summer afternoon without
4 food or water, when a passersby noticed
5 her and called the police.

6 Senior LAW Center received
7 that call from the police after the
8 daughter was arrested, secured an
9 emergency protection from abuse order,
10 and arranged for the senior to testify
11 from her hospital bed.

12 We represented her in
13 Family Court, where we were able to
14 obtain a protection from abuse order,
15 where we assisted her in removing the
16 daughter as signatory on her bank
17 accounts, revoking power of attorney,
18 powers that she had, and just generally
19 helped put her life back in order.

20 As many as there are,
21 seniors are facing a universe of other
22 devastating forms of crime, abuse, as
23 well as negligence, sexual assault and
24 violence, both at home and in their

1 nursing homes and facilities where they
2 go for care when they are most
3 vulnerable.

4 These are some examples of
5 the kind of Philadelphia seniors we
6 serve every day at the Senior LAW
7 Center, in partnership with our other
8 great advocates who are here today,
9 including our colleagues at CARIE, the
10 Center for Right and the Elderly who
11 you'll hear from, and the Philadelphia
12 Corporation for Aging, and many others.

13 We would welcome an
14 opportunity to share our clients'
15 stories and for them to tell their own
16 stories and to examine and strategize
17 responses and much needed resources
18 through this crisis facing our seniors.

19 We would welcome a member
20 of City Council taking leadership on a
21 more comprehensive elder justice
22 hearing and/or conference in the near
23 future to bring greater attention and
24 awareness to the diverse and older and

1 extremely important issues seniors are
2 facing, because they're -- these are
3 not senior issues. They're issues
4 which affect many generations. They
5 affect our economic security of our
6 communities, our families.

7 So, just in closing, we
8 need your partnership and support to
9 help the thousands in our communities,
10 our families.

11 So, just in closing, we
12 need your partnership and support to
13 serve the thousands of older victims,
14 grandparents, and -- older homeowners
15 who need our service and advocacy.

16 We really look forward to
17 working with all of you to make
18 Philadelphia a national leader in
19 promoting elder justice. Thank you.

20 COUNCILMAN JONES: Thank
21 you for that testimony.

22 Almost just like when young
23 people are victimized, whether they're
24 taken advantage of by strangers or

1 parents or caregivers, similarly, when
2 older adults are victimized, it just
3 constitutes a heinous level, because in
4 many cases they are defenseless.

5 In my district, there was
6 -- and one of the reasons we thought
7 this way, a caregiver -- we literally
8 had a senior held hostage, taken
9 advantage of them financially, so much
10 so that they dominated the house for
11 other activities, many of which were
12 illegal, and there was a sense of
13 helplessness and captivity by the
14 senior, who reached out to an
15 individual who then contacted our
16 office.

17 I say this to say that we
18 have a responsibility and a partnership
19 needed because you see these things far
20 more often than we would, far more
21 often sometimes than law enforcement.

22 Meals on Wheels, when it
23 delivers something can often see
24 something that comes to their attention

1 and make people take pause, like,
2 something is wrong with this picture.
3 And that is the time it often can come
4 back to an organization like yours,
5 that there's a connectivity with people
6 who are in power to do something about
7 it, I think, is a critical step.

8 I also heard you when you
9 said this is just the tip of the
10 iceberg. And I want to say, in a
11 continuum of treatment -- we first
12 worked together in Aging in a New Age
13 and talked about a whole list of issues
14 that impact seniors that are
15 day-to-day, but drilling down to the
16 first one, that priority is, for me,
17 their safety.

18 So, ergo, this part of it,
19 but what you just said, I agree with.
20 We need to have a dedicated time to
21 look at all of the aspects of how
22 they're victimized and treated unfairly
23 and then come up with a comprehensive
24 approach.

1 I have good members on this
2 committee who have for a long time been
3 advocates for seniors, but also people
4 who have written laws at the state
5 level that now complement what we do at
6 the local level. So I'm encouraged
7 about the partnership and the synergy.

8 Also, on the amendment, we
9 took -- we listened, and we wanted to
10 give a broader definition of the D.A.,
11 or his designee, as opposed to
12 narrowing it to one department, which I
13 thought was the wisdom of
14 collaboration. So, I'm appreciative of
15 that.

16 Are there any comments,
17 questions?

18 Councilman Squilla?

19 COUNCILMAN SQUILLA: I just
20 wanted to add one other thing. You
21 hear about the abuse and how the City
22 looked out for its seniors. We also
23 need to be aware of this restructuring
24 of the real estate tax issue that can

1 have a dramatic impact on senior
2 citizens and what we would do to
3 protect them during this process. So,
4 that's something that we here have been
5 discussing, along with AVI. And they
6 are alert and will pay attention to
7 that fact and won't realize it until
8 they get the bill in September. So we
9 have to try to reach out to them and do
10 the best we can to let them know what's
11 going on and make sure that they apply.

12 MS. BUCK: Yes, if I could
13 just add, we have a program called the
14 Homeowner's Assistance Program, which
15 is focused on those issues -- real
16 estate taxes, AVI, table title, home
17 repair contractor, et cetera, et
18 cetera. So, we're on that and we'd
19 love to partner with you on that.

20 COUNCILMAN SQUILLA: That
21 would be great because we could use the
22 help. We really can. Thank you.

23 COUNCILMAN JONES: Thank
24 you, Councilman Squilla.

1 On Tangle Title is
2 something I learned about a few years
3 ago. I think it was in Orphan's Court.
4 I was walking down the hallway, and a
5 family member was perplexed because
6 there was a situation where the primary
7 homeowner was incapacitated, and the
8 dwelling they lived in needed a lot of
9 work. And because they didn't have
10 their name on the title, but even
11 though they were the caregiver, there
12 was a complication on how they could
13 legitimately engage in funding to fix
14 the home that that individual lived in.

15 So, there are a lot of
16 complicated issues that center around
17 real estate, that center around
18 caregivers, that center around our
19 elderly, and, so, we're -- that need
20 addressing.

21 So, we're glad you're
22 there, and we want to work a lot closer
23 with you on this subject.

24 So, Councilman?

1 COUNCILMAN O'BRIEN: I was
2 influenced by a wonderful lady by the
3 name of Ann Torregrossa. And there was
4 a very disturbing case of a nursing
5 home in the City of Philadelphia, and
6 one that was also out in Delaware
7 County. And the owner of that
8 nursing -- of those nursing homes were
9 involved in stealing their Social
10 Security allotment.

11 And we actually had to get
12 our agency, who is L&I, because we have
13 to go out and look at -- because when
14 we talked about the abuse, family
15 members actually had to have an
16 attorney to accompany them to visit
17 their loved ones in that nursing home.

18 So, when I called my
19 friends in Delaware County, I asked
20 that our counterparts to L&I meet us
21 out there. And there was a surface
22 crack in the foundation, and they
23 deemed that it was necessary to inspect
24 the integrity of building. And when we

1 went in, it was the Hanoi Hilton. So
2 that person had conditional licenses
3 out the wazoo.

4 So, I very much applaud
5 what you do. I see our friends who
6 deal with sex offenders of all ages in
7 the audience, and this conversation
8 that you're presented here today is
9 representative of the integration that
10 should take place on all agencies at
11 all levels.

12 And the victims, sometimes
13 we see pillars of society, people that
14 we've respected, but for time out of
15 mind, elected officials included, that
16 have been victims of systemic abuse,
17 and we just take for granted because of
18 who we knew they were, they will never
19 be victim to this.

20 And I think that's the
21 conundrum that a lot of our families
22 find themselves in. They look at their
23 parents, they look at those that
24 they've respected, and they think

1 nothing of this magnitude can happen to
2 them.

3 So, I applaud you. I am
4 very impressed with the work that you
5 have done over the years. My mom has
6 benefited. There are so many families
7 and good stories about the care of the
8 Philadelphia Corporation for Aging that
9 has allowed them to exist in a
10 wonderful high quality of life.

11 And I thank you for your
12 testimony today. And it makes us ever
13 mindful of the community we live in and
14 the responsibilities we have to protect
15 those that become those vulnerable, not
16 those who have always been vulnerable.
17 So, thank you very much.

18 MS. MENIO: If I can just
19 note one thing, and it will come up
20 consistently, for many seniors and
21 their caretakers and their families,
22 they don't know where to go. They're
23 not sure how to enter that center.

24 So, our role at the Mayor's

1 Commission on Aging, in partnership
2 with the Philadelphia Corporation for
3 Aging, is so that no matter where you
4 touch us, we'll get you to the right
5 person, group, partnerships where CARIE
6 and Senior Law Project and other
7 agencies across the City that has been
8 brought onto the Commission enables
9 them to enter any door, and then get to
10 the right people who will answer and
11 assist them on their issue.

12 And many, many seniors --
13 many, many surveys indicate that
14 seniors don't know and don't understand
15 what's available for them and how to
16 access that, and that's a very big
17 mission for our Commission.

18 COUNCILMAN JONES: We want
19 to thank you again.

20 Are there any other
21 questions for this panel?

22 If not, thank you for your
23 testimony. Stick around. We may call
24 you back up when the other people raise

1 topics. Thank you so much.

2 Will the clerk call the
3 next set of witnesses, please.

4 THE CLERK: Joseph Snyder,
5 Jennifer Spoeri, Carlotta Bulls, Keira
6 Brown.

7 COUNCILMAN JONES: Thank
8 you. Please approach the table. Have
9 a seat. Good morning.

10 MR. SNYDER: Good morning.

11 COUNCILMAN JONES: State
12 your name.

13 MR. SNYDER: My name is
14 Joseph Snyder, and I'm the director of
15 Older Adult Protective Service in
16 Philadelphia. The other folks you
17 mentioned were all on my investigative
18 team.

19 I'm going to testify on
20 behalf of them and on also on the Older
21 Adult Protective Service at
22 Philadelphia Corporation for Aging.

23 COUNCILMAN JONES: Thank
24 you.

1 MR. SNYDER: So, thank you,
2 Chairman Jones, Vice Chairman Henon,
3 and the rest of the Philadelphia City
4 Council members, who took your time out
5 of your busy schedule to come today.

6 I've been the director for
7 the past 20 years. I've been the
8 director for the past 20 years at the
9 Philadelphia Corporation for Aging.
10 I'm the former president of the
11 National Adult Protective Services
12 Association. I'm the current Public
13 Policy Chair of this leading
14 organization.

15 There's no question that we
16 in our society have ignored this
17 epidemic of harm to our most vulnerable
18 older citizens for far too long.

19 I'm going to talk about
20 today the role of Older Adult
21 Protective Service, what we have
22 learned about violence against the
23 elderly, why it is critical that we
24 adopt a multidisciplinary approach to

1 this problem, and, finally, offer our
2 support to the recommendation of Mayor
3 Nutter's appointment of additional
4 members of the Commission.

5 So, Older Adult Protective
6 Services are established by statute in
7 every state to receive reports of
8 abuse, negligent, and financial
9 exploitation of older adults, and, in
10 the vast majority of states, with
11 younger persons with disabilities who
12 are unable to protect their own
13 interests.

14 The Older Adult Protective
15 Services Act was established in law in
16 Pennsylvania in 1987.

17 Just as we would never
18 begin any discussion of child abuse
19 without starting with the child
20 protective system, we cannot begin to
21 address elder abuse without starting
22 with the established State Protective
23 System, APS. OAPS is the shorthand for
24 Older Adult Protective Services, that

1 investigates allegations, provides
2 emergency protective services in order
3 to protect and assist the abused
4 victims, just as in Child Protective
5 Services.

6 Unlike Child Protective
7 Services, OAPS, however, we deal with
8 adults who have the right to make their
9 own decision and to refuse unwanted
10 interventions even when that may not be
11 in their best interest.

12 The most difficult and
13 challenging task that an OAPS
14 professional faces in the vast majority
15 of our cases is determining with
16 professional assistance when a person
17 is not capable of making his or her own
18 decision and a substitute
19 decision-maker must be appointed.

20 Most of the abuse,
21 negligence, and exploitation occurs in
22 the community rather than in
23 facilities. Since 95 percent of older
24 persons live in their own homes or

1 apartments, the majority of our
2 investigations take place in
3 nonfacility settings.

4 Every day OAPS
5 professionals face extremely complex
6 situations often involving
7 life-or-death medical conditions,
8 criminal activities, such as drug
9 dealing, weapons, mental illness,
10 dementia, complex financial fraud,
11 intergenerational family disputes and
12 dysfunctions, legal issues, sexual
13 abuse, and negligence.

14 Negligence, which may sound
15 benign, can, in fact, cause years of
16 horrific suffering and, in fact, kills
17 many more older persons than physical
18 abuse.

19 OAPS saves the lives,
20 dignity, financial aspects of countless
21 vulnerable old adults, all of this
22 despite the, in fact, that we've
23 continued to ignore this problem and
24 failed to provide funding at a level of

1 equal to other forms of family
2 violence.

3 Many elder abuse cases
4 involve violent crimes, including
5 domestic violence, sexual abuse,
6 criminal neglect and financial crimes
7 of every description. As with other
8 forms of family violence, most of the
9 abuse is perpetrated by the older
10 person's own family, loved ones. This
11 is not to diminish the fraud and
12 deception committed by professional
13 scam artists.

14 Any criminal activity by
15 anyone needs to be investigated and
16 prosecuted, making sure that law
17 enforcement, OAPS, and the rest of us
18 are working together where possible.

19 In addition, the community
20 must, while holding the criminal abuser
21 accountable, simultaneously make sure
22 the older person is cared for and
23 protected.

24 Elder abuse cannot be

1 boiled down to a short list of
2 clearly-identified crimes, all of which
3 can only have only one single response,
4 and that is the arrest and prosecution
5 of offenders. Elder abuse cases are
6 often extremely complex and messy. In
7 many cases, there's no clearly culpable
8 offender to be held accountable. There
9 are only mentally, physically ill,
10 developmentally-disabled, demented
11 human beings struggling to get through
12 each day.

13 OAPS must focus on the
14 needs and safety of the older person
15 who requires protection, but in order
16 to assist that person, OAPS must also
17 take into account the other family
18 members who may well have been assigned
19 caregiving and bill-paying roles for
20 which they're simply not capable.

21 We must be careful not to
22 label all elder abuse as criminal or we
23 will leave out the thousands upon
24 thousands of victims of emotional

1 abuse, negligent, and resulting from
2 ignorance and lack of resources, and
3 intergenerational financial dependency
4 which don't involve any criminal
5 malice.

6 These situations don't rise
7 to the level of criminal, but,
8 nonetheless, often significantly
9 jeopardize the health and well-being of
10 our older victims.

11 We know from the 2010
12 census data that 17.2 percent, or
13 approximately 276,000 Philadelphia
14 residents are at least 60 years or
15 older, making Philadelphia the oldest
16 city among the ten largest cities in
17 America.

18 We also know from the
19 report from the Pew Research Center
20 that between 2011 and 2030, about
21 10,000 baby-boomers will turn 65 every
22 single day.

23 The seminal study by
24 Dr. Mark Lachs in 1998 of the New Haven

1 Community informed us that older
2 victims of abuse, negligence, and
3 exploitation are three times more
4 likely to die than non-abused seniors.

5 The same Dr. Lachs
6 testified before the Senate Commission
7 on Aging in March of 2011 that abused
8 elders are four times more likely to go
9 to a nursing home, of course, which
10 costs us more than serving them in
11 their home.

12 Other research indicates
13 that there may be as many as four times
14 elder abuse as child abuse victims.

15 Despite these alarming
16 statistics, the General Accounting
17 Office, GAO, at the request of Senator
18 Herb Kohl from Wisconsin, asked for a
19 report in 2011 on federal spending on
20 activities that have to do with other
21 justice in elders, and we found that in
22 the fiscal year 2009, the federal
23 government spent \$11.9 million on elder
24 justice activities compared to \$8.3

1 billion on child welfare, and finally
2 compared to the \$21.5 million in
3 funding the Animal Welfare Act, also.
4 This provides a clear indication of our
5 lack of commitment to protecting our
6 most vulnerable seniors.

7 The disparity exists
8 despite the documented costs of elder
9 mistreatment. I am not just talking
10 about the human cost, but the financial
11 cost as well. The MetLife Mature
12 Market Institute Study published in
13 2011 on financial exploitation of the
14 elderly says it costs us at least \$2.9
15 billion a year. This study is just
16 based on reported cases which make it
17 to the media, which is a very, very
18 small percentage of our cases.

19 A study done in 2011 by
20 Lifespan of Greater Rochester and Weill
21 Cornell Medical Center of Cornell
22 University found that only 1 out of 23
23 of all of these abuse cases were
24 reported to authorities, and when it

1 comes to financial exploitations, only
2 1 of 44 cases are reported.

3 Normal and disease-related
4 changes to the aging brain also put
5 elders at more risk than the general
6 population. According to the World
7 Health Organization, in a report
8 published in 2012, there were 35.6
9 million people living with dementia
10 worldwide in 2010. And that number
11 will almost double to 65.7 million in
12 2030, which is right around the corner,
13 and triple to 215 million by 2050.

14 There has been increased
15 attention paid to the condition known
16 as mild cognitive impairment, or MCI.
17 Research has demonstrated that folks
18 with MCI often lose their financial
19 decision-making capacity first while
20 continuing to function normally in
21 other ways, thus making these changes
22 that much more difficult to detect.

23 Research done at Harvard
24 University in 2009 found that a

1 person's -- an average person's ability
2 to make astute financial decisions
3 peaks at age 54, takes a steady drop
4 afterwards, and a precipitous drop
5 after age 70. Other research gives us
6 more reasons to be alarmed.

7 A researcher at UCLA going
8 on right now found that older persons
9 do not respond as readily to facial
10 cues as younger persons that suggests
11 that a person may be untrustworthy.
12 The part of the brain that turns on in
13 younger people does not turn on for
14 older people and leaves older people
15 more vulnerable to the many scam
16 artists that appear at their door.

17 Research from the
18 University of Iowa has proven that
19 normal age-related changes to the
20 prefrontal cortex which controls our
21 executive function results in a
22 reduction of skepticism and an increase
23 in vulnerability. This, of course,
24 increases the vulnerability to the

1 financial exploitation as we age and
2 starts to give us an answer to the
3 problem, why are people sending their
4 money to pay taxes on a lottery that
5 they've never played? Because they're
6 skepticism is reduced and gullibility
7 increases.

8 We've learned that these
9 multifaceted complex problems require a
10 multidisciplinary approach. This is
11 the reason we formed the Philadelphia
12 Financial Exploitation Prevention Task
13 Force in 2010. This task force
14 involves law enforcement, OAPS,
15 financial institutions, community
16 organizations, legal service providers.
17 And we've been meeting for a couple of
18 years. My colleagues are mostly here
19 with me today, and I couldn't be
20 prouder to serve with them.

21 The purpose of this
22 committee was to develop a
23 comprehensive plan to protect
24 Philadelphia seniors from financial

1 exploitation and abuse by enhancing the
2 collaboration between the key agencies
3 to prevent, detect, investigate, and
4 prosecute elder financial abuse.

5 We've developed and
6 delivered training to law enforcement,
7 social workers, bankers, and other
8 community agencies. We plan to deliver
9 a prevention awareness campaign for
10 seniors in the broader community.

11 We are extremely proud that
12 this task force was developed out of a
13 meeting convened by Mayor Nutter in the
14 summer of 2010, which brought us
15 together to continue our dialogue with
16 the major financial institutions
17 serving this city, one who you'll hear
18 from later.

19 The Philadelphia
20 Corporation for Aging is pleased to
21 support the recommendation that the
22 Mayor should appoint the Police
23 Commissioner of the City of
24 Philadelphia, or his or her designee,

1 and the director of the Elder Justice
2 program of the City of Philadelphia, or
3 his or her designee, to the Mayor's
4 Commission on Aging.

5 We believe their
6 participation is vital to the success
7 of protecting our most vulnerable older
8 citizens from abuse, neglect, and
9 exploitation. Thank you for the
10 opportunity to testify.

11 COUNCILMAN JONES: Thank
12 you for that insight and testimony. A
13 couple of things jumped out at me.

14 You said that \$11.9 million
15 for dealing with --

16 MR. SNYDER: Elder justice.

17 COUNCILMAN JONES: Elder
18 justice.

19 Then you said, \$8.3 billion
20 --

21 MR. SNYDER: \$8.3 billion
22 for youth, for child.

23 COUNCILMAN JONES: So, a
24 million to billion.

1 And then for animals, what
2 was that number?

3 MR. SNYDER: \$21 million
4 and a half to the Animal Welfare Act --

5 COUNCILMAN JONES: So twice
6 as much for animals?

7 MR. SNYDER: Yeah.

8 COUNCILMAN JONES: Half as
9 much for our seniors?

10 MR. SNYDER: This issue for
11 elder abuse was first brought to the
12 country in the 1950s as a public policy
13 issue. It took us a half-century to
14 have the first law dedicated to this
15 problem called the Elder Justice Act.
16 It passed as part of the Affordable
17 Healthcare Act on March 23rd, 2010,
18 with \$770 million and \$100 million in
19 it for Adult Protective Services.

20 Guess how much of that has
21 been appropriated since it passed?

22 COUNCILMAN JONES: I don't
23 know.

24 MR. SNYDER: You got it.

1 Zero. A little bit. It's not --
2 there's some demonstration programs.
3 It's not zero. None of the money from
4 the APS. The only provision it's
5 having is there's an elder justice
6 coordinating council recommending the
7 Attorney General and the Secretary of
8 Aging and the FCC and everybody
9 involved with this. And they've had
10 one meeting in October. We're waiting
11 for the papers to come out from the
12 meeting in October.

13 So, it's an issue that
14 continues despite the statistics,
15 despite -- I know I'm giving you cold
16 statistics. My people could give you
17 the stories --

18 COUNCILMAN JONES: They're
19 not cold; they're statistics.

20 MR. SNYDER: Okay. Because
21 it's stunning that we sit here today,
22 that I'm still asking 50 years later
23 when do we address this?

24 COUNCILMAN JONES:

1 Councilman O'Brien?

2 COUNCILMAN O'BRIEN: It's a
3 fact that we passed the in the state.

4 And I would just like to
5 state for the record, it's not a
6 question that the Adult Protect Service
7 Act in Harrisburg has not been funded
8 either; otherwise, our friends in the
9 back would not have had that horrific
10 case where the special needs people
11 were chained to the heaters in
12 Northeast Philly.

13 I think this is a critical
14 issue. It's never about the funding;
15 it's about the cash.

16 So, in 1950, when this
17 issue was identified, there's a number
18 of other issues that have gone unfunded
19 and underfunded. There was a
20 misrepresentation of autism and a
21 number of other issues that now we know
22 and we have a responsibility to that.

23 And I thank you for your
24 testimony.

1 COUNCILMAN JONES: Thank
2 you, Councilman.

3 Councilman Henon?

4 COUNCILMAN HENON: Thank
5 you, Council, and thank you for coming
6 in and for your testimony.

7 I can just tell you from my
8 perspective, the numbers and
9 disparities are staggering, especially
10 when you're reporting from the census
11 tracks tens of thousands of the
12 baby-boomers who are going to be 65 and
13 older on a daily basis.

14 So, a few questions: How
15 do we need to prepare for that? What
16 other collaboration besides funding the
17 cash, as the former Speaker of the
18 House who has been dealing with these
19 issues for a long time, and my
20 colleague had just pointed out? What
21 do we need to do to prepare for that
22 kind of influx of older adults?

23 MR. SNYDER: I think we're
24 starting to do some of the things by

1 the collaborations that we're doing
2 here, not just at the end. Because
3 when most of us get them, we tell our
4 stories, the damage has already
5 occurred.

6 So, the preventative is
7 also important. And I know there's a
8 lot of age-friendly initiatives going
9 out in the City through the
10 Philadelphia Corporation for Aging and
11 the partnership with all of our
12 partners and with the City government,
13 and we're doing a lot in that area.
14 It's just -- for us, it's this hidden
15 problem of elder abuse that still
16 remains hidden after all these years
17 that gives us the most pause.

18 But you're right, we have a
19 tsunami of people coming. They've been
20 coming forever. And, you know, you
21 also are quite aware, as I am, that the
22 report that came out, I think it was
23 last week, that Philadelphia also has
24 the most deep poverty of the ten

1 largest cities in America. And deep
2 poverty I think was defined as \$5700
3 for a single person and \$11,500 for a
4 family of four. It's staggering to
5 think that people can live like that.

6 So, I think we're starting
7 to do some of the collaborations that
8 are necessary in individual programs,
9 but, obviously, prevention is the way
10 to go.

11 COUNCILMAN HENON: Do you
12 think that -- obviously, education and
13 reaching the seniors, especially --
14 it's got to be difficult when if a
15 senior is living by themselves -- and
16 you come across this all the time --
17 pride, generational pride, you know,
18 not wanting to ask for help.

19 Have -- in your experience,
20 have you been helping out for -- in
21 helping out for such a long time, have
22 you seen a change, you know,
23 breakthrough in trying to reach
24 different methods and trying to reach

1 and create and break that kind of
2 self-pride that we all have?

3 MR. SNYDER: You know, I do
4 see a change. And one -- one of the
5 things that's always remarkable about
6 the work that my people do here is that
7 they show up cold, not from the person
8 itself, but from somebody else, and we
9 get to help the person. And our oldest
10 generation, our greatest generation has
11 been, you know, pretty compliant in
12 getting to us and helping them.

13 As we see the younger
14 people that are 60, 61, we're dealing
15 with people who are working, we're
16 dealing with people who are mobile and
17 people who are less compliant to having
18 a stranger for who we are a knock on
19 the door and say, high, I'm Protective
20 Services, I'm here to help.

21 So, I think there's
22 something that we are starting to
23 prepare for in our field and our
24 discipline. So, how do we deal for the

1 first time with a population that may
2 be a little less than compliant,
3 certainly more mobile, you know. You
4 know, I can speak for myself. I'm not
5 letting anybody in.

6 So, you know, it's going to
7 be a much tougher road to hoe when they
8 come knocking on my door, I claim I was
9 a director at Protective Services for
10 20 years, and they say, sure, you were.
11 So, I think for us, it's still there,
12 self-preservation.

13 But my people have
14 remarkable skills, and they get people
15 in the worst possible situations to
16 accept help. We don't get them all to
17 accept help.

18 One of the things we say
19 all the time is, even if we fail the
20 first time, we're planting a seed that
21 it can be different, that you don't
22 have to live in abuse, you don't have
23 to live in negligent.

24 But our people, our

1 victims, just like every other program
2 at PCA, they get to accept or refuse
3 our services, unless they can't. And
4 that's when we go into action with
5 getting the psychological evaluations
6 and going before the court. Because we
7 can only do things two ways, you hit on
8 it, with the consent of our victim or
9 with a court order.

10 And with the increased
11 crimes of impersonations and fraud of
12 contractors, as I know this body has
13 been, you know, taking it very
14 seriously, especially this committee,
15 one of our colleagues introduced an
16 ordinance recently dealing with the
17 impersonation of public officials --

18 COUNCILMAN JONES: Who
19 would want to do that?

20 COUNCILMAN HENON: It's
21 criminal. I mean, we're not going to
22 stand for that. So we're going to look
23 at every means to help create and
24 punish those who commit these criminal

1 activities with a collaborative effort
2 with the District Attorney and our
3 great police force to make sure that,
4 you know, it doesn't happen.

5 We can't prevent everything
6 from happening, but, you know, the
7 penalties are going to be severe, you
8 know, moving forward. So, we're going
9 to continue to encourage that.

10 My last question is, how
11 does the -- so you have these crimes,
12 you know, on older adults, many
13 different crimes that you experience
14 every day. You know, my office like
15 Councilman Jones and I'm sure some of
16 my other colleagues, you know, receive
17 calls about fraud and, you know, with
18 the contractors, you know, and just
19 like robbing people. I mean, it's a
20 disgrace.

21 How does the discrimination
22 laws that the state and federal
23 government have come into play? And
24 how can we better give them the tools

1 on a local level?

2 MR. SNYDER: Well, let me
3 say first, I'm not a lawyer. And that
4 may be something that law enforcement
5 and our law enforcement and banks --
6 what we see first with the scalp artist
7 and family members that I found out a
8 long time ago, as good as we are and as
9 much as we do, every time we stop one
10 of the scams, whether it be the lottery
11 scam or grandchild-in-distress scam,
12 they come up with another one. So,
13 they're always a step ahead of us.
14 We're not going to be able to stop
15 family dysfunction, but what we can do
16 is partner where the money is.

17 And that's why we reached
18 out in 2001 to Wachovia Bank and formed
19 a Fraud Prevention program that became
20 a model for the country. And we've
21 continued with our financial
22 institution partners today, one who
23 you'll hear from later, to work with
24 them to work together, to work

1 around -- not around, but with the
2 privacy laws to be able to give us the
3 tools so that we can do to stop this,
4 so even if it happens once, it doesn't
5 happen again.

6 Because one of the things
7 we always say, it takes a lifetime to
8 accumulate your retirement savings; it
9 can be gone like that.

10 COUNCILMAN JONES:

11 Councilman, thank you for that.

12 You should know that we are
13 going to do a call-back hearing on the
14 budget for the Mayor's Commission on
15 Aging to take a look at how we put our
16 money where our mouth is by way of
17 budget, by way of providing resources,
18 so that we can adequately address some
19 of these issues being raised today.
20 So, that's number one.

21 Number two, we want to
22 schedule a time where we can dig down
23 into the issues, particularly the
24 issues that have been raised over the

1 years, particularly by Councilwoman
2 Tasco, on predatory lending and other
3 things that are coming up in more
4 recent evolution of crimes against the
5 elderly and to evolve similarly the
6 ways we address them, whether holding
7 organizations, such as the Gas Works
8 and others, to task on being able to
9 identify and counter-identify
10 individuals that are perpetrating
11 employment. So, we're going to dig
12 down deeper into this.

13 But we really appreciate
14 you giving us this testimony.

15 Any other questions for
16 this witness? Hearing none, thank you
17 --

18 MR. SNYDER: Can I say one
19 more thing before I get up?

20 COUNCILMAN JONES: Sure.

21 MR. SNYDER: All of us do a
22 lot of great work. We have a very
23 informed police department,
24 particularly the victim assistance

1 officers that we work within every
2 district who support my staff, and
3 particularly the care unit, Detective
4 Nix, and the outstanding that we --
5 that they do.

6 And in doing this for a
7 long time with inadequate resources,
8 and I'd -- and I will add my voice to
9 them, please increase the budget in
10 that area.

11 COUNCILMAN JONES: Well,
12 when you say what we spend on animal
13 care versus what we spend on senior
14 care, shame on us.

15 In China -- in China, and
16 I've been there -- in China, they not
17 only have childcare for children, but
18 they hold you, adults, financially
19 liable for the care of their parents.
20 And I think that they in China got it
21 right, you know. And we can't be, you
22 know, all things to our people. But
23 we're going to look at our level of
24 responsibility and step up to the

1 plate.

2 MR. SNYDER: Thank you. I
3 think my son would disagree with that.

4 COUNCILMAN JONES: Well,
5 we're going to change his opinion too.
6 Thank you so much for your testimony.

7 Would you call, Clerk, the
8 next panel.

9 THE CLERK: Diane Menio,
10 Chuck Silverman, and Barbara Webster.

11 MS. MENIO: I just will
12 mention very quickly that Pennsylvania
13 does have a Filial responsibility law.

14 COUNCILMAN JONES: Oh,
15 really?

16 MS. MENIO: Yes.

17 COUNCILMAN JONES: Okay.

18 MS. MENIO: It's not a
19 great thing, actually. I'm just
20 speaking for Joe's son.

21 COUNCILMAN JONES: Well,
22 you'll elaborate on that.

23 MS. MENIO: I just wanted
24 to point that out.

1 COUNCILMAN JONES: Okay.

2 MS. MENIO: Good morning.

3 My name is Diane Menio, and I represent
4 the Center for Advocacy for the Rights
5 and Interests of the Elderly. I'm the
6 executive director, and I've been with
7 the organization for 24 years.

8 Thank you, Chairman Jones
9 and members of the committee, for their
10 interest in abuse and crimes against
11 older Philadelphians and for the
12 opportunity to present testimony today.

13 Founded in 1977, CARIE, who
14 is a nonprofit organization dedicated
15 to improving the quality of life for
16 frail older adults, CARIE's focus of
17 concerns spans the long-term care
18 continuum for those who live at home to
19 those who are living in facilities.

20 Older adults with physical
21 or psychological impairments are often
22 a silent group, and they're not able to
23 advocate for their needs. CARIE works
24 to protect their rights and promote

1 awareness of their special needs and
2 concerns.

3 At the end of my testimony,
4 I provide, but I won't read it, a brief
5 description of some of CARIE's programs
6 and services that work to help older
7 victims of crime and abuse, as well as
8 how we provide outreach and education
9 measures to prevent problems from
10 occurring. So, I encourage you to look
11 at that, because I think we can also
12 partner with you.

13 And I thank my colleagues
14 for giving you a great deal of
15 information that I hope you'll get a
16 chance to think about.

17 Although I'm not here to
18 represent the Mayor's Commission on
19 Aging, I do want you to know that I am
20 a member of the Commission. The
21 Mayor's Commission on Aging, through
22 its launch, has accomplished a great
23 deal. In addition to continuing its
24 programs through seniors and obtaining

1 meaningful employment and helping
2 others to make good decisions about
3 health insurance, the Commission is
4 actively seeking the designation of
5 Philadelphia as an age-friendly city by
6 the World Health Organization.

7 I will just mention that my
8 office is at the Land Title Building,
9 very close to City Hall, and just
10 getting over here was very challenging
11 for me. I'm using a cane right now
12 because I'm having my own mobility
13 problems, and when I came out onto the
14 corner of Chestnut Street and Broad
15 Street, it was almost impossible to
16 walk over. The water was about this
17 deep (witness indicating), and it was
18 about this deep that I had to try to
19 jump over with my cane.

20 So, what I always think
21 about when I deal with those
22 situations, I can just adjust myself to
23 do what I can to. But I think that
24 older person who is really having

1 difficulty with mobility, or that
2 person who is in a wheelchair, which
3 today would have been impossible for
4 someone in a wheelchair to get -- just
5 across the street.

6 So, those are some of the
7 issues that we're dealing with on the
8 Mayor's Commission on Aging that are
9 very critical to making this city
10 friendly to older adults and adults of
11 all ages. I'm not yet 60, getting
12 closer every day, but not yet there.

13 But, as I mentioned, I have
14 had mobility problems from time to
15 time. I've been on crutches many times
16 trying to navigate this city, and it's
17 very, very challenging.

18 So, having been involved in
19 the Mayor's Commission on Aging for
20 many years, it has always been clear
21 that the Commission operates with a
22 minimal amount of funding. In fact,
23 most of its funding comes via contracts
24 with the private, nonprofit

1 Philadelphia Corporation for Aging.

2 One of the things that I
3 think we are challenged by in this
4 County of Philadelphia, which is very
5 different from other counties in the
6 State of Pennsylvania where the county
7 actually does support seniors. It
8 operates senior services and supports
9 senior services.

10 In Philadelphia, senior
11 services have not been supported by the
12 County of Philadelphia in any great
13 way. The funding that comes from the
14 state and federal government is
15 funneled through Philadelphia
16 Corporation for Aging, as Joe
17 mentioned, and that it is not enough,
18 and they have their own challenges.

19 But the City, as Lydia
20 mentioned, has not provided its fair
21 share in terms of supporting older
22 adults in this city.

23 The contracts that they
24 have and majority of their funding

1 requires a particular focus on the
2 employment program and on health
3 insurance counseling. They don't use
4 that money and use it for other things,
5 and, so, in other words, so far as I
6 understand, the City's funding includes
7 the deputy managing director for aging,
8 offices, their administrative support,
9 and some support from the policy
10 office.

11 And as Lydia mentioned,
12 they're fielding calls every day. When
13 people call 311, and they have an older
14 adult problem, they're going to give
15 them the Mayor's Commission on Aging
16 number. And they need to be ready to
17 answer those calls, and they do. But
18 they're doing it cash-strapped, and I
19 will say that. And I think that's
20 something that needs to be understood.

21 Your Committee's concerned
22 about the safety and welfare of older
23 Philadelphians is definitely needed, as
24 you've already heard. As a Commission

1 member, I rely on the deputy managing
2 director as a liaison to all the City
3 agencies and programs.

4 I hope you'll review that
5 age-friendly cities assessment that was
6 done leading us into that World Health
7 Organization designation.

8 In this assessment, you'll
9 see a range of interests in all issues
10 that impact older Philadelphians. It
11 continues to be a work in progress.

12 We've had a meeting, I
13 think last week, and we brainstormed
14 some more. There's a whole lot more
15 that's going to be added to that,
16 because we want to make sure that what
17 that does is really comprehensibly
18 address issues that will truly make
19 Philadelphia an age-friendly city.

20 The Mayor's Commission can
21 be a vehicle for advocating change in
22 the current area of prevention,
23 prosecution of perpetrators, as it can
24 have an impact on the practices of the

1 Street Department, PHA, L&I, SEPTA, and
2 many other departments and entities
3 that can and should address the needs
4 of Philadelphia's aging population.

5 The thing that I'm not sure
6 about is why we need this particular
7 bill to get that particular
8 representation on the Mayor's
9 Commission. It's my understanding that
10 the members can be appointed by the
11 Mayor and by approaching the Mayor or
12 the director. That can happen.
13 There's openings on that Commission
14 right now. And I'm just questioning
15 whether or not you want to have that in
16 the statute or is it something that we
17 should be encouraging the Mayor to put
18 the appropriate members on that
19 Commission, abuse, negligent, and I do
20 think we have appropriate members on
21 there, but, certainly, there's room for
22 more and more focus.

23 I also did mention that,
24 and I'm glad that you did that, because

1 I think the permanence -- of when
2 you're writing legislation like this,
3 you want to make sure it has
4 permanence.

5 And we do also appreciate
6 that the District Attorney's Office --
7 Karen Buck, when we were both on the
8 District Attorney's transition team,
9 and we recommended a stronger focus on
10 elder justice by the District
11 Attorney's Office, and this is really
12 the first tiny baby step in that
13 direction. And we do appreciate them.
14 They're very helpful. And that we're
15 really hopeful that that will be raised
16 to a higher point.

17 So, just as a last thing I
18 wanted to say is to urge you to
19 think -- and I think you already
20 mentioned that you're going to be doing
21 budget hearings, and I'm very glad to
22 hear that you're going to focus on what
23 the funding is on the Mayor's
24 Commission, and I urge you to look at

1 how it's funded and what's needed.

2 And I'm sure Lydia can give
3 you more information about the support
4 that she needs. And I know as a
5 Commission member, I can give you some
6 ideas, and there are others who will
7 give you ideas as well.

8 The other thing, you know,
9 we've come across today is that there's
10 a great interest in elder justice here
11 at City Council, and, obviously, among
12 the people who are here to -- I wanted
13 to mention to you, in case you don't
14 know, that June 15th is World Elder
15 Abuse Awareness Day. It may be an
16 opportunity for City Council to bring
17 some attention to this issue. You may
18 want to do a resolution or something
19 that -- a press conference so that we
20 can -- because sometimes it really does
21 take leadership, it takes talking about
22 this issue to understand it. And so, I
23 urge you to bring that attention to the
24 issue as a body that only you can do.

1 So, you know, as I said, it
2 is June 15th. The first year, maybe
3 we'll do something even bigger on Elder
4 Awareness Day here in Philadelphia, and
5 I encourage you to do that. Thank you.

6 COUNCILMAN JONES: We'll
7 take advantage of that.

8 This committee, the
9 Committee on Public Safety, is broad in
10 its reach and scope. I know members
11 that have -- Councilman Squilla has
12 been a big proponent of infrastructure,
13 and I remember that early on in his
14 political career.

15 And so, you know, we have
16 the privilege of having somebody who
17 wrote laws for Pennsylvania. So,
18 again, whether it's in contracting or
19 loan documents, we have a wealth of
20 individuals that are going to move the
21 needle in the right direction when it
22 comes to care for our elderly. And
23 these are baby steps, but steps
24 nonetheless.

1 And we also -- the
2 difference between an executive order
3 and a law is just that; one is more
4 permanent. As we transition from
5 administration to administration, we
6 don't want a do-over. We don't want to
7 start over. We want some continuous
8 work in moving the needle in the right
9 direction. And that's why ordinances
10 are sometimes better than executive
11 orders. Executive orders are quicker
12 and it demonstrates the commitment that
13 the administration has to an issue, but
14 the law is the law, and we will make
15 sure that that is transmitted to the
16 next mayor as well.

17 MS. MENIO: Just one last
18 thought, and that is, when you
19 mentioned that, and I've been a long
20 time, the Mayor's Commission has gotten
21 almost no attention throughout various
22 administrations. In the last
23 administration, we never actually had
24 an official appointment for that -- for

1 Lydia's position. The person was
2 asking for that position appointment
3 for many years preceding, you know,
4 when she was in the Rendell
5 Administration.

6 So, what I'm trying to say
7 is that it has so little attention,
8 that if City Council can do something
9 -- and part of what I'm saying here is
10 that maybe you need to go beyond
11 putting positions in a mandate, but to
12 really look at what the Mayor's
13 Commission is and think about the
14 impact the City Council can have on
15 making that not be just an executive
16 order, but it be something that is
17 meaningful in the City, and it has
18 meaning regardless of who is elected to
19 office.

20 COUNCILMAN JONES: Well,
21 I'm a fan of the Commission and I'm a
22 fan of the Mayor's appointee, truly. I
23 say that publicly for the record.

24 One of the reasons we

1 entered in Aging in a New Age,
2 selfishly, in my district, we have one
3 of the grayingist districts in the City
4 of Philadelphia. The 4th District, it
5 is the proud location of many assisted
6 living facilities right in one square
7 mile. So, the issue has been brought
8 to my attention and the Committee's
9 attention, and we hope to elevate it,
10 elevate it to a level of prominence.

11 You're so right. You can
12 tell a government, any government's
13 priority by where they put their money.
14 And nothing was more striking in
15 today's testimony on what we spend on
16 the elderly, what we spend on youth,
17 both, and then what we spend on animal
18 care. I mean, you know, Fido has his
19 place, but Grandma and Grandpa should
20 have a higher elevated place.

21 MS. MENIO: Exactly.

22 COUNCILMAN JONES: All
23 right. So thank you for your
24 testimony.

1 MS. MENIO: Thank you.

2 MR. SILVERMAN: Chair Jones
3 and the rest of the Committee, thank
4 you for having us here today. My name
5 is Chuck Silverman, and I'm the
6 security director of Beneficial Bank,
7 which is headquartered here in
8 Philadelphia.

9 In the banking industry, we
10 are faced with the challenge of serving
11 our customer's needs and sometimes
12 refusing to process their -- the
13 transactions when we sense there may be
14 -- when it may not in their best
15 interest. Criminals will target the
16 elderly and trick them or force them to
17 process financial transactions from
18 their bank accounts. The tragedy is,
19 most will do it willingly. If a bank
20 attempts to caution the senior, their
21 response sometimes is, it's my money,
22 and I can do with it what I want.

23 In fact, it is. It is the
24 customer's money, and here lies the

1 problem or the dilemma for the
2 financial institution. How do we both
3 serve and protect the customer?

4 This is where the
5 Philadelphia Corporation for Aging has
6 been a valuable partner and reliable
7 ally for banks. We do extensive
8 training in fraud prevention and teach
9 our employees how to recognize
10 potential threats for our customers,
11 but we are bankers and not skilled in
12 social services.

13 Having PCA as a resource to
14 refer a customer to gives us the
15 ability to protect their life savings.

16 We have a saying at
17 Beneficial: We may not stop the first
18 transaction, but we can stop the next
19 one.

20 The Philadelphia
21 Corporation for Aging is just one part
22 of the equation. Without the
23 dedication of our law enforcement
24 officers and the hard work of our legal

1 community, the criminals who prey upon
2 our seniors will continue to take
3 advantage of that community.

4 Funding for staff,
5 education, and social media campaigns
6 go a long way in our fight to help
7 protect financial abuse in our senior
8 community.

9 As you make your decision
10 to consider funding for the Mayor's
11 Commission on Aging, I would like to
12 give you an example -- a few examples
13 of some common schemes our seniors fall
14 victim to.

15 Mystery shopping: The
16 victim receives a check for \$2,500 to
17 \$5,000 in the mail, along with a letter
18 instructing them to visit a local
19 retail store, Walmart or K-Mart.
20 During that visit, they are to complete
21 a checklist which describes their
22 experience. For their efforts, they
23 can deposit that check and keep between
24 \$500 to \$2,000. They are instructed to

1 send the balance of that check either
2 via Western Union or a wire. Of
3 course, the check is no good.

4 Escort scheme: The senior
5 is escorted into the bank and convinced
6 -- escorted by a companion and
7 convinced to withdraw a large sum of
8 money. The reasons vary from medical
9 bills, family emergencies, work in the
10 home, or a donation. Usually the
11 escorts are in pairs, and, in most
12 cases, the money is taken in large
13 sums.

14 This is an older scheme,
15 but it's still effective: The call
16 starts out, Hi, Grandmom. The woman
17 will say, Joey? The caller will say,
18 Yes. The caller will say, My car broke
19 down, and I need to get it fixed. I'm
20 stuck in New York. Please don't call
21 Mom; she doesn't know I am there. You
22 know how it goes from there.

23 As you can see from the
24 examples I've provided, the schemes

1 vary, and, as a result, they're
2 effective.

3 I thank you for your
4 consideration, and I hope that the
5 examples I provided can help. Thank
6 you.

7 COUNCILMAN JONES: Shame on
8 them.

9 Are there any questions
10 from this panel?

11 COUNCILMAN O'BRIEN: As the
12 majority leader pointed out, I recently
13 retired from Harrisburg, and I don't
14 want to look over my shoulder and be
15 critical of the conversation that I
16 left behind, but I don't want to leave
17 it behind, but do you want to comment
18 on the current state of affairs as it
19 affects this conversation? Because as
20 you're talking about awareness for the
21 Mayor's Commission, I think it's more
22 important that we talk about how those
23 funds are being interdicted.

24 MS. MENIO: Well, I will

1 say that, off the cuff, we have been
2 faced with dramatic cuts to home
3 communities in both service in
4 Pennsylvania, which, obviously, affects
5 Philadelphia greatest of all.

6 When Joe talked about the
7 socioeconomic issues of seniors here in
8 Philadelphia, you've got people hanging
9 on by a thread. And if you ask anyone
10 you know who is elderly, they're not
11 going to say when I get sick, I'm going
12 to go into a nursing home or into a
13 personal care home or someplace like
14 that; they're going to say I want to be
15 in my home.

16 Philadelphia is a homeowner
17 community. People own their homes and
18 want to stay in their homes. Some of
19 them have lived there all of their
20 lives. And so, we have a -- so, what's
21 happened -- and so, what happens
22 happened.

23 And Joe didn't mention
24 this. It's not in Protective Services,

1 but one of the first lines of defense
2 to keeping people from becoming victims
3 is to provide support for them, to
4 provide support also for caregivers who
5 are -- someone mentioned caregiver
6 abuse. Now, you know, we're not going
7 to prevent all of those problems, but
8 there certainly are times when
9 caregivers are overwhelmed and they
10 don't provide the care that's
11 necessary. And so -- so, the more we
12 can do to do that, the more important
13 it is.

14 PCA last year, because of
15 the funding cuts that came down from
16 the State of Pennsylvania, had to lay
17 off 70-some people. And that included
18 all of the nurses who go out and see
19 people in the community who are getting
20 what's called waiver service through
21 Medicaid. And those are very frail
22 people, because you can't get those
23 services unless you're, quote, nursing
24 home-eligible, which means it's really

1 the same person who can be in the
2 nursing home.

3 And so, we have people who
4 are very, very vulnerable. And
5 those -- actually, one of the things I
6 said in testimony I did in Harrisburg
7 was that what we're going to be doing
8 by cutting these kinds of services is
9 actually forcing people into the
10 protective service system. And, of
11 course, when you create a system where
12 you're providing service for people who
13 have been abused rather than people who
14 are in their community struggling --
15 and I know that you have done a great
16 deal of work with people with
17 disabilities and autism and so on, and
18 it's the same kind of issue. And, you
19 know, what the waiting lists are at the
20 state for people who have developmental
21 issues, and here in Philadelphia,
22 obviously, those waiting lists exist
23 too.

24 So we wait until a crisis

1 occurs to get people help, and I'm
2 concerned that as these cuts impact
3 older adults, that's what we're going
4 to be doing again. We're going to be
5 waiting until people are at crisis to
6 help them. And by then, it might be
7 too late.

8 So, we have a lot of issues
9 to deal with. And, you know, that's
10 part of our frustration as advocates,
11 is, you know, the work -- you know the
12 work that we've done, and others,
13 Ann -- you mentioned Ann, who has been
14 a wonderful -- Ann Torregrossa, who has
15 been a wonderful advocate for making
16 things better for seniors and adults in
17 general, and children as well.

18 And what we've experienced
19 in the last two and a half years is
20 that a lot of the gains we've been may
21 have been lost, and now we're
22 struggling to try to make things
23 better.

24 You know, Philadelphia

1 Corporation for Aging and all of the
2 AAAs around the state having -- from
3 when they do an admission into an
4 enrollment into the program, for
5 instance, they did a study of what
6 their costs are, and it came out to
7 somewhere around \$600 and something. I
8 won't give you accurate numbers, but it
9 was over \$600 an enrollment.

10 The state is paying a
11 private company to do enrollments for
12 people under 60, and they're paying
13 them in excess of \$900 in enrollment.

14 When they reduce the
15 rates -- and what they're doing is
16 paying by -- paying piecemeal rather
17 than a block amount. So, what they
18 started to pay was around \$65 an
19 enrollment. And now I think they're --
20 they have it up to about \$95. So,
21 they've given them this nice little
22 increase, but it doesn't cover the cost
23 to do that.

24 And so, you know, we're

1 really putting all of these at a great
2 deal of stress. So, actually, the City
3 should actually be happy that they're
4 not doing that program because it's so
5 challenging, but that's being a little
6 cynical on my part, but it's very --
7 and it is very critical, and I think we
8 are putting people at great need in
9 more -- at more risk, and the City
10 should be aware of that.

11 COUNCILMAN O'BRIEN: At the
12 risk of being cynical, I think we
13 should thank Alexander for a lot of
14 this.

15 MS. MENIO: Well, I think
16 we have to thank our government and
17 Gary Alexander -- and there are
18 others -- and there are others who have
19 been silent.

20 Some legislators in
21 Harrisburg who were big advocates for
22 the lottery fund, which is another area
23 that we've been struggling with lately,
24 and services to seniors have been

1 largely silent when they passed -- and
2 you mentioned Gary Alexander. The
3 legislature enabled Gary Alexander to
4 do what he did by passing Act 22 last
5 year.

6 COUNCILMAN O'BRIEN:

7 Absolutely.

8 MS. MENIO: And you're well
9 aware of that, I'm sure.

10 But the City, I think, is
11 in a good position, and I think all of
12 us know here that when we go to
13 Harrisburg, it's -- you get a very
14 different reception sometimes than
15 other places in the state.

16 But, nevertheless,
17 Philadelphia has -- we have the
18 population here in Philadelphia. We
19 have people in great need. We have to
20 use the kinds of things that Joe talked
21 about and Karen talked about, those
22 statistics, those are important. We
23 have a lot people here who are
24 struggling. And they've been

1 taxpayers, they've been attributed to
2 the Committee, both the City and the
3 state, and these are people we need to
4 care -- whether they're elderly or
5 disabled or a citizen, you know,
6 because we're -- what's happening in
7 our society today is more and more
8 people, we have this huge divide
9 between rich and poor, and that's
10 happening here, and it's happening
11 all -- and in Philadelphia, I think you
12 see it when you come into -- I'm really
13 pleased with what happened to Center
14 City.

15 This is why I work. I
16 enjoy coming here. But when you go
17 into some of the other places in the
18 City, and you mentioned where you are,
19 Councilman Jones, it looks very
20 different. So many people never go
21 there.

22 In fact, you know, I
23 mentioned we do the long-term care
24 ombudsman program. We had someone from

1 Harrisburg to come out and go visit a
2 personal care home. And they were
3 terrified, locking the doors of the
4 car. My staff gets on buses. They do
5 transfers they do the subway. And they
6 get to all of these places in North
7 Philadelphia, West Philadelphia, all
8 over the City.

9 And it's -- you know, when
10 you're going into a nursing home,
11 sometimes it's a little safer to go to
12 those communities. You go to personal
13 care homes, they can be anywhere. They
14 are homes in the community. And so,
15 sometimes they don't know, they don't
16 want to see it. The people in
17 Harrisburg, they don't want to see it.

18 In fact, I have another
19 time when a nursing home in Southwest
20 Philly was closing. The state --
21 someone from the state came out. They
22 didn't even want to go -- they didn't
23 go there because they were afraid.

24 COUNCILMAN JONES: Amazing.

1 COUNCILMAN O'BRIEN: I
2 would like to -- I wasn't aware that
3 there was as many as -- there were as
4 many as 77 positions that were
5 eliminated.

6 And I also --

7 MS. MENIO: Yes,
8 Philadelphia Corporation for Aging can
9 give you more accurate data than I can,
10 but it's dramatic.

11 COUNCILMAN O'BRIEN: Well,
12 your point is well taken, that those
13 individuals, if they're not served by
14 those nurses and their cognitive
15 faculties are not appropriately
16 assessed, they will end up in the Adult
17 Protective Services. Thank you.

18 I do have a question, for
19 you, sir, in the -- I know you're not
20 responsible for all the financial
21 community, but it is a community, and
22 there are a number of issues that I'm
23 aware of, unscrupulous reverse mortgage
24 lenders, that in my estimation require

1 very little verification.

2 You have other people
3 asserting that they are, in fact, this
4 individual. And then by the time that
5 the 77 positions -- they're not
6 valuable, no one is out there to assess
7 these individuals have all lost all the
8 equity in their home.

9 They accompany them to
10 emergency rooms and allege that they
11 are the granddaughter. These companies
12 go out of business; then successor
13 companies buy them.

14 Can you tell me what the
15 liability is of the successor company?
16 I believe -- it's my knowledge that
17 when you buy the assets, you also buy
18 the liability. Is that correct?

19 MR. SNYDER: You do. It's
20 gotten a little bit better. Probably
21 about three years ago, all lenders have
22 to be certified. So, in, you know,
23 2008, the height of the financial
24 collapse, you give a document, you got

1 a mortgage. It was really that simple.
2 Now all lenders have to be certified.
3 So there is a certification process
4 that everybody has to go through. So
5 everybody has to be recommended. You
6 have to have what's called an MLS
7 number.

8 So that was the beginning,
9 so the federal government went through
10 that process. So, you just really
11 can't go writing mortgages arbitrarily.
12 So, that was the start. After that,
13 all copies had to go through a
14 certification process.

15 So, really, to answer your
16 question, sir, so if the company then
17 goes out of business and the assets of
18 the company then transfer over to the
19 next company, then the liability
20 transfers with them.

21 COUNCILMAN O'BRIEN: Thank
22 you.

23 MR. SNYDER: That doesn't
24 mean to say that there's not people out

1 there that get certified and then go
2 and buy and sell properties
3 unscrupulously. It happens.

4 We had a case I was working
5 on -- well, Maggie worked on it --
6 where the transfer of the title -- the
7 person lost their home, and now I guess
8 the owner of the property hasn't. It
9 happens, yeah.

10 But the liability, to
11 answer your question, does transfer to
12 the next company. So, absolutely, but
13 it's gotten better. You have to go
14 through a certification process.
15 There's a criminal background check, so
16 you can't get MLS certified if you have
17 a criminal background.

18 Unfortunately, we've had
19 employees of our bank who have
20 shoplifting charges from ten years ago
21 that when he did the background check,
22 it didn't show up because it wasn't as
23 stringent. But when they went to get
24 their MLS number, we wouldn't certify

1 them. So, they weren't allowed to
2 write any mortgages for us because they
3 have a shoplifting charge when they
4 were 16.

5 COUNCILMAN O'BRIEN: One of
6 the reasons we have to fix CREA. Thank
7 you.

8 COUNCILMAN JONES: Thank
9 you, and thank you for your testimony.
10 We hear you, and we'll be drilling down
11 on the issues and try to come up with a
12 comprehensive plan.

13 Will the clerk please read
14 the final panel.

15 THE CLERK: Detective
16 Maggie Nix and Deborah Cooper Nixon.

17 COUNCILMAN JONES: Thank
18 you. Good morning.

19 MS. NIX: Good morning.

20 COUNCILMAN JONES: Please
21 state your name and begin your
22 testimony, either/or.

23 MS. NIX: I'll go first.

24 Good morning. My name is

1 Detective Maggie Nix. I've been with
2 the Philadelphia Police Department for
3 24 years, and I've been investigating
4 senior crimes citywide for the last
5 eight years. It's very dear to my
6 heart. I love doing my job and
7 providing services for the senior
8 citizens of Philadelphia.

9 I wanted to bring today a
10 victim's impact statement from an
11 elderly male which I had the honor of
12 meeting on March 5th. He was a victim
13 of a crime in which he was scammed, and
14 he really wanted me to read this
15 letter. I interviewed him yesterday.
16 The reason he's not here today is
17 because he broke his hip and he's
18 recovering, but... let me get my eyes
19 on here.

20 My name is Ray White. I am
21 an 88-year-old senior citizen. I was a
22 full combat radio navigator in World
23 War II. I was a successful stockbroker
24 advisor for 35 years. I retired when I

1 was 77 years old and decided to
2 purchase my carriage house with a
3 two-car garage in which I was able to
4 store my two antique cars, a '64
5 Bentley and '69 Cadillac. I lived a
6 very comfortable life. I had no
7 mortgage and I lived off my Social
8 Security.

9 In the springtime of 2012,
10 my whole life as I knew it changed when
11 I met Melvin McIlwaine.

12 I was outside of my home
13 when McIlwaine struck up a conversation
14 about my Cadillac. He seemed like he
15 was a pretty nice guy, and we became
16 friends.

17 In time, McIlwaine gained
18 my trust. He convinced me to transfer
19 the titles to my antique vehicles in
20 his name for safekeeping, just in case
21 I was to die before I had a chance to
22 sell them.

23 I wanted to donate the
24 proceeds of the vehicles to the

1 families of fallen police officers and
2 firefighters, and I also wanted to
3 donate some money to autism. I trusted
4 that if I were to die, McIlwaine would
5 honor my wishes because he assured me
6 that he would.

7 In October 2012, he
8 convinced me to obtain an equity loan
9 on my home for \$20,000. He had me
10 believe that he had paid for the garage
11 which he placed my vehicles in for
12 storage, and he also said he needed to
13 borrow some money.

14 In January 2013, he
15 convinced me to sell my home, and I
16 agreed because I was to receive
17 \$265,000 for my home, and he promised
18 me that he could arrange to get me in
19 an apartment in the Dorchester.

20 I was very ill the day when
21 I signed the agreement of sale in
22 January 2013. Before I knew it, on
23 February 7th, 2013, just three weeks
24 after I signed the papers, I was now at

1 a settlement table and I walked away
2 with \$18,000. I felt like I was a lamb
3 to be shorn.

4 That day I lost everything
5 I have worked for my entire life. I
6 realized then that I was homeless. I
7 did not have my vehicles or any of my
8 belongings.

9 I also realized that
10 McIlwaine had scammed me because he did
11 not have anywhere for me to go, as he
12 had promised, and he had sold my
13 property for only \$65,000. I had no
14 place to go. I had no one to turn to
15 because I was too humiliated to tell
16 anyone of how I was duped. I was
17 distraught, and I eventually turned to
18 the VA Hospital, where I voluntarily
19 the committed myself because I believed
20 I was losing my mind.

21 I speak today for the many
22 thousands of elderly victims as myself.
23 In many cases, the realization that
24 you've been victimized comes too late

1 and the scammer has your property and
2 money.

3 The natural progression of
4 age causes old people to trust and
5 believe lies that do them in, and
6 frequently poverty is the finality of
7 their sad ending.

8 My home and my nest egg is
9 gone. I have been reduced into an
10 impoverished state. If we allow these
11 voracious predators to prey upon our
12 vulnerable senior citizens, that they
13 will be successful in taking our nest
14 eggs and money. Too late we ignore the
15 red flag warnings when we should be
16 notifying the police.

17 When a senior citizen
18 becomes a victim of a crime, it is a
19 life-shattering experience. There are
20 many potential unsuspecting elderly
21 victims facing poverty who choose to
22 end their lives or just give up hope in
23 living. I know this too well. That is
24 equivalent to murdering these victims.

1 COUNCILMAN JONES:

2 Councilman Squilla.

3 COUNCILMAN SQUILLA: Thank
4 you for that. And I'm well aware of
5 the situation, since it is in my
6 district. And it was devastating when
7 we first heard about it, and we're in
8 the process of, hopefully, working with
9 the victim. And there was a fundraiser
10 for the victim and an apartment,
11 hopefully, to stay in in the meantime.

12 But these scumbags like
13 McIlwaine have to be dealt with and
14 dealt with severely. And, hopefully,
15 given that -- and we also need to work
16 with our court system in a way to
17 understand that this is just not a
18 theft, but sort of like you stated,
19 it's become the destruction of a human
20 being, as well as it is almost killing
21 them, and there should be serious
22 punishments for these type of
23 activities. It's sad.

24 When we first heard of it,

1 to know that people even have the gall
2 to do this and then be able to walk
3 around the streets and befriend these
4 people -- and this was not a person
5 that was, you know, dumb. You know,
6 this was not a person, you know, had no
7 wits about themselves.

8 But, like you said earlier,
9 parts of their brain do not catch onto
10 being victims and the people trying to
11 take advantage of them. This is a
12 very, very sad situation and something
13 that we in the City need to really pay
14 a lot of attention to, more attention
15 to, and also work with the courts and
16 have them understand what these
17 criminals do to people and how they
18 destroy their lives. And it's not just
19 for the -- a theft being reported;
20 there's actually a more vicious crime
21 than that.

22 So, I know my office is
23 working diligently trying to get this
24 gentleman's home back, and also with a

1 fundraiser to try to help him out in
2 the meantime.

3 But that doesn't help what
4 has happened, so we need to make this
5 an example and pass this along to our
6 City leaders and to our court system
7 and see if we can come up with actually
8 another category of crime. If you do
9 commit these type of crimes to a person
10 that age, it's not just a theft.

11 COUNCILMAN JONES: On your
12 point, Councilman, is there a category
13 of age that could be triggered for
14 greater penalties, like similar with
15 what -- I think the intent of the
16 councilman was that when I had council
17 on young people, it triggers that
18 Special Victims Unit Tender Age
19 response.

20 Is there a way to do it at
21 the other end of the spectrum, is, I
22 guess, what we're trying to say? What
23 is your opinion?

24 MS. NIX: I think we're

1 working with the laws and changing the
2 laws, making them more stricter when
3 they're victimizing the people that are
4 so vulnerable. So, they're 60 and
5 above; obviously, if you're 88, these
6 are very tender ages.

7 And I will state also that
8 we're aware -- that we made an arrest
9 within ten days of his interviews, and
10 also we were able to recover the two
11 vehicles that Mr. McIlwaine had sold
12 back in August. So, those we do have
13 in custody and working with the Senior
14 Law Center and PCA and the D.A.'s
15 office. I mean, it's wonderful.

16 I just want to add very
17 quickly how important it is for us to
18 be working all together, because it's
19 nice to have Debbie Nixon on board,
20 that I'm able to call her and speak
21 about this case and she will prioritize
22 this case.

23 The Senior Law Center right
24 now is working in transferring the

1 deed, which is a process in itself, and
2 transferring the title, even though we
3 do have the cars in custody.

4 COUNCILMAN SQUILLA: What
5 were the actual charges?

6 MS. NIX: Well, it was
7 theft, deception, assault, simple
8 assault, terroristic threats. Because
9 what Mr. McIlwaine did, he did not make
10 a direct threat; he made indirect
11 threats.

12 He would be on the phone
13 saying, near Mr. White, say, I'm going
14 to cut their fingers off, cut their
15 fingers off, I'm going to dump them in
16 the river, which made me -- Mr. White,
17 fearful of what possibly he is capable
18 of doing.

19 So, I think he had probably
20 like nine charges.

21 COUNCILMAN SQUILLA: And
22 maybe that's something we can look into
23 further, because there has to be a
24 charge that's separate from they know

1 the simple charges that we give, that
2 actually takes a person's life away
3 from them at this age.

4 So, maybe moving forward we
5 can work with the D.A.'s office and
6 with the court system to make sure that
7 we're all on the same page.

8 I mean, charges are one
9 thing, but when you go to court, it's a
10 whole other thing. So, I think we all
11 know that.

12 So, moving forward, when we
13 go to court, we need to bring in court
14 administrators, to make decisions. And
15 I think I would like to be involved in
16 that process.

17 MS. NIX: That's wonderful.
18 We did get -- he did get a \$600,000
19 bail, which was outstanding, and he
20 tried to get it lowered and he wasn't
21 successful. So, this is what we need
22 to do, is keep them in custody, you
23 know, and we need to expedite this in
24 the court system, because 88 years old.

1 Yesterday when I spoke to
2 him, I really didn't feel that well as
3 when I saw him on March 5th. He does
4 have a broken hip, but I think his
5 spirit is being broken, and this is
6 typically what happens with our senior
7 citizens. They're just broken, you
8 know. He's not thinking about any more
9 of his vehicles. He's not even
10 thinking about his home. He just wants
11 to live, to make it to the next day.

12 He had written this
13 statement when he was placed in the
14 nursing home because he was afraid he's
15 not even going to make it court, and he
16 wants the judge to know what this man
17 has done to his life.

18 COUNCILMAN SQUILLA: Well,
19 please, keep me in the loop with this.
20 And I think we need to move forward as
21 far as the courts and the laws, and I
22 would like to be a part of that
23 process.

24 COUNCILMAN JONES: Thank

1 you so much for your comments,
2 Councilman. Without words.

3 Please proceed with your
4 testimony.

5 MS. NIXON: Good morning,
6 members of the Committee on Public
7 Safety. My name is Deborah Cooper
8 Nixon, and I'm here on behalf of the
9 bill, I think it's 130140, which has
10 been drafted in part to increase the
11 appointments on the Mayor's Commission
12 on Aging to include the director of the
13 Elder Justice program in the District
14 Attorney's Office, or its designee. I
15 would like to just introduce you to me.

16 I am the director of the
17 Elder Justice program in the District
18 Attorney's Office, and I've been a
19 prosecutor for 21 years, and I made my
20 career in the rape and homicide units
21 of the District Attorney's Office.

22 I am definitely no stranger
23 to violence, but even with that awesome
24 responsibility as a backdrop, I would

1 consider my appointment as director of
2 the Elder Justice program one of my
3 most challenging assignments.

4 Crimes against the elderly
5 have been overshadowed by other
6 offenses, and programs to serve its
7 elder victims have been vastly
8 under-resourced. The time has come,
9 however, for people of all disciplines
10 to come together and seek to eradicate
11 this epidemic that's eroding the very
12 core of our society.

13 The Mayor's Commission on
14 Aging is an important entity that will
15 foster positive change for the senior
16 community in Philadelphia through
17 collaboration like this and
18 experiences. The District Attorney's
19 Office supports this endeavor.

20 Let me provide you with
21 some sobering statistics that we have
22 collected.

23 Crimes against the elderly
24 are considered by those who maintain

1 the statistics a national epidemic.
2 Furthermore, these crimes are vastly
3 underreported due to the unconscionable
4 divide between services from the
5 medical service, social service
6 providers, and law enforcement
7 agencies.

8 Here in Philadelphia, it is
9 estimated that 276,000 residents are 60
10 and older. 36 percent of those persons
11 are 75 years of age or older. A large
12 percentage of older adults live in
13 poverty and require extensive medical
14 and social intervention in order to
15 maintain an adequate lifestyle.

16 Based on national data, an
17 estimated 19,000 elderly Philadelphians
18 are financially exploited each year. A
19 national MetLife study estimated the
20 annual financial loss by elderly
21 victims to be more that \$2.9 billion
22 for reported incidents.

23 Elder abuse, however, is
24 vastly underreported. Only one in 23.5

1 cases are reported to any agency. For
2 financial abuse, it's one in 44. And
3 for neglect, it's one in 57.

4 According to the National
5 Center on Elder Abuse, adult children
6 are most often the abusers of older
7 adults. Elder abuse, however, is also
8 perpetrated by strangers, spouses,
9 intimate partners, caregivers, and
10 financial advisors and managers. It
11 can occur on the street, in private
12 homes, public locations, or care
13 facilities.

14 These caregivers are elders
15 only source of support, and this makes
16 victims often unwilling to seek help.
17 Older adults are also too frequently
18 involved, intimidated or confused to
19 report their own abuse.

20 Pennsylvania ranks fourth
21 in the United States by the percentage
22 of population age 65 and older. 1 in 5
23 persons in Pennsylvania are aged 60 and
24 older. This population dynamic will

1 present some new harsh realities for
2 those of us in the criminal justice.

3 We will see an increasing
4 number of victims in courtrooms over 60
5 years of age.

6 The District Attorney's
7 Office has launched its Elder Justice
8 program in order to respond to this
9 epidemic of criminality.

10 As another jurisdiction, we
11 have defined elder abuse as the
12 mistreatment or exploitation of an
13 older adult. Elder mistreatment or
14 exploitation encompasses physical,
15 sexual, and financial abuse, and
16 negligent.

17 When these abuses are
18 identified, the District Attorney's
19 Office will respond by, number 1,
20 asking for restitution, and, number 2,
21 getting tougher sentences.

22 Most elders, due to age
23 infirmities, do not have the ability to
24 replenish losses, and, therefore,

1 court-ordered restitution is an
2 important element towards making these
3 victims whole. Financial crimes
4 greatly decrease an elder's quality of
5 life and have a devastating impact on
6 their trust in themselves and others.
7 One in ten victims turn to Medicaid as
8 a result of assets lost due to
9 financial abuse.

10 Elder abuse victims are
11 also four times more likely to go into
12 a nursing home. The care received in
13 these nursing homes is also a concern
14 for those in law enforcement.

15 According to Dr. Mark
16 Lachs, who is a well-known geriatrician
17 and social scientist from Weill Cornell
18 Medical College, over 2.5 million
19 elders are victimized nationally each
20 year.

21 He participated in a
22 landmark study in 1998 which
23 investigated whether there was a causal
24 relationship between mortality and

1 elder abuse, and the study concluded
2 that victims of elder abuse die at a
3 rate of three times faster than elders
4 who have not been subjected to abuse.

5 Dr. Lach spoke before the
6 Cincinnati Commission on Aging in 2011,
7 and he made reference to this
8 widely-held belief that there is a
9 relationship between mortality and
10 elder abuse. In his opinion, elder
11 abuse represents a public health
12 crisis, and whether financial or
13 physical acts of commission or
14 omission, elder abuse, in essence,
15 kills.

16 My father is 75. He has
17 always said his sunset years should be
18 a time where he reaps the benefits of
19 his investments, enjoys what he loves,
20 and does what he enjoys to the fullest.
21 I truly wish my father's visions was a
22 reality for all of Philadelphia's
23 seniors today. However, the truth is,
24 Philadelphia is full of predators that

1 seek to take seniors' investments and
2 exploit their vulnerabilities. Elders,
3 however, are the fabric of Philadelphia
4 society and deserve special protection.
5 They are parents, they have served on
6 the military and on juries, they've had
7 careers, owned homes and paid taxes.

8 For the protection of the
9 elderly essentially reflects who we are
10 as a society and how we will respond
11 and protect those who can no longer do
12 so for themselves.

13 The mission of the District
14 Attorney's Elder Justice program is to
15 protect older adults in Philadelphia
16 that are mistreated or exploited.
17 Membership on the Mayor's Commission on
18 Aging will give our office an
19 opportunity to collaborate with others
20 that are equally committed to
21 increasing their knowledge in this area
22 and in developing a new and effective
23 partnership which would enhance
24 services for seniors.

1 Thank you for listening to
2 me.

3 COUNCILMAN JONES: Your
4 father should be proud of his daughter
5 for being a part of the solution and
6 putting his vision of a society where
7 he can enjoy that portion of his life.

8 And I'm going to ask if my
9 colleagues have any questions of this
10 panel. And the only reason I'm not
11 going to ask any questions is because
12 we have an ambitious agenda going
13 forward to get some bills out of here.

14 But this is the beginning,
15 not the end. I think this is
16 significant work for all of us to
17 continue.

18 MS. NIXON: I did want to
19 clarify, you did mention the Melvin
20 McIlwaine case.

21 COUNCILMAN JONES: Yes.

22 MS. NIXON: That has not
23 been held for court. So there's going
24 to be a preservation hearing coming up,

1 and so we will see what charges will
2 ultimately be held for court. But the
3 objective of the D.A.'s office is to
4 get a tough sentence on that case.

5 COUNCILMAN JONES: We
6 appreciate your diligence.

7 One of the things that I'm
8 going to conclude with, I'm going to
9 conclude with this: You talk about it
10 well may be a cause of elder abuse, and
11 in death elder abuse, in and increased
12 amounts, statistics, conversely, there
13 is a village in Italy where people live
14 longer than anywhere on the earth, and
15 scientists -- and I'm a lawmaker, not a
16 scientist, and I'm stating that for the
17 record.

18 But one of the things that
19 they narrowed down was that they
20 thought it might have been the weather,
21 they thought it might have been the
22 food, they thought it was a whole bunch
23 of different things, but what they
24 found out that was that in that

1 village, seniors are elevated and
2 revered as heads, patrons, matrons of
3 the family, family members, teachers,
4 caregivers, and are integrated, not
5 isolated, into the family, and maybe
6 that the converse of the statistic that
7 you just mentioned -- when we treat
8 people good, they have reasons to want
9 to live.

10 And you can die of a broken
11 heart. When you're stripped of your
12 life's work, when you're deemed fragile
13 and vulnerable to predators, you know,
14 in a way, you know, that breaks a
15 person's spirit and possibly shortens
16 their life span. And I just think that
17 there's nothing greater we can do than
18 to say to people after a life of the
19 commitment, whether you're in the Armed
20 Services or just raised your family
21 correctly, paid taxes, did all of those
22 things, that we will protect you at
23 that vulnerable age.

24 And I don't think there's

1 anything more noble a society can do,
2 so I want to thank you both for what
3 you do. I want you to understand that
4 we understand our role in it, and we
5 want to be good stewards and partners
6 with you. So, thank you very much.

7 With that, we are going to
8 ask the clerk to read the next title of
9 the bill.

10 COUNCILWOMAN BLACKWELL:

11 May I just --

12 COUNCILMAN JONES: Yes,
13 ma'am.

14 COUNCILWOMAN BLACKWELL: I
15 have to agree with the Chairman. I
16 remember we had a neighborhood two
17 doors away who was in a wheelchair and
18 whose husband -- the whole neighborhood
19 called him Pops -- he was very elderly,
20 took care of her.

21 Well, he was the primary
22 caregiver and their children lived out
23 of state. Well, he broke down, and
24 when he went -- the last time we saw

1 him, he went to the hospital, and he
2 waved to her just like a child. He
3 never came back. He passed.

4 So, with that, we tried so
5 hard to get people move in, take care
6 of her, but she was so unhappy. As you
7 said, it may not be that people want to
8 die, but they don't want to live
9 anymore.

10 And I'll use my own mother,
11 who died six weeks before my husband
12 died. And I remember after her
13 death -- for several years, the
14 geriatric doctor at Penn asked me to
15 come to meetings because they told me
16 my mother would die, and she lived
17 about six years longer than they said.
18 Because when you give people good care,
19 if I could just carry her on my
20 shoulders today, to have her...

21 But when people -- when you
22 give good care, you do your best, and
23 you shower people with love, it makes
24 so much difference.

1 So, I just wanted to say
2 those things to agree with what our
3 Chairman had said. And thank you all.

4 COUNCILMAN JONES: Any
5 other comments or questions for the
6 panel? Well, we can show you better
7 than we can tell you, and we will.

8 All right. Will the clerk
9 please read the title of the next bill.

10 THE CLERK: Resolution
11 121017, Authorizing Council's Committee
12 on Public Safety to Investigate and
13 Hold Public Hearings Reviewing the
14 Commonwealth of Pennsylvania Board of
15 Probation and Parole and its Benefits
16 to the Criminal Justice System,
17 Including the Provision of Adequate
18 Supervision of the Offender While
19 Protecting the Citizens of
20 Philadelphia.

21 COUNCILMAN JONES: Thank
22 you. I would like to recognize
23 Councilman O'Brien, who is the author
24 of this bill, for some comments.

1 COUNCILMAN O'BRIEN: Thank
2 you, Mr. Chairman.

3 I'm calling for these
4 public hearings to review the practices
5 of the Commonwealth of Pennsylvania
6 Probation and Parole -- Board of
7 Probation and Parole. I'm concerned
8 about protecting the citizens of the
9 City of Philadelphia, and I'm concerned
10 about the Board's supervision of
11 offenders while on parole and probation
12 in Philadelphia.

13 The Board has a legal
14 responsibility to ensure proper
15 supervision and management of offenders
16 who are returning to their communities
17 with the goal of successful reentry of
18 an offender; however, this objective
19 should never trump the safety of our
20 city.

21 Philadelphia has over
22 10,000 offenders under the watch of 132
23 agents of the Board. Police Officer
24 Moses Walker was -- wait a minute.

1 Police Officer Moses

2 Walker, Jr. was brutally murdered on
3 August 18th, 2012 as he walked to the
4 bus stop after completing his overnight
5 shift at the 22nd Police District.

6 Give me just one second
7 here.

8 COUNCILMAN JONES: Take
9 your time.

10 Well, we can identify the
11 first panel while you do that, and they
12 can come up to the table.

13 If you would, Clerk, would
14 you please read the first panel.

15 THE CLERK: The first panel
16 is Art Amato -- Arthur Amato, Frank
17 Rooney, and Dave Guglielmi.

18 COUNCILMAN JONES: Have a
19 seat and we'll have some comments, and
20 then we'll ask you to read your full
21 name and testimony into the record, and
22 you can begin your particular
23 testimony.

24 COUNCILMAN O'BRIEN: Let me

1 just finish my statement. And, I'm
2 sorry, I was looking at a statement
3 that I read from when we use --
4 introduced the resolution.

5 I would like to thank the
6 Public Safety Committee, Chairman
7 Curtis Jones, and the Public Safety
8 Committee members, and the collection
9 of witnesses, including Chairman
10 Potteiger, for participating in today's
11 hearing.

12 I call to the public
13 hearing to review the practices of the
14 Pennsylvania Board of Probation and
15 Parole because I'm concerned about
16 protecting the citizens of
17 Philadelphia.

18 The Board has a legal
19 responsibility to ensure proper
20 supervision and management of offenders
21 who are returning to the communities
22 for the goal of successful reentry of
23 an offender; however, this objective
24 should never trump the safety our city.

1 Our neighborhoods have other 10,000
2 offenders under the watch of 132 agents
3 from the Board. Some of these
4 offenders have extensive histories of
5 guns and violence in their past. Some
6 of them have been less than model
7 inmates. Some of them have served the
8 maximum state sentence. And it's true,
9 some are -- warrant appropriately
10 strong supervision by the Board upon
11 release back into our communities.

12 Today we are investigating
13 the Board's retention and arrest
14 policies, use of electronic monitoring,
15 its implementation of these policies on
16 its supervisees in the City.

17 We will look at the Board's
18 policy and rules and practices. This
19 examination is needed to ensure that
20 violent criminals are not released
21 without adequate safeguards to protect
22 our neighborhoods.

23 Unfortunately, I fear that
24 numbers are the -- driving this issue.

1 I fear the quest to keep recidivism
2 numbers low are decaying our policy. I
3 fear for the safety of our city.
4 That's why we're here today reviewing
5 the effectiveness and efficacy of the
6 Commonwealth of Pennsylvania's problem
7 to protect its citizens and the safety
8 of the citizens of Philadelphia.

9 I look forward to this
10 conversation. Thank you.

11 Thank you, Mr. Chairman.

12 COUNCILMAN JONES: Thank
13 you so much.

14 No whatever order. State
15 your name and give your testimony,
16 please.

17 MR. AMATO: Okay. Good
18 morning, Councilman Jones, Councilman
19 O'Brien, and members of the Committee
20 of Public Safety. I appreciate you
21 giving me the opportunity to speak to
22 the Committee regarding the policies
23 and procedures of the Board of
24 Probation and Parole.

1 Before I begin, though,
2 allow me to introduce myself to the
3 Committee and give a brief background
4 of my experience.

5 My name is Arthur Amato,
6 and I was with the Board of Probation
7 and Parole from 1996 until 2004. I
8 returned to the Board in 2008, from
9 June to September, as an annuitant.
10 Prior to joining the Board, I served 21
11 years with the Philadelphia Police
12 Department.

13 In 1996, the Board of
14 Probation and Parole was a well-oiled
15 machine, which was mainly due to a very
16 strong Governor, Tom Ridge.

17 My assignment upon
18 graduation from basic training at that
19 time was to supervise convicted felons
20 who, when released on parole into the
21 community, needed intensive
22 supervision.

23 As an intensive drug agent,
24 our caseload usually never exceeded 35

1 cases, and for the most part, was much
2 less than 35.

3 As a result of having a
4 workable caseload, parolees received
5 the best supervision possible. Our
6 main objective was to assist the
7 parolees' reintegration into society by
8 making certain they abided by the rules
9 and regulations of their parole
10 conditions. The choice was theirs;
11 they comply with the release orders
12 that they signed upon release from
13 incarceration or return to prison.

14 Of course, as an agent, we
15 had to use discretion, but make no
16 mistake about it, we had teeth if it
17 came to that point. If a parolee were
18 to commit a new crime while on parole,
19 this would be a direct violation of
20 their parole conditions, and a warrant
21 would automatically be lodged, and if
22 technical violences were involved, then
23 the parolee would have a detention
24 hearing scheduled and remain

1 incarcerated until the duration and
2 outcome of his or her new case.

3 If a parolee committed a
4 technical violation, such as a missed
5 curfew, positive drug test, or
6 non-reporting, the agent had the
7 discretion of sanctioning them first
8 and then lodging the detainer
9 thereafter.

10 So, when did things start
11 to change? Well, when I retired in
12 2004, my caseload was no longer 35; in
13 fact, it doubled. Some agents'
14 caseloads were 100 or more. It was
15 apparent to me that the Board of
16 Probation and Parole no longer wanted
17 me to supervise my clients as I once
18 did, so I retired.

19 At that time, everyone was
20 complaining, but nothing could be done
21 about the rising caseloads. I felt
22 sorry for the younger agents who had
23 families and were forced to work under
24 these terrible conditions and being

1 understaffed and overworked. Morale
2 was at an all-time low. The Ridge era
3 was over and so was my career with the
4 Board.

5 If things were bad then,
6 they were ten times as bad when I went
7 back in as an annuitant in 2008. I
8 went back due to being asked by a
9 person whom I respected and as a favor
10 to him. I agreed to help out by
11 working two days a week.

12 It was at this time that I
13 could not believe my eyes on what had
14 happened. Caseloads were so large,
15 agents hardly knew which direction to
16 go, new agents more overworked than
17 when I left. No one was being sent
18 back to prison for a technical parole
19 violation no matter what the violation.
20 They would find a way to keep a parolee
21 on the street rather than commit him or
22 her back to prison.

23 You see, this made the
24 Chair of the Board of Probation and

1 Parole, Katherine McVey, look like a
2 genius. She would brag about how the
3 recidivist rate had gone down under her
4 watch and would actually testify to
5 committees in 2008 on that topic.

6 The truth of the matter was
7 this: The recidivist rate had not gone
8 down, but Ms. McVey with her policy on
9 non-arrest for technical parole
10 violations made it appear that the
11 parolees were doing just fine and not
12 violating parole conditions and not
13 committing new crimes, because no one
14 was going back to prison. Everything
15 is beautiful, she would say.

16 Back in 2008, I was at one
17 of those committee meetings that she
18 attended, but was not permitted to
19 testify and challenge her directly.

20 One could speak endlessly
21 on this topic, but nothing that I'm
22 saying now hasn't been said before by
23 myself and numerous others who have
24 tried in vain to bring to the public's

1 eye the problems with the Board.

2 I would conclude with this:
3 September 23rd, 2008, while working as
4 an annuitant, my next-door
5 neighborhood, my dear friend, Patrick
6 C. McDonald, Badge Number 2831, was
7 murdered by a convicted felon who was
8 on parole.

9 I will not speak about this
10 incident at this time, only to say that
11 on that day, I quit as an annuitant and
12 have vowed to try and change how the
13 Board allows persons on parole and
14 special probation the opportunity to
15 commit murder, robbery, and rape, and
16 other heinous crimes upon our police
17 officers and citizens of the
18 Commonwealth.

19 If there are any questions,
20 I will try to answer them to the best
21 of my ability. Thank you very much.

22 COUNCILMAN JONES: Thank
23 you so much. We're going to let
24 everyone testify and then we'll do Q

1 and A.

2 MR. ROONEY: Good morning,
3 Chairman Jones, Councilman O'Brien, and
4 members of the Committee on Public
5 Safety. Thank you for allowing me to
6 speak this morning concerning the
7 policies of State Probation and Parole.

8 My name is Frank Rooney. I
9 was a parole officer for 15 years, and
10 before that, I was a Philadelphia
11 police officer for 25.

12 While at Probation and
13 Parole, I served in a number of units,
14 including the Intensive Drug Unit,
15 Community Corrections Unit, and the
16 General Unit. When I first joined the
17 parole in 1996, my caseload was between
18 30 and 40. By the time I retired in
19 2010, I had a caseload of well over
20 100.

21 To give you an example of
22 how things have changed in Philly, in
23 the City of Philadelphia concerning the
24 technical parole violations, here is

1 what would have happened prior to 2003:

2 If a parolee supplied a urine sample
3 and he was sanctioned to outpatient
4 treatment and made to report to the
5 office for more frequent urine analysis
6 testing, report to the office for more
7 recent urine analysis. If he submitted
8 another positive sample, he was made to
9 attend a 90-day inpatient drug halfway
10 program. If he submitted a third
11 positive sample, he was then taken into
12 custody and had a technical violation
13 hearing at SCI Graterford before a
14 hearing examiner.

15 The only exception to this
16 was a positive sample for PCP. Due to
17 the dangerousness associated with this
18 particular drug, it was one and done.
19 The first positive urine sample for PCP
20 resulted in a parolee being arrested
21 and a violation hearing scheduled at
22 SCI Graterford. There was never a time
23 during this period when a warrant was
24 requested and not issued.

1 In 2009, my caseload was
2 well over 100 persons. If someone
3 submitted a positive urine sample for
4 any drug, he or she was sanctioned to
5 outpatient drug and alcohol treatment
6 and increased reporting.

7 For a second positive
8 sample, it was inpatient treatment
9 program. After they were released from
10 the program, the process would start
11 all over again. No one was charged
12 with a technical violation no matter
13 how many positive urine samples they
14 submitted.

15 The only way that a warrant
16 was issued was when the parolee picked
17 up a new criminal case, and there were
18 cases when even that wasn't always the
19 possible.

20 The agents in Philly when I
21 left were under a tremendous amount of
22 stress. It was normal for agents to
23 work 50 hours a week and not be paid
24 any overtime. Management didn't seem

1 to care how many cases each agent had;
2 they wanted them supervised and they
3 wanted it done without overtime.

4 I would like to thank the
5 Councilman and the Committee on Public
6 Safety for the opportunity to provide
7 you with this information.

8 COUNCILMAN JONES: Thank
9 you for your testimony.

10 MR. GUGLIELMI: Good
11 morning, Chairman Jones and Councilman
12 O'Brien and members of the Public
13 Safety. Thank you for allowing me to
14 speak this morning concerning the
15 policies of the State Probation and
16 Parole.

17 My name is David Guglielmi.
18 I worked as a parole agent for the
19 Pennsylvania Board of Probation and
20 Parole for 27 years, from January 1986
21 until I retired on February 23rd, 2013.

22 Prior to that the, I worked
23 as a caseworker for the state from 1974
24 until I transferred to the Parole Board

1 in 1986.

2 As a parole agent in
3 Philadelphia, I was assigned to the
4 General Supervision Unit and to the
5 Special Intensive Drug Unit.

6 In 2003, I left the
7 Philadelphia office and began working
8 at the Norristown office until my
9 retirement earlier this year.

10 I left the Philadelphia
11 office because I was under extreme
12 stress. My blood pressure had gone up
13 20 points, and I could not get it under
14 control due to the high level of stress
15 I experienced working in the General
16 Supervision Unit in Philadelphia.

17 As opposed to the Intensive
18 Drug Unit where your caseload is a
19 manageable 20 to 35 cases, the workload
20 in General Supervision was 80 to 120
21 cases, more than double than what could
22 be completed during a 40-hour workweek,
23 and there was very little overtime
24 available to complete your work.

1 Because of the amount of
2 cases, every day was a constant battle
3 of deciding what cases were priority
4 and needed immediate attention and
5 which cases could wait. All this was
6 done with the hope that things you did
7 not do -- things you did not do would
8 not result in somebody being killed,
9 and ultimately in you losing your job.

10 I had a young family and
11 could not afford to lose my job. Your
12 choice was to work 60 to 70 hours per
13 week and not get paid. I did this for
14 several years.

15 There were multiple reasons
16 for the excessive caseloads. One of
17 the main reasons is that Philadelphia
18 was always short-staffed. Philadelphia
19 is somewhat of a training ground for
20 agents. Not many agents stay in
21 Philadelphia for long periods of time.
22 Agents would transfer out to the
23 surrounding components as soon as they
24 got the chance, and it would be take a

1 year to 18 months to hire another agent
2 to fill the empty spot. Agents were
3 hired from all over the state, not
4 because they wanted to be in
5 Philadelphia, but because it was the
6 only place they could get hired. These
7 agents would transfer back to their
8 home offices as soon as there was an
9 opening.

10 Between 1986 and 2003, I
11 was only in a fully-staffed unit for
12 about six months. Most of the time the
13 unit was one or two agents short, which
14 increased the caseload and the
15 investigations. There were multiple
16 criminal on your caseload every week,
17 which required a lot of time to
18 process.

19 An average case required a
20 warrant filled out -- an average case
21 required a warrant filled out and an
22 arrest report written, technical
23 violations charged, hearings scheduled
24 and attended.

1 Along with the current
2 parolee caseloads, agents had to
3 complete pre-parole investigations,
4 which required visiting the proposed
5 home and writing up the investigation.

6 The year before I left
7 Philadelphia, my unit had 802
8 pre-parole investigations. This is one
9 unit in Philadelphia which got more
10 pre-paroles than the entire Montgomery
11 County district gets in three years.

12 The agent was also required
13 to be in the office one full day a week
14 to take urines on the parolees who
15 reported as required. Those are --
16 maximum supervision reported once a
17 week, and you usually had 20 to 35
18 maximum supervision cases.

19 In between all of this, you
20 had to make required field visits
21 during the month on your cases.
22 Generally, there was no time in the 40
23 hours to make field visits, so I did
24 this at night on my own time.

1 We were also required to
2 write a progress report and conduct
3 report every six months on every case.

4 Agents were also required
5 to do Pardon Board investigations,
6 which took 10 to 20 hours, depending on
7 the complexity.

8 Also, special probation
9 cases in Philadelphia were a time
10 drain. If there was a vital hearing,
11 an agent would be there at 9:00 a.m.
12 and sometimes sit in the courtroom
13 until 2:00 or 3:00 p.m. waiting for the
14 judge to get to the probation violation
15 cases.

16 The stress was
17 unbelievable. Eight months before I
18 left Philadelphia in 2003, four agents
19 were transferred out of my unit to the
20 Community Corrections Unit, leaving
21 myself and another agent with 300 cases
22 each. The agents were gradually
23 replaced by new agents over the next
24 eight months, and the two of us were

1 expected to train them. I worked 70 to
2 80 hours per week for the next six
3 months with no overtime, trying to
4 avoid a catastrophe, got burned out,
5 and transferred to the Norristown
6 office as soon as I got the chance.

7 Working in Norristown was a
8 whole different experience. The
9 caseload was manageable, with 60 to 80
10 cases, a couple pre-paroles a month,
11 one-fifth of the arrests, and, for the
12 most part, we were fully staffed. I
13 could do my job in 40 hours a week and
14 was generally not under too much
15 stress. There were periods when we
16 were down to one to three agents, but
17 that did not last long, because we
18 would get a transfer from Philadelphia,
19 even though they were severely
20 understaffed at the time.

21 Thank you for allowing me
22 to testify.

23 COUNCILMAN JONES: Thank
24 you so much for your testimony, all of

1 you.

2 The Chair recognizes
3 Councilman O'Brien.

4 COUNCILMAN O'BRIEN: First
5 I would like to thank you for coming
6 forward and presenting your testimony.

7 There is an institutional
8 parole, and I would like to go back to
9 your testimony, Agent Amato.

10 Could you please review
11 whether the institutional violations on
12 Mr. Giddings were reported to the
13 judge? Can you expand upon that case?

14 MR. AMATO: Daniel
15 Giddings?

16 COUNCILMAN O'BRIEN: Yes.

17 MR. AMATO: Daniel Giddings
18 had 52 misconducts while he was in
19 prison. A misconduct could be anything
20 from insubordination, fighting. He had
21 52 of them.

22 Daniel Giddings was also
23 transferred from -- he was so bad, he
24 was transferred about two to three

1 different prisons because they just
2 could not do anything with him. So, in
3 their infinite wisdom, they released
4 him on parole.

5 CHAIRMAN O'BRIEN: And how
6 much time did he serve of his prison
7 sentence?

8 MR. AMATO: I don't have
9 those statistics with me. I don't know
10 what his sentence was. I believe he
11 had a couple years left on his sentence
12 before he max'd out.

13 COUNCILMAN O'BRIEN: The
14 Board claims that on an average, people
15 are sanctioned five times.

16 Do you find this to be the
17 case, and are people sanctioned more or
18 less than that? And what else on
19 the -- what happens on the sixth time?

20 MR. AMATO: Well, an
21 average five times, that means maybe
22 the parolee didn't do anything once and
23 he had ten. So, after the sixth time,
24 now for technical violations, it just

1 reverts. It just starts over again.
2 There's no warrant issued to go back
3 for a violation hearing.

4 COUNCILMAN O'BRIEN: In
5 your opinion, as you've testified, what
6 is the driving force behind this
7 no-warrant culture? Is it the
8 recidivism rate? And why are
9 supervisors so against issuing warrants
10 for technical violations?

11 MR. AMATO: I'll answer
12 that.

13 The reason that they're not
14 arresting people for technical
15 violations is to show that the
16 recidivism rate is low. That's one way
17 to do it.

18 Second reason could be the
19 costs -- that it costs the state to
20 have an inmate. I have figures
21 somewhere around \$40,000 a year. That
22 would be the second reason.

23 Those two reasons alone are
24 the main reasons why people don't go

1 back to prison today on technical
2 parole violations.

3 COUNCILMAN O'BRIEN: And
4 the effect of all of these offenders
5 staying out of jail under your
6 supervision, that does have an effect
7 on your caseload?

8 MR. ROONEY: Absolutely,
9 yes.

10 COUNCILMAN O'BRIEN: And
11 you're -- as you've testified, you're
12 not able to supervise these offenders
13 in the manner that you were used to and
14 that you feel that they deserve?

15 MR. AMATO: When you have a
16 ratio, when you have a caseload that
17 exceeds 35, 40, you're no longer
18 supervising people; you're monitoring
19 them. You can't supervise them. And
20 it -- and when it gets into the 100s,
21 then all you're doing is putting out
22 fires when you come in. There is no
23 way that you could possibly supervise
24 100 people, one person. I mean, you're

1 talking about convicted felons that
2 know the system and really take a tool
3 away from you, which is -- drug testing
4 is a big tool.

5 When -- we used to do it
6 three times a week when they first came
7 out of prison. I mean, the guy would
8 have to be Houdini to use drugs and us
9 not know about it. It's not happening
10 today. It's not happening at all.

11 COUNCILMAN O'BRIEN: There
12 are -- in the issue of Giddings, he was
13 let out before he served his maximum
14 sentence, so, he had some time left on
15 parole.

16 What kind of an infraction
17 causes someone to max out when they are
18 in prison?

19 MR. AMATO: I'm sorry?

20 COUNCILMAN O'BRIEN: What
21 kind of infractions? There are
22 technical violation and more serious
23 violations in prison.

24 If I gave you the

1 description of an offender and he maxed
2 out on his sentence, what kind of
3 infraction typically would that
4 offender be guilty of?

5 MR. AMATO: Well, if a
6 person maxes out in prison, that's a
7 pretty good indication that they're not
8 ready to reintegrate back into society,
9 because they haven't done it. I mean,
10 usually, they're not maxing out in
11 prison.

12 If a guy gets sentenced
13 five to ten years, most of the time
14 he's going to get parole on his minimum
15 date, which is five years, unless he
16 picks up some misconducts along the
17 way.

18 In the case of Giddings, I
19 have no explanation why the Board of
20 Probation and Parole released this guy
21 with 52 misconducts. I don't have an
22 answer for that.

23 MR. ROONEY: If you can't
24 behave yourself where you're monitored

1 24/7, you know, it's carte blanche when
2 you get outside.

3 COUNCILMAN O'BRIEN: Let's
4 say you have a guy who has a history of
5 drugs, guns, and he gets sentenced to a
6 state prison for a gunpoint robbery and
7 maxes out. Two months after his
8 release, he tests positive for drugs,
9 should he be sent back to jail.

10 MR. AMATO: Two months
11 later his release? It would depend on
12 his release orders.

13 Brian, if you want to be
14 more specific --

15 COUNCILMAN O'BRIEN: We're
16 talking about probation after he gets
17 out.

18 MR. AMATO: Is there
19 anything in his release orders or
20 judge's orders to specify anything?

21 COUNCILMAN O'BRIEN: Let's
22 say the judge says that you have one
23 positive drug test, I want to drop a
24 retainer on this guy.

1 MR. AMATO: Well, then that
2 would be the case. There would be no
3 questions asked.

4 COUNCILMAN O'BRIEN: During
5 your service, would a parole officer
6 need to check with a supervisor for
7 the -- if approval of that detainer, if
8 that was the specific order of the
9 judge.

10 MR. AMATO: He would go to
11 the supervisor and he would show them
12 the judge's order, and the supervisor
13 would tell him what -- he would issue
14 the warrant.

15 COUNCILMAN O'BRIEN: Do you
16 know if at any time a supervisor would
17 not issue a warrant?

18 MR. AMATO: Not if it was
19 the judge's order, no.

20 COUNCILMAN O'BRIEN: Can
21 you talk about the process of
22 electronic monitoring?

23 MR. AMATO: I'll let Frank.

24 MR. ROONEY: Electronic

1 monitoring is the parolee reports to
2 the office. And if we had the
3 equipment, you would put it -- you
4 would put the ankle bracelet on him,
5 and then you'd drive him back to his
6 residence and hook it up to the phone.

7 COUNCILMAN O'BRIEN: If you
8 have the equipment?

9 MR. ROONEY: If you have
10 the equipment, yeah.

11 COUNCILMAN O'BRIEN:
12 Sometimes you don't have the equipment?

13 MR. ROONEY: In 2009,
14 sometimes we wouldn't have enough
15 equipment.

16 COUNCILMAN O'BRIEN: And
17 this individual is not fitted with the
18 ankle bracelet before he leaves prison?

19 MR. ROONEY: Not
20 necessarily. He reports to the office,
21 and he's fitted in the office.

22 COUNCILMAN O'BRIEN: And
23 how long is that period that he has to
24 report?

1 MR. ROONEY: Within 24
2 hours -- well, it depends. All
3 parolees within 24 hours, but it
4 depends on what the probation order
5 says.

6 COUNCILMAN O'BRIEN: If he
7 didn't have the equipment, typically,
8 how long would somebody be out there
9 without an ankle bracelet?

10 MR. ROONEY: I can't really
11 give you the times. It's been a while
12 since I was there.

13 COUNCILMAN O'BRIEN: How
14 up-to-date was this equipment?

15 MR. ROONEY: It was pretty
16 good. When I left in 2009, it worked.
17 I mean...

18 COUNCILMAN O'BRIEN: Brian,
19 it's generally accepted that during
20 that first 24 hours these parolees
21 would be likely to commit some type of
22 offense; is that correct?

23 MR. ROONEY: You mean
24 immediately upon their release?

1 COUNCILMAN O'BRIEN: Yes.
2 If they were not fitted for an ankle
3 bracelet upon release from
4 incarceration, what would your general
5 feeling be for -- during that first 24
6 hours?

7 MR. ROONEY: Well, I don't
8 know if a guy needs an ankle bracelet
9 immediately. Maybe he shouldn't be
10 released from prison in the first
11 place. But I don't think it has been a
12 deterrent. They can cut it off, you
13 know.

14 COUNCILMAN O'BRIEN: Can
15 you describe -- briefly describe what
16 kind of people you're supervising now?

17 And let me go back one
18 second.

19 In the City of
20 Philadelphia, my guess is that the
21 detainees that we have at the Criminal
22 Justice System up on State Road are
23 probably less serious offenders than
24 they are in the state correctional

1 facilities.

2 Is that correct? Would you
3 agree with that?

4 MR. ROONEY: Less serious?

5 COUNCILMAN O'BRIEN: Less
6 serious offenders than those
7 incarcerated in the state correctional
8 facility.

9 MR. ROONEY: Yes.

10 COUNCILMAN O'BRIEN: Are
11 you aware of the policy of the
12 Philadelphia Probation and Parole that
13 no one is released before they are
14 fitted with an ankle bracelet?

15 MR. ROONEY: No, I was not
16 aware of that.

17 COUNCILMAN O'BRIEN: And
18 that's different from what the state
19 policy is, that these are more serious
20 offenders?

21 MR. ROONEY: Yeah.

22 COUNCILMAN O'BRIEN: What
23 recourse do you have as an agent if
24 you're denied a warrant?

1 MR. AMATO: If you're
2 denied a warrant?

3 COUNCILMAN O'BRIEN: Yes.

4 MR. AMATO: Well, if you go
5 to your immediate supervisor and you're
6 denied a warrant, speaking for myself,
7 I would go to the next-higher rank,
8 which would be the deputy, and I would
9 bring that to his or her attention that
10 I was denied a warrant, and it's the
11 judge's order, and I'd see where it
12 goes from there.

13 If I was still denied a
14 warrant, then there's not much I can do
15 about it.

16 COUNCILMAN O'BRIEN: Have
17 you ever been in a situation where
18 you're aware of a judicial order and
19 you wanted to -- you requested a
20 warrant and that warrant was denied?

21 MR. AMATO: Never.

22 COUNCILMAN O'BRIEN: Okay.
23 I'll let Chairman Jones or Councilman
24 Henon go. That's all I have,

1 Mr. Chairman.

2 Councilman Henon, do you
3 have any questions?

4 COUNCILMAN HENON: I have
5 several questions. I just -- while
6 we're on this topic at this time, if I
7 can go to David from Montgomery County.

8 MR. GUGLIELMI: Yes.

9 COUNCILMAN HENON: I would
10 mess up your last name if I tried.

11 MR. GUGLIELMI: That's all
12 right.

13 COUNCILMAN HENON: On the
14 arrests and warrants on the technicals,
15 can you explain the differences and if
16 there are any differences between
17 Montgomery County and Philadelphia on
18 technicals?

19 MR. GUGLIELMI: When I left
20 Philadelphia in 2003, there was no
21 problem getting warrants. Our deputy
22 director was -- would give us warrants
23 on multiple technical violations
24 without a problem.

1 I believe things changed
2 after that, after 2003. In Montgomery
3 County, I never experienced any
4 problems getting detainers when the
5 case was a violent offender who was
6 showing that he was not cooperative
7 with supervision. We would go through
8 the sanctioning process, generally of
9 putting him first through a written
10 warning and increased urinalysis
11 reporting, and then curfew sanctioned
12 with electronic monitoring, if that was
13 available.

14 Then we would take the
15 sanction and bring them into a 90-day
16 treatment program or a 90-day halfway
17 back program, which is more punitive,
18 just a 90-day lockup, basically.

19 And then if the guy came
20 out of that and continued to violate
21 technically, he would be locked up. We
22 would not restart the process, Brian.

23 COUNCILMAN HENON: I don't
24 believe that happens in Philly. I

1 think it's amazing, you were talking
2 about the monitoring systems when folks
3 -- when people are released -- and
4 Philadelphia seems to be, I guess,
5 maybe a little more of a -- a lot more
6 stricter and much more advanced in
7 using the monitoring system.

8 But what kind of -- and any
9 one of you could explain what kind of
10 people you're supervising, you know,
11 first, so we get an idea of how
12 progressive Philadelphia is as opposed
13 to people just being lost in the system
14 on parole.

15 So, what kind of people are
16 you supervising?

17 MR. GUGLIELMI: Well, we
18 have a large -- when I was in
19 Philadelphia, in North Philadelphia for
20 quite sometime, we had a large
21 contingent of -- the area below
22 Roosevelt Boulevard down to, say, Erie
23 Avenue, we had a large contingent of
24 drug dealers in that area, and they

1 would carry guns to protect themselves,
2 and they generally, as soon as they got
3 out of jail, got back in the game.

4 They were active. They
5 were -- you know, they would usually --
6 usually report, and, generally, the
7 hard-core drug dealers didn't use
8 drugs. They were dangerous because of
9 their occupation.

10 We had drug users in that
11 area who were constantly locked up
12 because of their drug use. They were
13 generally not as dangerous as the drug
14 dealers, but they would commit small
15 crimes, like purse snatches and that
16 sort of thing, retail theft, to support
17 their drug habits. So, it creates a
18 lot of crime. I don't think they were
19 as dangerous or violent as the dealers
20 themselves.

21 When I later worked north
22 of Roosevelt Boulevard, it was more
23 violent crimes in that area, more
24 robberies and third-degree murders,

1 second-degree murders, more violent
2 type of criminal in that area.

3 COUNCILMAN HENON: Let me
4 clarify my question a little more.

5 So, for those who are
6 receiving state time, the crime is
7 greater because of the amount of time;
8 is that right?

9 MR. GUGLIELMI: Right.

10 COUNCILMAN HENON: More
11 violent -- weapons, guns, all sort of
12 different reasons why, but it's what,
13 for two years or more?

14 MR. GUGLIELMI: One-to-two
15 year sentence or greater.

16 COUNCILMAN HENON: One to
17 two years or greater?

18 MR. GUGLIELMI: Right, or
19 greater, right.

20 COUNCILMAN HENON: What I'm
21 getting at is, in the City of
22 Philadelphia, we're trying to move
23 forward or use the electronic
24 monitoring when we get out. And from

1 what I've heard so far from the
2 testimony is that the -- you know, the
3 caseload and workload is unbelievable
4 for a person to handle that kind of
5 work. And you're dealing with a person
6 who is incarcerated for a much greater
7 time, because they're doing county --
8 they're serving county time. And it
9 seems to be not only that, I understand
10 from your testimony, trying to keep the
11 recidivism rate down.

12 And where or what happens
13 when we can't monitor and we're just
14 not individually supervising because of
15 the caseload and the workload, and it's
16 not necessarily the agency; it's just
17 the caseload?

18 So, where does that all
19 lead or wind up? How do we -- unless,
20 like you say, it's complaint-driven,
21 or, you know, when that individual gets
22 locked up again? How do we -- should
23 we be doing more monitoring with the
24 electronic device, mandatory?

1 I'm just trying to figure
2 out -- it sounds like a lot to keep
3 recidivism down. I don't know in the
4 budget -- can you tell us if the
5 systems have been cut over the last
6 several years or not, but it just seems
7 unfair for an agent to be responsible
8 for that amount of people when we talk
9 about folks who are doing state time.

10 So I know it's more of a
11 statement, but I'm just trying to put
12 the pieces together from your brief
13 testimony and some questioning.

14 Is it more funding for the
15 correctional? Is it more hiring? Is
16 it more accountability or monitoring,
17 you know, such as monitoring devices?
18 Or do we got to stop letting people go
19 on technicals and start drug testing?

20 MR. AMATO: Electronic
21 monitoring is not the answer. The
22 answer is a lower caseload for each
23 agent to where they can stop monitoring
24 them and supervise them. It's really

1 as simple as that. Get the caseload
2 down to 50, 40, 35 cases. The agent
3 can now supervise rather than
4 monitoring 100, 120 people. It has
5 nothing to do with electronic
6 monitoring.

7 MR. ROONEY: When your
8 caseload is down to 35, 30 people, we'd
9 go around -- a couple agents would get
10 in the car and drive around and go to
11 the people they were assigned to and
12 find the parolees and stop them and
13 find out what they're doing on the
14 street.

15 And when you have 100
16 people, you can't -- when you have 100
17 people, you're in the office all the
18 time. You can't see the people in the
19 street. And that really kept them
20 worried, because they're always looking
21 for you, checking for you on the
22 street.

23 MR. AMATO: I would like to
24 add something.

1 When I had 35 cases, I was
2 able to go and get into the family,
3 mother -- the parolee's family, mother,
4 father, brothers, whatever. I had
5 mothers call me on the phone, concerned
6 about their sons, and say, Agent Amato,
7 he's violating his curfew, he's going
8 out at night, he's doing this, he's
9 doing that. This is the kind of
10 rapport we had when we had 35 cases.

11 When you have 120 cases,
12 it's impossible to do that because you
13 don't have the time to do that.

14 So, this is why a reduced
15 caseload is very important to supervise
16 these people. It's really as simple as
17 that.

18 COUNCILMAN O'BRIEN:
19 Mr. Chairman -- I know that Chairman
20 Potteiger has to get on the road.

21 I would ask the three
22 gentlemen testifying before us, would
23 you be able to stay around in the event
24 that we have some follow-up questions?

1 COUNCILMAN JONES: I
2 definitely do. We need to get the
3 Chairman up. But if you could, thank
4 you so much.

5 Mr. Chairman, thank you for
6 your patience. Mr. Chairman, if you
7 would, approach the desk and have a
8 seat. Good afternoon.

9 MR. POTTEIGER: Good
10 afternoon.

11 COUNCILMAN JONES: If you
12 could, state your name, title, and
13 begin your testimony.

14 MR. POTTEIGER: My name is
15 Michael Potteiger, and I'm the Chairman
16 of the Pennsylvania Board of Probation
17 and Parole.

18 First of all, good
19 afternoon. And I just want to thank
20 the Public Safety Committee for
21 allowing me to come to testify today.

22 Councilman Jones, I
23 appreciate the opportunity.

24 Councilman O'Brien, we have

1 become very familiar in changing
2 information back and forth over the
3 last couple days, couple weeks in
4 reference to some information. I did
5 provide testimony, and, hopefully, it
6 will be shared with the rest of the
7 Committee prior to this.

8 But before I start, I just
9 want to give you a little history of
10 myself. And I appreciate the three
11 gentlemen who just testified, who were
12 former agents of the Board of Probation
13 and Parole. I respect their opinions.

14 Back in 1989, I was a
15 probation officer in Dauphin County,
16 and one of the -- and I've been a
17 probation officer and worked my way up
18 through the system over the last 24
19 years.

20 I understand their
21 concerns. I believe I'm the first
22 Chairman in Pennsylvania -- of the
23 Pennsylvania Probation and Parole to
24 have some background in probation and

1 parole, who comes from the field.

2 When the agents were
3 talking about the Intensive Drug Unit,
4 myself and the gentlemen behind me,
5 Mr. McIntire, who is my executive
6 director and my field operations now, I
7 brought with me, from Dauphin County,
8 when we started our Intensive Drug Unit
9 in 1991, the place we came to learn to
10 do the job for the Intensive Drug Unit
11 was right here in Philadelphia. Our
12 supervisor was Tony DiNardo at the
13 time.

14 So, I understand the
15 concerns back in the early '90s on how
16 supervision was in specialized
17 intensive caseloads. I've been a part
18 of that over my 24 years.
19 Understanding working with the DEA,
20 ATF, the County Drug Task Force for
21 over 14 years. So, I understand their
22 concerns, and I understand where they
23 come from in reference to their
24 opinions today.

1 So, on behalf of the Board,
2 I am pleased to be here today, number
3 one.

4 Governor Corbett nominated
5 me as the Chairman a year ago, so I've
6 been in this position for a year. I
7 became -- I was approved by the Senate
8 in December of 2011, and then I was
9 appointed Chairman in February of 2012,
10 and I've been in that position ever
11 since.

12 So, I just wanted to
13 discuss some of the processes and some
14 of the information about the Board of
15 Probation and Parole.

16 Currently, we supervise
17 three types of offenders. On our
18 supervision, we have those that are
19 sentenced by the state, which is
20 approximately -- at the end of
21 February, it's 27,385. We have an
22 additional 6,807 cases that we
23 supervise that are special probation
24 cases that are sentenced by the Common

1 Pleas Courts in the counties, and they
2 transfer the supervision to the state,
3 and we supervise those on a courtesy
4 supervision.

5 And then we have an
6 additional 2,922 cases that are cases
7 that are sentenced in other
8 jurisdictions, meaning other states
9 throughout the United States, who come
10 and live in the Commonwealth of
11 Pennsylvania. And in Philadelphia, we
12 supervise those cases also.

13 So, in total, our current
14 population as of the end of February is
15 37,144 offenders.

16 In the Philadelphia
17 District, we have 10,463 parolees in
18 the City of Philadelphia. Of those, we
19 have 1,237 offenders who are on special
20 probation. Cases that are the Board or
21 those that are sentenced by the court
22 that have a jurisdiction of over two
23 years, that can be sentenced up to,
24 say, over two years, and we supervise

1 those cases.

2 One of the things --
3 actually, when I first started working
4 in this business, a lot of the -- I
5 guess the philosophy of Probation and
6 Parole was lock them up and throw away
7 the key, see how many people we can
8 incarcerate, and move the process.

9 As data and statistics have
10 shown, 90 percent of the people in the
11 Commonwealth of Pennsylvania come right
12 back into our communities, and if we
13 don't do any reentry process with those
14 individuals, I don't believe our
15 communities will be safer or stronger.

16 Secretary Wetzel just did a
17 study, and one of the things that
18 really came out to me on the study was
19 one out of 200 individuals in the
20 Commonwealth of Pennsylvania have been
21 incarcerated in the Department of
22 Corrections.

23 If you add them to the
24 Department of Corrections, by the

1 population of today, it's a little over
2 51,000. You add our population, you
3 add the county probation population,
4 it's over 237,000 in the Commonwealth,
5 along with all the people that are
6 incarcerated in the county prisons, one
7 in 35 individuals are part of the
8 criminal justice system. To me, that's
9 a staggering number.

10 So, if you have 35 people
11 in the room, approximately one of those
12 persons that are in that room are on
13 some form of either incarceration or
14 under supervision of the county and
15 state.

16 So, what we are doing --
17 the inference -- and a lot of the
18 information that was given today was
19 given from 2008. And I can honestly
20 say I have not -- I was not here in
21 2008. I can honestly say Governor
22 Corbett's Administration, he wasn't
23 here in 2008. Governor Corbett -- we
24 understand the process -- over the last

1 two years in the budget and in this
2 current budget.

3 Governor Corbett
4 understands the reality of the
5 situation. We've been one of the few
6 agencies in the state that has
7 increases over the last two years. We
8 have increased our agent total over the
9 last two years, approximately 121
10 additional positions over the last two
11 years. This year we're in line also to
12 get an increase of agents.

13 I believe, again, we're
14 the -- one of the few agencies in the
15 past three years that have gotten
16 increases, where in the past the Board
17 has not gotten increases, hasn't been
18 able to sustain the supervision, along
19 with the complement of agents
20 themselves, which I would agree
21 sometimes makes it more challenging for
22 our agents to supervise.

23 Probation and Parole is a
24 difficult job, it's a stressful job, no

1 matter if you have 35 or you have 135.
2 You know, individuals that have
3 committed a crime, not only in the City
4 of Philadelphia but elsewhere in the
5 Commonwealth, but today we're talking
6 about the City of Philadelphia.

7 One of our missions -- and
8 the main mission of the Board is the
9 protection of the community.

10 Now, I heard earlier today
11 about numbers, how numbers are driven
12 or numbers are not driven. I'm one of
13 nine Board members. I'm the Chairman.
14 I have eight other Board members. I
15 have 17 hearing examiners that made
16 over 23,000 decisions last year on
17 cases, on cases either to be paroled,
18 cases to revoke -- for technical
19 violations, or cases that they commit a
20 new criminal offense, that we take back
21 their street time.

22 The Board does not the make
23 decisions based upon the Department of
24 Corrections' population. The Board

1 makes decisions based upon what we
2 think is an individual who is at risk
3 to reoffend, has been reduced -- by
4 incarcerated them in the Department of
5 Corrections.

6 We've been working
7 collaboratively with Secretary Wexler
8 and his staff, because reentry really
9 starts in the Department of
10 Corrections. That's where it begins.

11 Unfortunately, an
12 individual, violent or nonviolent, I
13 look at an offender as an offender. I
14 don't look per se as violent or
15 nonviolent, because you have to treat
16 each individual. You can have
17 nonviolent people go out and commit a
18 heinous crime, just as you can have a
19 violent person do the same. But if you
20 don't do any reentry with that
21 individual, the harder that is to
22 manage.

23 One of the things that is
24 the most difficult to do in this job is

1 change people's behavior, because
2 that's really when the reentry process
3 begins.

4 So, in the Department of
5 Corrections, an individual goes into
6 the Department of Corrections and gets
7 assessed. He gets assessed for that
8 individual's needs, whether that's
9 alcohol and drugs, whether it's dual
10 diagnosis, whether it's mental health
11 services, sex offender treatment, anger
12 management, counseling.

13 When that person goes into
14 the institution, gets the proper
15 programming, then the paroling process
16 may have the min/max. The State of
17 Pennsylvania has a min/max. It's an
18 indeterminable sentence with the
19 discretion of the Board to release
20 individuals. So, you have the min/max,
21 so, five to ten. And in the statute in
22 the Commonwealth, everyone is required
23 at the minimum date to be interviewed.

24 Parole is a privilege.

1 It's not a guarantee that they will get
2 out at the five-year min day.

3 When one thinks that during
4 the parole process that we look at, we
5 just don't know go in and make
6 arbitrary decisions whether to parole
7 an individual or not to parole an
8 individual. We have actuaries that we
9 utilize during the whole process while
10 they're in their assessment upon
11 incarceration.

12 One of the those
13 assessments, our LSI-R, measures the
14 risks and needs of the offender.

15 We have our TCU, our Texas
16 Christian University instrument which
17 measures alcohol and drugs. It
18 measures whether or not they have an
19 issue with alcohol or drugs. We have
20 the over -- which is an another tool to
21 use a violence forecasting -- to
22 predict future violence forecasting.

23 So when an individual comes
24 in front of the Board to be interviewed

1 to be paroled, one of the things is the
2 Board member looks at the individual
3 from beginning to end. He looks at the
4 individual's criminal history. You
5 look at the incident offense. You also
6 look at the Department of Corrections,
7 the programming the individual did
8 inside the institution. You get
9 information from the Department of
10 Corrections, whether they recommend or
11 not recommend parole. You look at the
12 judge's letter, which gives you the
13 opportunity -- the judge gives a
14 recommendation to parole someone or not
15 parole someone. And then you also look
16 what the reentry process for that
17 individual is. And based upon all of
18 that information, the Board member
19 makes a decision to parole or not to
20 parole that person.

21 In nonviolent cases, you
22 need two Board members to parole an
23 individual.

24 On violent cases that are

1 sexual in nature, or murder 3, you need
2 a majority of the Board to parole the
3 individual.

4 One of the things if an
5 individual gets paroled in the City of
6 Philadelphia, and -- and I'm just going
7 to point out a couple things that we're
8 collaboratively working with other
9 agencies in the City of Philadelphia
10 that we do. We work with Project RISE,
11 which is the Philadelphia reentry
12 coalition with the Mayor's office.

13 Currently, I am in
14 discussions with the District Attorney,
15 Mr. Williams, in reference to the
16 truancy initiatives with offenders'
17 children who are truant. Because, one
18 of the things that's a major factor --
19 I think the one denominator that's --
20 with the most individuals that are
21 incarcerated is lack of education, and
22 it starts early on. So, we looked to
23 partner with the District Attorney's
24 Office with the -- in the truancy

1 initiative.

2 One of the things we're
3 also working with the U.S. Attorney's
4 Office, Project Safe Neighborhoods, and
5 what we're trying to do is we're trying
6 to locate two districts in the City of
7 Philadelphia.

8 Right, Mr. Costa?

9 MR. COSTA: 22nd Police
10 District.

11 MR. POTTEIGER: That's
12 Tom Costa, who is my Regional Director
13 in the City of Philadelphia.

14 And those neighborhoods
15 are -- what we're targeting are
16 high-risk, high-violent offenders,
17 using a mapping system and working with
18 the Philadelphia Police Department,
19 along with the U.S. Attorney's Office
20 and other key stakeholders in the
21 community in reference to creating this
22 program, so we can identify those
23 individuals and give them the necessary
24 supervision and research and

1 supervision of that offender.

2 One of the other things
3 that we've looked at utilizing that for
4 an agent and especially for Chairman,
5 are what's called Assessment
6 Sanctioning Community Resource Officers
7 -- Agents, not Officers, Agents, who
8 are working with community stakeholders
9 in reference to cognitive behavior,
10 life skills, employment goals, changing
11 peoples' behavior. So, those are some
12 of the things we are looking at as a
13 whole in our agency itself.

14 In regards to special
15 probation, special probation comes to
16 us from the Common Pleas Courts, and
17 the case has to be a felony conviction
18 and has to be a probation of at least
19 two years.

20 When we were looking at, I
21 think, special probation cases, and
22 we're looking at -- when we're handling
23 those, it's to supervise those cases as
24 we would supervise our own. And one of

1 those things is -- each case is an
2 individual case, as I said before, but
3 you have to look at what the violation
4 is and what the sanction is.

5 In 2009, we created a
6 violation sanctioning grade. And based
7 upon the violation -- and here is a
8 guideline of what the recommended
9 sanction should be. So, if a person
10 has a curfew violation, gives a
11 positive urine, what kind of steps
12 should be taken in those cases.

13 But to sit here and try and
14 lump everybody into if you test
15 positive for marijuana one time, this
16 happens to that individual, you can't
17 sit here and say that that's going to
18 happen on every single case, because
19 that individual might test positive and
20 have multiple other violations at the
21 same time, just not -- and not just one
22 violation. So, to say a person will
23 get locked up for one violation is
24 somewhat challenging.

1 On the special probation
2 cases, in Philadelphia -- and Charles
3 will be testifying after I do -- we
4 have a very good working relationship
5 with our Philadelphia counterparts in
6 the Philadelphia County. And Mr. Costa
7 and my agents communicate very well on
8 cases that get transferred from his
9 agency to our agency.

10 When it comes to violation
11 or special probation cases, we notify
12 them if an individual is going to be
13 taken into custody, and we will place
14 more and more on that individual. And
15 the county has up to 14 days to replace
16 our Board warrant and move through the
17 process -- revocation process, which
18 our agents would then go testify in the
19 Common Pleas Court as to the violations
20 of the special probation case.

21 When it comes down to
22 electronic monitoring, electronic
23 monitoring for me is very challenging
24 in the state. I come from Dauphin

1 County. I was the Director of Dauphin
2 County. I was Director in North
3 Cumberland County. And it was very
4 challenging for me that the state did
5 not have GPS, global positioning
6 system, which doesn't really have to
7 have a phone line or anything else.
8 So, right now we have bids for our GPS.
9 We have to put it in this year's budget
10 to pay for.

11 So, hopefully, the state
12 will be more -- the Board will be
13 moving to the utilization of GPS in
14 July of this year. Currently, our
15 electronic monitoring is an RS system.
16 It is a system that utilizes a home
17 line. Individuals that are
18 incarcerated at the time, they report
19 within 24 hours to our office to be
20 hooked up. And if there's an issue
21 with that, our agents would then
22 contact the county and contact each
23 judge and take the direction the judge
24 would want us to take in that regard.

1 One of the things that we
2 have done both in our special probation
3 and in our electronic monitoring since
4 the Moses Walker incident is we changed
5 some policies and procedures within our
6 agency itself.

7 One of those is, in regards
8 to notification of individuals who do
9 not have a home line is the
10 notification to the Court right away.
11 And in our policy, we had up to five
12 days prior to that.

13 So, we tightened the
14 communication aspect between us and the
15 Common Pleas Court judge, along with
16 communicating with our Philadelphia
17 County Probation and Parole Department.

18 So, those were things in
19 special probation cases, that had a
20 state sentence attached to it, that had
21 a special probation. If an individual
22 was sentenced to two and a half to five
23 years, and the judge gave him an
24 additional four years probation

1 consecutive to the two and a half to
2 five, that individual then maxes out in
3 the state prison, means they did their
4 five years, because they had a
5 misconduct, they didn't comply with
6 programming. And then they come under
7 the state probation -- well, they come
8 under the state on a special probation
9 case.

10 We have changed that. If
11 an individual maxes out now and have --
12 maxes out now and has a special
13 probation case, we will be notifying
14 the Court prior to the individual's
15 release as to what direction they would
16 like to take at that time. Because at
17 that time, the Common Pleas judge might
18 want to bring that individual back in
19 front of them and resentence them on
20 that special probation case, or the
21 judge might decide, no, or add
22 additional conditions on that
23 individual because they maxed out --
24 because they maxed out because the

1 Board thought that they were unamenable
2 to supervision at that time.

3 So, those are the two major
4 changes that we had incorporated during
5 the unfortunate incident with Moses
6 Walker.

7 With that, I appreciate
8 your time, and I think I answered a lot
9 of the questions that you've asked
10 earlier, and I'm sure I might have
11 missed some. So, we can -- I'm
12 available for questions.

13 COUNCILMAN O'BRIEN: I just
14 have some follow-up.

15 And I'm aware of the
16 changes in Probation and Parole. I was
17 somewhat involved in that. But in your
18 testimony, are you saying that violence
19 doesn't play a role in determination of
20 paroling someone? If they are violent
21 in prison, don't they likely need more
22 supervision outside of prison?

23 And I'll follow-up with
24 that. I'm trying to create a

1 correlation here.

2 Between those violent
3 offenders and the sanctions and the
4 technical violations, can you tell me
5 how many -- I want to see what the
6 relationship is between those technical
7 violations.

8 If you have someone that's
9 a serious offender, and that's the
10 marijuana case that I'm looking at, if
11 that person tested positive for
12 marijuana, why isn't that reported to
13 the sentencing judge? And why aren't
14 further sanctions imposed?

15 MR. POTTEIGER: Are you
16 talking now a special probation case or
17 are you just talking a state case?

18 COUNCILMAN O'BRIEN:
19 Special probation case.

20 MR. POTTEIGER: In that
21 situation, we don't report every
22 violation to a Common Pleas judge.
23 They have allowed us to use how we
24 supervise our cases, the Board cases as

1 the same.

2 Part of the process --

3 COUNCILMAN O'BRIEN: Let me
4 know ask you, if the judge specifically
5 says you have -- if you have a hot
6 urine, you're supposed to drop a
7 detainer on that person and I want that
8 person before me?

9 MR. POTTEIGER: Now, if
10 you're -- obviously, you're referring
11 to the Moses Walker incident, and right
12 now this is pending criminal
13 investigation, and there's still a
14 process going on --

15 COUNCILMAN O'BRIEN: I'm
16 asking policy. You brought up the
17 issue of -- you're trying to make it
18 look like I'm generalizing and saying
19 someone with violence and marijuana --
20 that's not --

21 MR. POTTEIGER: I'm not --

22 COUNCILMAN O'BRIEN: I'm
23 not generalizing. I'm saying, if
24 you're violent in prison and you max

1 out.

2 MR. POTTEIGER: I would
3 agree.

4 COUNCILMAN O'BRIEN: There
5 is a kind of recent change that the
6 institutional parole agents are now
7 required to report those the
8 institutional violations to a judge.

9 Why is that recent and when
10 did that happen?

11 MR. POTTEIGER: That
12 happened underneath my administration.

13 COUNCILMAN O'BRIEN: Did
14 that happen post or pre Walker?

15 MR. POTTEIGER: That was
16 post Walker.

17 COUNCILMAN O'BRIEN: Post
18 Walker?

19 MR. POTTEIGER: Yes, that
20 is correct.

21 COUNCILMAN O'BRIEN: So how
22 many warrants have been issued for
23 technical violations in Philadelphia
24 last year?

1 MR. POTTEIGER: We've
2 issued 3,275, I believe approximate.

3 COUNCILMAN O'BRIEN:
4 Technical ones. I'm not saying
5 warrants.

6 MR. POTTEIGER: We don't
7 know. We don't have -- unfortunately,
8 our data system doesn't allow us to
9 bring them down into whether it's
10 technical or not.

11 COUNCILMAN O'BRIEN: Well,
12 your monthly reports break those down;
13 is that correct?

14 MR. POTTEIGER: No, I don't
15 believe it does.

16 Here is the other thing I'm
17 challenged with from the state --

18 COUNCILMAN O'BRIEN: Here's
19 where I'm challenged, just for one
20 second.

21 When you're talking about
22 warrants issued in Philly. How do I
23 not know that each and every one of
24 those warrants wasn't the direct

1 violation of a new crime? If you're
2 telling me you can't tell me, well, how
3 do I know? You're saying you can't
4 separate those technical violations
5 with new violations from new warrants.
6 How do I know that all the warrants
7 issued in Philadelphia weren't new
8 crimes?

9 So my question recurs: How
10 do you know how many warrants were
11 issued for technical violations in the
12 City of Philadelphia?

13 MR. POTTEIGER: Obviously,
14 I can ask our data research to try to
15 break it down more. I think Miriam
16 gave me that question less than a week
17 ago, and we couldn't get that
18 information to break it down. So, I
19 don't know.

20 The one that I think we
21 look at is the recidivism rate is 42
22 percent over the last three years. We
23 look at how many have violated on a
24 criminal new offense in a violent

1 fashion, and that's less than 1 percent
2 of that.

3 So one of the things that
4 we can try to address to break it down
5 between technical and new charges --
6 because sometimes when you have a new
7 criminal offense you have technical
8 violations with a new criminal offense.
9 And very rarely do you have just a new
10 criminal offense with really no
11 technical with it.

12 So one of the things that
13 we can try to break that down --

14 COUNCILMAN O'BRIEN: Let's
15 just move on because when I look at
16 your website, the monthly reports
17 distinguish between technical,
18 recommitments, and direct recommitments.
19 And if you can't give me that
20 information, we should probably just
21 move on.

22 MR. POTTEIGER: Okay.

23 COUNCILMAN O'BRIEN: How
24 many times is someone resanctioned

1 before they're recommitted? And in
2 that sanction, just for everyone's
3 edification, that includes a failure
4 report to the district on a release,
5 changing residence without permission,
6 failure to participate in community
7 service, and a positive urine test or
8 failure to complete treatment.

9 MR. POTTEIGER: I think
10 that's approximately 3.7 times rounded
11 off to 4.

12 COUNCILMAN O'BRIEN: Your
13 report says 5 on average, which means
14 it could be --

15 MR. POTTEIGER: You said
16 technical violations. That those are
17 criminal. You said -- what you just
18 said, failure to report. They're
19 technical violations. And you asked me
20 on those, that's 4 percent. If you
21 were to include new crime --

22 COUNCILMAN O'BRIEN: No.
23 I'm just talking about technical
24 violations. Your report says that on

1 average, on average, they're at about
2 five sanctions. I've included the
3 description of technical violation.
4 And on average would tell me that
5 that's an average. It could be less
6 and it could be significantly higher.

7 Is there a written policy?

8 MR. POTTEIGER: No.

9 COUNCILMAN O'BRIEN: Why
10 isn't there a written policy?

11 MR. POTTEIGER: Written
12 policy on how many times a person has
13 to violate before they're
14 reincarcerated? Is that your question?

15 COUNCILMAN O'BRIEN:
16 Technical violations, yes.

17 MR. POTTEIGER: Again, each
18 case is an individual case. So one
19 person -- and see, that's very
20 challenging to say because one person
21 might have more violations, and
22 depending on what those violations are,
23 they might be sanctioned in a different
24 way.

1 COUNCILMAN O'BRIEN: Let me
2 just, since you brought up the Moses --
3 or the Raphael Jones, let's say you
4 have an offender who has a criminal
5 history of drugs and guns, he gets
6 convicted of a gunpoint robbery, and he
7 maxes out. Once he's released on
8 probation, he tests positive for drugs.

9 Would this person be sent
10 back to jail?

11 MR. POTTEIGER: With just
12 one positive marijuana?

13 COUNCILMAN O'BRIEN: Look
14 at his history, guns, juvenile. That
15 was clearly -- you used University of
16 Pennsylvania and all --

17 MR. POTTEIGER:
18 Mr. O'Brien, every individual who comes
19 out and tests positive one time does
20 not come out and commit a violent crime
21 against a police officer. So that's
22 what I would say about that.

23 So if I had the ability to
24 look in a crystal ball to look to see

1 who's going to commit a heinous crime
2 in the future, I would utilize that.
3 One of the things --

4 COUNCILMAN O'BRIEN: Well,
5 now, wait. Let's --

6 MR. POTTEIGER: That's one
7 of the things I would use to determine
8 behavior.

9 COUNCILMAN O'BRIEN: Well,
10 let's look at this: You have one who
11 has a significant history of violence
12 while he's in prison. He maxes out.
13 So in earlier questioning -- I'm trying
14 to determine what kinds of violations
15 would require an individual to max out
16 his sentence. That's not uniform.
17 That paints to me someone that I would
18 certainly target.

19 He comes out and he tests
20 positive for drugs.

21 MR. POTTEIGER: Uh-huh.

22 COUNCILMAN O'BRIEN: Why
23 wouldn't that require a warrant to be
24 issued and that individual taken right

1 before the judge by the agent and --
2 because, to me, before that
3 individual -- and you say killed a cop.

4 MR. POTTEIGER: Well,
5 okay --

6 COUNCILMAN O'BRIEN: I'm
7 not concerned -- all of these police
8 officers live in my neighborhood. But
9 what I'm concerned about is all of
10 those individuals that are out there,
11 an unknown suspect case where they're
12 committing the other violent crimes
13 against non-police officers, on
14 citizens of the City of Philadelphia.

15 Walker brings an instant
16 case, and an alarm bell rings. How do
17 I know these other individuals that are
18 this type of violent offender, they
19 commit one -- they test positive for
20 drugs, any kind -- marijuana, any kind
21 of drugs -- why aren't they targeted as
22 violent offenders?

23 I know what focus deterrent
24 is. This is the kind of individual

1 that we would want to target, and say,
2 you know what, you've been in prison,
3 you max'd out, you were violent. You
4 were violent before you got there and
5 you've been violent since you've been a
6 juvenile. You don't know how to
7 behave. You just demonstrated that you
8 don't know how to behave when you get
9 out. We're sending you back.

10 Where is the latitude?
11 You've already said that you changed
12 the protocol because of that instant
13 case.

14 MR. POTTEIGER: Uh-huh.

15 COUNCILMAN O'BRIEN: And
16 then, let's say, using the same
17 hypothetical, a couple months after he
18 tested positive for drugs, he's shot.
19 That still doesn't set off an alarm
20 bell?

21 Why is this guy in the
22 neighborhood where he's got to get
23 shot? Who is he associating with that
24 he gets shot? Do any of those issues

1 come up?

2 MR. POTTEIGER: When the
3 issue comes up --

4 COUNCILMAN O'BRIEN: And
5 let's assume a couple months later he
6 gets arrested for another gunpoint
7 robbery. Was he sanctioned at that
8 point? How many chances does he get?
9 Are they technical? What kind of
10 violations are they?

11 MR. POTTEIGER: Well,
12 you're using a reference to a case
13 that -- the Board is not sentencing
14 individuals. That is up to the
15 discretion of the District Attorney's
16 Office in the Common Pleas Court who
17 actually sentences the individuals.

18 COUNCILMAN O'BRIEN: Okay.
19 If we're talking about -- we're talking
20 about other conversations. Why isn't
21 that information generally shared? Why
22 isn't all of that information,
23 institutional knowledge of this
24 offender, any violation, technical or a

1 direct violation that happens on the
2 street, why isn't that taken before a
3 judge so that we have a comprehensive
4 response?

5 MR. POTTEIGER: As I was
6 reminded, in those cases, in that case
7 that you're specifically saying, those
8 were taken in front of the judge and
9 those charges were dropped.

10 COUNCILMAN O'BRIEN:
11 Raphael Jones was not taken before the
12 judge until he was arrested on new
13 charges. I beg to differ with you,
14 sir.

15 Let me move on.

16 You're talking agents in
17 the City of Philadelphia. I know you
18 testified and you mentioned
19 lock-them-up mentality.

20 Let me just ask you, an
21 agent needs supervisory approval for a
22 violation. Why is that? To get a
23 detainer, why is that?

24 MR. POTTEIGER: Why does an

1 agent need a supervisor's approval?

2 COUNCILMAN O'BRIEN:

3 Approval.

4 MR. POTTEIGER: Because,
5 number one, it's policy. Number two --

6 COUNCILMAN O'BRIEN: When
7 was that policy initiated and what was
8 the reason for that? What was the
9 basis? Was it a researched-based
10 policy?

11 MR. POTTEIGER: Because
12 it's a con 1 hearing. And when a
13 person violates in a technical way,
14 they have a conference hearing in front
15 of the -- with their supervisor to do a
16 conference on what type of sanction
17 they should give that individual. So
18 there's a con 1 hearing.

19 And then if -- it also then
20 might turn into a conference 2 hearing
21 depending on the severity of the
22 sanction.

23 COUNCILMAN O'BRIEN: Well,
24 following up on this, why is it? Don't

1 you trust your agents? You don't think
2 they're going to do their job? Or are
3 you concerned that if they put a
4 detainer on them they're going to go
5 back to jail?

6 And isn't this lock-them-up
7 mentality more of a training issue?
8 And if you have agents, why is it that
9 you can identify them before -- they
10 should be trained to determine who is a
11 risk and who isn't a risk?

12 So I'm trying to ascertain
13 what the process is and why for
14 everyone you have to go before a
15 supervisor, you have to go for these
16 hearings, how long they're out on the
17 street, how many violent crimes they
18 can commit while they're out there.

19 MR. POTTEIGER: Well, a
20 supervisor is someone who is probably
21 more trained than what a field agent
22 is. They have more experience than
23 what a field agent has. And so, they
24 have a better understanding of the

1 process itself. So, that case would be
2 discussed in a conference with the
3 agents themselves. And then they make
4 a recommendation on what type of
5 sanction comes from it.

6 COUNCILMAN O'BRIEN:

7 Instead of a lock-them-up mentality,
8 some people would say maybe that it is
9 a hug-a-thug mentality.

10 Are you afraid they would
11 send them back to jail and that would
12 screw up your recidivism numbers?

13 And, again, I'll go back.
14 You're talking about an effective
15 system, a low recidivism rate, 42, 43
16 percent. You have five bites at the
17 apple, five chances to violate before
18 they're recommitted. Do you know
19 that's a benchmark for --

20 MR. POTTEIGER: I think the
21 research and data has shown using good
22 evidence and programming to change
23 people's behavior -- in reference to
24 their supervision and reentry spot has

1 shown to be making your community safer
2 and stronger.

3 COUNCILMAN O'BRIEN: So you
4 don't think that a more effective
5 policy would be swift and certain?

6 MR. POTTEIGER: That's part
7 of the program -- swift and certain
8 sanctions. And that is a part of the
9 violation sanctioning grade based upon
10 how it was created.

11 COUNCILMAN O'BRIEN: In the
12 hypothetical that there -- wouldn't
13 swift and certain punishment have been
14 under any research-based model?
15 Evidence-based protocols, wouldn't
16 swift and certain punishment have been
17 the appropriate response in that case?

18 MR. POTTEIGER: Sorry?
19 What was the question? I apologize.

20 COUNCILMAN O'BRIEN: In the
21 hypothetical that I identified,
22 wouldn't swift and certain response
23 have been a more appropriate response?

24 MR. POTTEIGER: For what?

1 COUNCILMAN O'BRIEN: Swift
2 and certain punishment for the
3 hypothetical that I identified.

4 MR. POTTEIGER: What is the
5 hypothetical that you identified? I
6 don't know.

7 COUNCILMAN O'BRIEN: An
8 individual has a criminal history,
9 juvenile history of drugs, guns. He's
10 convicted of a gunpoint robbery and
11 maxes out. He's released on probation.
12 He tests positive for drugs. He gets
13 shot. Then he gets arrested on another
14 gunpoint robbery. The only reason that
15 the gunpoint robbery was not prosecuted
16 is because the witness failed to
17 appeared which tells me, what happened?
18 Did somebody go down and intimate that
19 witness?

20 It's a problematic case.
21 And then he shoots a police officer.

22 Wouldn't swift and certain
23 punishment have been in order in that
24 case? What do the evidence-based

1 protocols tell you?

2 MR. POTTEIGER: In that
3 case, swift and certain doesn't
4 necessarily mean any time the person is
5 incarcerated. Swift and certain
6 sanctions, you can do inpatient
7 treatment. There's other sanctionings
8 that can be provided that --

9 COUNCILMAN O'BRIEN: If
10 that individual had been sanctioned
11 when he tested positive for marijuana,
12 two crimes would have been prevented:
13 The gunpoint robbery and the killing of
14 a police officer.

15 Let me ask you, when we're
16 looking at electronic monitoring, you
17 still haven't changed the fact that
18 people go unmonitored for 24 hours. Is
19 it --

20 MR. POTTEIGER: They have
21 24 hours to report as long as they have
22 landlines and they confirmed that
23 they're home, yes.

24 COUNCILMAN O'BRIEN: So

1 they're unmonitored to 24 hours?

2 MR. POTTEIGER: They have
3 24 hours.

4 COUNCILMAN O'BRIEN: And
5 they're unsupervised, they're
6 unmonitored?

7 MR. POTTEIGER: They're
8 under supervision, and that's pretty
9 much in compliance with 85 percent --

10 COUNCILMAN O'BRIEN: But if
11 an agent has 135 cases, how are they
12 supervised?

13 MR. POTTEIGER: Excuse me?
14 I couldn't hear that.

15 COUNCILMAN O'BRIEN: If an
16 individual has 135 cases --

17 MR. POTTEIGER: I don't
18 know that an individual has 135 cases.
19 The average caseload is --

20 COUNCILMAN O'BRIEN: He
21 said that agents have 135 cases.

22 MR. POTTEIGER: If the
23 agents has 136 cases? Is that what
24 you're asking me?

1 COUNCILMAN O'BRIEN: Yes.

2 MR. POTTEIGER:

3 Hypothetically -- you can ask a lot of
4 hypothetical questions. But our policy
5 in reference to having people report to
6 the office to be placed on electronic
7 monitoring is compliant with 85 percent
8 of the Commonwealth.

9 COUNCILMAN O'BRIEN: If
10 there's a bill in Harrisburg that would
11 require that the State Probation and
12 Parole mirror what the policy is in the
13 City of Philadelphia, that before
14 someone is released from incarceration,
15 that that monitor is attached, would
16 you support that or not?

17 MR. POTTEIGER: If I have
18 additional resources to make that
19 happen, yes, I would support that.

20 COUNCILMAN O'BRIEN: So is
21 it a money issue?

22 MR. POTTEIGER: It's a
23 resource issue. It's not a resource
24 just for Probation and Parole. In

1 talking to Chief Ramsey, talking to
2 Colonel Noonan in reference to state
3 police, it's very challenging in the
4 City of Philadelphia to retain and keep
5 good people in City of Philadelphia.

6 The turnover in City of
7 Philadelphia is higher than anywhere
8 else in the Commonwealth. And that's a
9 resource issue. That's a challenge for
10 us to continue to look at. We look at
11 it by going to colleges and
12 universities and during the recruitment
13 process and the civil service process
14 that we utilize in hiring individuals.

15 COUNCILMAN O'BRIEN: Why
16 are those individuals, when we are --
17 what you're saying to me is, then, we
18 have a chronic issue where we don't
19 have enough agents supervising these
20 violent offenders in the City of
21 Philadelphia that we have to recruit?

22 MR. POTTEIGER: I didn't
23 say that. I said to make our full
24 complement --

1 COUNCILMAN O'BRIEN: To
2 make full. Well, how close are you to
3 a full complement?

4 MR. POTTEIGER: Well, we
5 have six agencies. And that's one
6 issue.

7 The other is then you have
8 people out on maternity and medical
9 leave.

10 COUNCILMAN O'BRIEN: What
11 is the length of service in City of
12 Philadelphia? 25 years? Is it two
13 years?

14 MR. POTTEIGER: I'll ask
15 Mr. Costa because he has been in the
16 region of Philadelphia.

17 So do you have that?

18 MR. COSTA: Back in 2008,
19 48 percent of the agents had three
20 years or less experience in Probation
21 and Parole. I have no idea what it is
22 now.

23 COUNCILMAN O'BRIEN: Is it
24 better or worse? How do you not know

1 that? How do you not know that? How
2 do you know?

3 MR. COSTA: Well, I would
4 say it's close to that if not less than
5 three years.

6 COUNCILMAN O'BRIEN: And is
7 that a direct relationship to the fact
8 that they come here from every county
9 in the Commonwealth of Pennsylvania and
10 they find there's also a vacancy in
11 Philadelphia? And as soon as there's
12 an opening in Montgomery County or some
13 other county, they transfer out?

14 What does that do for the
15 safety of the citizens of Philadelphia?
16 If we have the worst offenders, 50
17 percent of those that are in state
18 correctional facilities come from here.
19 The level of offenders that we have on
20 State Road is not as serious as the
21 ones that are in state correctional
22 facilities. Those that are coming from
23 Philadelphia are much more serious than
24 any offenders that are coming from any

1 other county in the Commonwealth of
2 Pennsylvania.

3 But you're saying that on
4 average, these agents have three years.
5 And then how long do they stay here?
6 They're just leaving and they're going
7 to some other place.

8 So, when you use the
9 evidence-based protocols, how do they
10 know what they are?

11 MR. POTTEIGER: Well, in
12 reference to -- because they go to the
13 academy and they're taught during the
14 academy, number one.

15 Number two, again, the
16 retention and hiring process is based
17 upon the Civil Service. We follow the
18 Civil Service guidelines.

19 We issued to pay increase
20 for those individuals who have a
21 Philadelphia case load. We issued to
22 try to get money --

23 COUNCILMAN O'BRIEN: What
24 was instituted and what were the

1 incentives?

2 MR. POTTEIGER: It was four
3 years ago and it was an increase of 4
4 percent.

5 COUNCILMAN O'BRIEN: And
6 has that made a difference?

7 MR. COSTA: Somewhat, yes,
8 sir.

9 MR. POTTEIGER: Uh-huh.
10 Because that happened prior to my
11 administration. That's why I'll refer
12 to Mr. Costa.

13 COUNCILMAN O'BRIEN: When
14 someone is released from prison, when
15 is the timeframe that they're most
16 likely to reoffend.

17 MR. POTTEIGER: Within the
18 first year.

19 COUNCILMAN O'BRIEN: So to
20 go unmonitored for 24 hours doesn't
21 concern you?

22 MR. POTTEIGER: Anybody
23 that is released is a concern of mine.
24 I have 35,000 people that are a concern

1 of mine, whether they're released
2 today, tomorrow, or the next day.

3 COUNCILMAN O'BRIEN: I'm
4 just asking --

5 MR. POTTEIGER: Under my
6 supervision, they're a concerned of
7 mine.

8 COUNCILMAN O'BRIEN: So let
9 me --

10 MR. POTTEIGER: You asked
11 me a question, and my question -- my
12 answer is, within a year. 20 percent
13 is our recidivism rate within the first
14 year.

15 So what we're trying to do
16 is finance some resources since they're
17 released through cognitive trainings,
18 through lifestyles and employment
19 skills. Even if they've spent -- these
20 inmates have sometimes spent five or
21 ten years in jail. Times have changed
22 since they were released. We have to
23 get them education or vocational
24 training.

1 Probation and Parole is a
2 balance. You have to balance the law
3 enforcement with the rehabilitation
4 aspect. You have to come up with a
5 balance that doesn't compromise public
6 safety. And that is the challenge that
7 we face in the day-to-day basis,
8 whether it's 2008, 2009, or even today.

9 That is one thing that we
10 continue to face, trying to get that
11 balance of supervision compared to law
12 enforcement aspect.

13 COUNCILMAN O'BRIEN: I'll
14 defer to other members of the
15 committee.

16 COUNCILMAN JONES: For the
17 record, Councilman Johnson is in
18 attendance.

19 I have a couple of
20 questions.

21 From what I've been
22 hearing, we have a couple of, in my
23 mind, conflicting issues.

24 If we are truly trying to

1 reintegrate into society formerly
2 convicted individuals from a state of
3 custody to a state of citizenship, then
4 it seems to me that we should have more
5 supervision, not less, at the local
6 level; and that the ratio of the people
7 to be monitored through this system
8 should be increased.

9 Would you agree?

10 MR. POTTEIGER: I would
11 agree with that.

12 COUNCILMAN JONES: Okay.
13 And it flies in contradiction that if
14 we are turning the valve to release
15 people, and there's no bucket or basket
16 to catch it, it is an unorganized, at
17 best, and possibly dangerous, at worst,
18 situation that Philadelphians have.

19 MR. POTTEIGER: Let me just
20 say --

21 COUNCILMAN JONES: Let me
22 continue, and I'll let you respond.

23 But it just seems that
24 those two things fly in direct

1 contradiction to one another.

2 MR. POTTEIGER: One thing,
3 I know under the leadership of Governor
4 Corbett we did this past year alone
5 with Secretary Wetzel is justiciary
6 investment. And one those things that
7 that happened was we brought in state
8 governments to look at our criminal
9 justice system in the whole.

10 And the work group that we
11 were challenged with had everyone that
12 was involved in the criminal justice
13 system come up with proposals to
14 legislation to change the system.
15 There were judges in the work group.
16 The work group was led by secretary
17 Wetzel and Mark Zimmer from
18 Pennsylvania Crime Commission
19 Delinquency. We had members from both
20 the house and Senate judiciary present.
21 We had representation from the District
22 Attorney's Office, from the Public
23 Defender's Office, from our agency,
24 from the county of Adult Chiefs

1 Association, Jim Ryan was a part of it.
2 We had Office of Victims Advocate. We
3 had community stakeholders. And we
4 were tasked to looking at the system in
5 the whole.

6 And what it really looked
7 at was seeing how we can effectively
8 utilize our resources better than what
9 we're currently doing. And I think the
10 Department of Corrections will
11 continually look at throwing bad money
12 after bad money and getting the same
13 results.

14 And through the efforts of
15 Governor Corbett, we look and try to
16 fund end resources. And one of the
17 things you have to do to fund end
18 resources is that you have to be able
19 to financially support those resources.
20 This is what justiciary reinvestment
21 looks like.

22 If we can get the finances
23 at the onset at the local levels the
24 hope is, and the research and the data

1 show, that the savings you would get to
2 know back end. Right now, we're just
3 putting our resources at the back end
4 and no resources at the front end. And
5 it's very challenge.

6 I've been a part the County
7 Probation Department for 22 years. So
8 I understand at the county level what
9 the resources are. They're very
10 challenging.

11 So, the hope is through the
12 use of judiciary reinvestment that was
13 unanimously approved by both the House
14 and the Senate and with not one
15 negative vote in this kind of concept
16 of reducing the Department of
17 Corrections -- and when I'm talking
18 about reducing the Department of
19 Corrections' operation, it's not about
20 just opening the door and letting
21 people out. That's not what it's
22 about.

23 It's about looking at our
24 own internal workings and how do we

1 release people who have the eligibility
2 to be released, and have the positive
3 board actions back into our
4 communities, and looking at doing a
5 strategic reentry process and joining
6 and collaborating, just like we're
7 doing in the City of Philadelphia with
8 project RISE, with the U.S. Attorney's
9 Office, with the District Attorney's
10 Office, working in collaboration with
11 faith-based organizations and other
12 organizations in our communities that
13 90 percent of these people are coming
14 back into our communities.

15 Studies have shown through
16 Secretary Wetzel's studies that those
17 individuals who max out and had no
18 supervision at all are 63 percent more
19 likely to commit and get rearrested in
20 the first three years compared to 42
21 percent of those people who have on
22 their supervision.

23 We continue to look at ways
24 that we don't compromise public safety.

1 We're trying to gain additional
2 resources so that we can give support
3 to the local levels and give the
4 variability to help in the supervision
5 aspect of it.

6 COUNCILMAN JONES: Let me
7 say this. I'm a professional at
8 response. And listening, that was very
9 good. But it didn't answer my
10 question.

11 Let's boil it down. If
12 you're releasing more, shouldn't there
13 be more supervision at the local level
14 to handle that? Because otherwise,
15 your theoretical description of what
16 you described is probably logical in
17 some world and doesn't work at Market
18 Street when I go to the ATM, and this
19 guy who, according to your testimony,
20 you're not looking at the violence
21 level of the individual, scares me to
22 death because -- and I think that
23 should be a factor.

24 MR. POTTEIGER: Well, okay.

1 Let me clarify one thing: I said an
2 offender is an offender, whether it's a
3 violent or nonviolent. An offender is
4 an offender.

5 COUNCILMAN JONES: At the
6 MAC machine at 2:00 in the morning,
7 that's not true. If an offender is a
8 violent offender it's a higher priority
9 because they have the propensity to
10 kill.

11 MR. POTTEIGER: Well, I
12 don't have studies that show that that
13 is actually a true and accurate --

14 COUNCILMAN JONES: At 2:00
15 in the morning on Market Street, it is
16 absolutely true. And I'm saying to you
17 as a person who has dealt with 331
18 murders last year and as we start to
19 peel the layers of the onion of
20 formerly convicted individuals who have
21 a propensity to be violent at the end
22 of a gun, here on the ground, locally,
23 it is an absolute fact.

24 MR. POTTEIGER: Well, it is

1 an issue when you have a violent
2 offender with a firearm in -- your
3 question about the bucket itself. And
4 as I said in my earlier testimony,
5 we're not releasing them more at the
6 county level. The county level is
7 separate from the state level.

8 And what this
9 administration understands is what
10 directly affects the Department of
11 Correction, releasing more individuals
12 who are eligible to be released, then
13 the more resources that they give to
14 the board so that we could hire
15 additional agents to then compensate
16 the difference. Because if they get
17 released from the Department of
18 Corrections, they come under
19 supervision with the board.

20 So, as I said before, we've
21 been very fortunate with this
22 administration because they have the
23 additional resources to help, I guess,
24 you know, keep that balance as best

1 that we can with the numbers that we
2 have.

3 When we're looking to
4 parole somebody, when I talked about
5 their criminal history, if the history
6 itself is violent, we take that into
7 consideration.

8 I just don't -- to me, we
9 have 34,177 people, that's the way I
10 look at that. My job is to the best of
11 my ability give the resources necessary
12 for my agents to the best of their
13 ability supervise those individuals
14 throughout the Commonwealth of
15 Pennsylvania.

16 So when we break it down
17 further, when our board members were
18 making decisions, and my staff is
19 supervising people, that is something
20 that we look at, someone's criminal
21 history, and that is a part of the
22 process.

23 COUNCILMAN O'BRIEN: Let me
24 just go back, because I think, again,

1 Mr. Chairman, with all due respect,
2 that you're missing the point here.

3 I was involved in writing
4 and revising the whole relationship in
5 the criminal justice system when I was
6 Speaker of the House.

7 That came out of the
8 Philadelphia concern where we had a
9 prison cap at the Philadelphia, and
10 prisons were serving up to five years
11 in the county system rather than two
12 years in the state corrections. You
13 know prisons better than I do. You
14 figure it out.

15 We did everything from
16 rearranging transportation. We set the
17 standards for Probation and Parole. So
18 I'm very familiar with those.
19 Probation and Parole, nobody had to
20 sign an order. Now you have to
21 identify who you are.

22 The issue is here, and I
23 have just a passive interest, in the
24 new conversation that was taking place,

1 I'm not sure there were many
2 substantial changes to what we enacted
3 when I was Speaker of the House. But
4 that's not the issue. The question is,
5 do you need a working group to
6 determine that we need more seasoned,
7 better trained, numerous probation and
8 parole officers in the Philadelphia?
9 And do you need a committee to
10 determine whether there's a difference
11 between a violent and nonviolent
12 offender?

13 We provided for the release
14 of nonviolent offenders with
15 residential and drug and alcohol
16 treatment.

17 What I'm concerned about
18 here are the violent offenders that
19 have demonstrated by institutional
20 parole agent's reports saying -- again,
21 I will say -- I'll keep going on the
22 website and I'll look at the technical
23 violations versus the direct
24 violations.

1 What I'm concerned about is
2 the relationship to those technical
3 violations to someone who is a very
4 serious offender.

5 When we passed that
6 legislation, we shipped off over 500
7 offenders from the City of Philadelphia
8 incidentally. We also changed the
9 culture of the sentencing in the City
10 of Philadelphia where we've been always
11 legendary for just smacking somebody on
12 the wrist and letting them go.

13 We changed that culture
14 because of the alcohol and drug
15 treatment centers that we put back --
16 the judges in the City of Philadelphia
17 recognized that they should and would
18 get residential and drug alcohol
19 treatment if they were sentenced to
20 more than two years in the state
21 correctional facility.

22 My question is concern is,
23 my concern is, that the prison numbers
24 are the big concern, and that Probation

1 and Parole -- Probation and Parole, in
2 my view, should never be formally or
3 informally linked to Wetzel or any
4 other Secretary of Corrections
5 conversations. They should always be
6 separate.

7 MR. POTTEIGER: We are. We
8 are.

9 COUNCILMAN O'BRIEN: That
10 should never be a consideration of
11 Probation and Parole.

12 MR. POTTEIGER: I agree.
13 We are an independent board. We are
14 separate from the Department of
15 Corrections. We're not underneath.
16 We're independent of the DOC. Again,
17 we don't make decisions.

18 COUNCILMAN O'BRIEN: You're
19 telling me there's not one
20 consideration given to why -- and
21 again, I'll go back to my question:
22 How many technical violations -- how
23 many warrants were issued for technical
24 violations were issued in the City of

1 Philadelphia? I'm concerned about that
2 because these violent offenders come
3 back here.

4 MR. POTTEIGER: Uh-huh.

5 COUNCILMAN O'BRIEN:

6 Technical violation -- it should be an
7 order. If they violate, if they max
8 out, they should go back. I'm
9 concerned those recidivism rates are
10 driven by that policy, a no-warrant
11 policy.

12 MR. POTTEIGER:

13 Mr. O'Brien, what I can do for you is,
14 first of all, is I would -- if you
15 would like to create a work group to
16 look at the resources for the
17 Philadelphia, I would be very happy to
18 be a part of that process so that we
19 can then give that information to the
20 administration about adding additional
21 resources.

22 COUNCILMAN O'BRIEN: But
23 we're talking about an history in
24 administration where everything is

1 changing post Moses Walker.

2 I want to know why those
3 policies were changed from the
4 testimony that these gentlemen had and
5 the life experience they had as
6 Probation and Parole officers.

7 My concern is that we don't
8 have enough parole officers in the City
9 of Philadelphia. You're saying, oh,
10 civil conversation, they get to go to
11 Montgomery County.

12 Let me ask you this
13 hypothetical: Just say an individual
14 were in Montgomery County, and there
15 were a technical violation, would those
16 State Probation and Parole individuals
17 be treated differently?

18 MR. POTTEIGER: The
19 violation -- that's the reason why the
20 violation sanction was created, so
21 there was a standard that the Board
22 could follow in reference to technical
23 violations. That's why the violations
24 really -- what we could do is, we could

1 give you a copy of the violation
2 sanction and you can have that. I'll
3 make that available.

4 COUNCILMAN JONES:

5 Mr. Chairman, we're going to -- and
6 folks who are going to testify to the
7 committee here, we're going to take a
8 ten-minute break, and we'll resume the
9 committee. The stenographer needs a
10 break.

11 MR. POTTEIGER: Does that
12 mean that?

13 COUNCILMAN O'BRIEN: We're
14 just going to take a ten-minute break
15 and continue right on with your
16 testimony.

17 MR. POTTEIGER: Okay.

18 COUNCILMAN O'BRIEN: You
19 have to leave?

20 MR. POTTEIGER: Yeah, I
21 rearranged my schedule to be here at
22 10:00 and then I rearranged my schedule
23 to be here at 3:00.

24 COUNCILMAN O'BRIEN: Okay.

1 Well, with respect to an employee here
2 with the City, does any other member
3 have any other questions for this
4 witness?

5 I only have one, and I'll
6 let you go.

7 You had mentioning earlier
8 that the State Parole Board added
9 \$5,000 for an incentive for agents to
10 work here in the City of Philadelphia;
11 is that correct?

12 MR. POTTEIGER: I believe
13 it was 4 percent. I don't know. There
14 was an incentive to try and retain
15 people in the City of Philadelphia,
16 yes, that is correct. I can get you
17 the exact year that that occurred.

18 COUNCILMAN HENON: That's
19 fine. You can provide it to the chair.
20 And your reason for that is to fill or
21 to help out with the caseloads?

22 MR. POTTEIGER: No. That
23 was to help retain people to stay in
24 Philadelphia because the problem is,

1 people come to Philadelphia to get
2 hired, and after two years, they go
3 elsewhere.

4 And that's what we were
5 trying to do, to keep people who get
6 hired in Philadelphia to stay in
7 Philadelphia, to be a part of
8 Philadelphia and to supervise people in
9 Philadelphia. And that was the reason
10 why that initiative was created, to try
11 and keep agents in Philadelphia.

12 COUNCILMAN HENON: Okay.
13 So and I'm sure I'm going to
14 mispronounce this word. It's for
15 agents that are retired to come back.

16 MR. POTTEIGER: Annuitants.

17 COUNCILMAN HENON:
18 Annuitants?

19 MR. POTTEIGER: That's
20 correct.

21 COUNCILMAN HENON: So.
22 When you bring annuitants, or when you
23 hire annuitants, is that on a temporary
24 basis?

1 MR. POTTEIGER: They can
2 work-up to 92 days a year to help
3 offset some of the vacancy throughout
4 the Commonwealth.

5 COUNCILMAN HENON: Do they
6 count for the total agents that you
7 have on the parole --

8 MR. POTTEIGER: No.

9 COUNCILMAN HENON: Or is it
10 in addition to support?

11 MR. POTTEIGER: We have a
12 lot of positions in the Commonwealth,
13 and then I can add at my discretion so
14 that we have more agents in
15 Philadelphia compared to Harrisburg or
16 Pittsburgh or somewhere else.

17 COUNCILMAN HENON: So it
18 would be on a per diem basis?

19 MR. POTTEIGER: Uh-huh.

20 COUNCILMAN HENON: I don't
21 have any questions.

22 COUNCILMAN O'BRIEN: One
23 more.

24 When you were a parole

1 agent in Dauphin county, how many cases
2 did you supervise?

3 MR. POTTEIGER: It depended
4 on the amount. When I initially got
5 there, I had 110, probably 110 in the
6 City of Philadelphia -- City of
7 Harrisburg, my regular general
8 caseload.

9 Then when I was in the
10 intensive drug unit we were
11 approximately 35 or 36 on the intensive
12 drug units. So, what happens is, based
13 upon -- and especially the board, it's
14 people -- you get supervised based upon
15 the risk and needs assessment, the
16 LSI-R. And based upon if you're low,
17 medium, or high risk depends on what
18 type of supervision you'd be seen it.

19 In the county, we had
20 specialized units. One thing -- we've
21 been in discussions with Commissioner
22 Ramsey, in COMPSTAT, and we're looking
23 to put probation officers to do a
24 ride-along and be assigned to the

1 Philadelphia Police Department. So,
2 we're in discussions with that.

3 In the county, it was much
4 easier. I can go in front of my
5 resident judge and say, this is what I
6 want to do. The judge will say, great,
7 go do it.

8 Now, I want to try and do
9 an initiative, because there's an
10 initiative in Harrisburg also, and also
11 in Reading, because I've looked at the
12 studies and shown where I've seen that
13 working, the police-probation
14 ride-along is beneficial to the
15 community and also to the police and to
16 my officers.

17 But we have to vet things
18 through the general counsel, and then I
19 have to go through kind of red tape, so
20 to speak, more red tape than at the
21 county. I've been a part of that
22 process.

23 There's specialized
24 caseloads. There's a sex offenders

1 specialized caseload and board.

2 There's a mentally health caseload and
3 board. There's a generalized caseload
4 and board.

5 So we are trying to bring
6 more of a balance of the law
7 enforcement and rehabilitation process
8 back, and it's showing. Just because
9 we don't have them particularly today,
10 we're in the process of putting that in
11 place. We're in the process, starting
12 in June, with Project Safe
13 Neighborhoods, which is looking at
14 bringing back that identifying
15 high-risk, high-need offenders who have
16 a violent past and supervise them in a
17 different way, but supervise them in a
18 collaboratative way with other agencies
19 so that if that person decides to
20 really go off track, we can identify
21 them in the process and remove him from
22 the situation to the best of our
23 ability.

24 COUNCILMAN O'BRIEN: I just

1 want to push back just a little bit.

2 What you're saying then is,
3 when you were in Dauphin, you could get
4 to a judge; you didn't have to go to a
5 supervisor to get a warrant signed?

6 MR. POTTEIGER: No. No.
7 No. What I'm saying is when I was the
8 director of Dauphin County probation --

9 COUNCILMAN O'BRIEN: Let me
10 you ask is: Are you saying that 100
11 cases is an optimal amount even though
12 the American Probation and Parole
13 Association says you should be 1 and
14 50? I'm just trying -- these numbers
15 are being moved all over the place, and
16 I don't want to be on this
17 merry-go-round here.

18 I want to know. For the
19 type of offenders that we're concerned
20 about, what's the appropriate ratio?
21 Is it 1 in 35? Is it 1 in 50? Or is
22 it, let's over 100? What is it.

23 MR. POTTEIGER: Again, it
24 would be depend because, in that

1 caseload, you have people that are high
2 risk and people that are low risk. And
3 that's the problem when you don't have
4 a specialized caseload.

5 COUNCILMAN O'BRIEN: Are
6 you saying that the America Probation
7 and Parole Association doesn't know
8 what they're talking about when you
9 say --

10 MR. POTTEIGER: I didn't
11 say that.

12 COUNCILMAN O'BRIEN: Okay.
13 I'm using that number. Is that an
14 appropriate number? And unless you can
15 give me all the options possible --

16 MR. POTTEIGER: I will
17 defer to Mr. Costa or the APAPA because
18 I'm not familiar with that number?

19 COUNCILMAN O'BRIEN:
20 Mr. Costa is from Philadelphia?

21 MR. POTTEIGER: No. He's
22 the Eastern Regional Director.

23 COUNCILMAN O'BRIEN: Out of
24 the whole state, are we being treated

1 differently here in Philadelphia?

2 MR. POTTEIGER: No. You
3 gave a statistic from the APAPA. You
4 gave a statistic from the American
5 Commission Parole Association.
6 Mr. Costa is the Eastern Regional for
7 the Commonwealth of Pennsylvania. I
8 was just asking him what they say the
9 ratio would be. I don't know what the
10 ratio is.

11 COUNCILMAN O'BRIEN: Do you
12 want to take a break and then Mr. Costa
13 will come up and answer the rest of the
14 questions?

15 MR. POTTEIGER: He can
16 probably just answer that question.

17 COUNCILMAN O'BRIEN: No.
18 No. Does he want to come up, because
19 we can ask him all kinds of questions
20 about how annuitants are used in the
21 City of Philadelphia, because you don't
22 have the field work, you don't have the
23 opportunity to go out and have
24 knowledge of all of these individuals

1 who are on parole and special
2 probation. You bring annuitants back
3 and they write the reports. And it's
4 based on information.

5 So there are some questions
6 if Mr. Costa wants to stay, we'll be
7 more than glad to ask him. But the
8 stenographer needs a break though.

9 COUNCILMAN HENON: We'll
10 take a ten-minute break. If you have
11 to leave, Mr. Costa --

12 MR. POTTEIGER: Okay.

13 (A brief recess was taken
14 at this time.)

15 COUNCILMAN HENON: We will
16 reconvene the questioning of this
17 committee.

18 MR. COSTA: I'm Thomas
19 Costa. I'm the Eastern Regional
20 Director for the Pennsylvania Probation
21 and Parole.

22 COUNCILMAN HENON: Thank
23 you.

24 MR. COSTA: Just a little

1 background, the Eastern Region consists
2 of Philadelphia, Delaware, Chester, and
3 Montgomery Counties.

4 I've been in this position
5 14 years. Prior to that, 23 and a half
6 years as a Philadelphia Adult Probation
7 Officer Department.

8 COUNCILMAN HENON: Okay.

9 Are there any questions for
10 Mr. Costa from this committee?

11 COUNCILMAN O'BRIEN:

12 Mr. Costa, can you please elaborate on
13 the ratio? I know that you're on the
14 American Probation and Parole
15 Association where they recommended 1 in
16 50.

17 The chairman's testimony in
18 the bottom of the third paragraph
19 references a caseload ratio of 1 and
20 74.

21 What would you consider the
22 optimum number?

23 MR. COSTA: I believe what
24 the APPA is referencing is 1 to 50 is 1

1 to 50 on high-risk offenders. Okay.
2 That the offenders are classified as
3 high, medium, or low risk, and that
4 ratio of 1 to 50 is at the high end --

5 COUNCILMAN O'BRIEN: How
6 many offenders in Philadelphia are
7 considered high risk?

8 MR. COSTA: That, I don't
9 know offhand, sir.

10 COUNCILMAN O'BRIEN: So we
11 don't know how to appropriate a number
12 or an appropriate a ratio.

13 MR. COSTA: Without looking
14 at statistics, I didn't come prepared.

15 COUNCILMAN O'BRIEN: Do you
16 have that number available?

17 MR. COSTA: I can probably
18 get that number for you, sir.

19 COUNCILMAN O'BRIEN: Thank
20 you. I don't think we have any further
21 questions.

22 COUNCILMAN HENON:
23 Mr. Costa, if you could look for those
24 numbers and submit it to the chair.

1 MR. COSTA: We can do that.

2 COUNCILMAN HENON: Are
3 there any other questions from the
4 committee?

5 Mr. Costa, thank you for
6 your time.

7 Clerk, could you call the
8 next witnesses, please.

9 THE CLERK: Charles Hoyt
10 and Chip Junod.

11 COUNCILMAN HENON: Before I
12 ask you to submit your name for the
13 record, I know you had submitted in
14 testimony. So, you know, with all due
15 respect, if it's okay with you, you
16 could just summarize it without reading
17 it for the sake of time, and then be
18 available for any questions.

19 MR. HOYT: Okay.

20 COUNCILMAN HENON: State
21 your name for the record, please.

22 MR. HOYT: My name is
23 Charles Hoyt, and I'm the deputy chief
24 probation officer of Philadelphia

1 County Probation and Parole. I've been
2 working there for 29 years, and I have
3 been the deputy chief for two years.

4 I've been asked to
5 summarize -- I was asked to talk about
6 Philadelphia County's interaction with
7 the State with regards to special
8 probation detainers and warrants, and
9 how they affect the special probation
10 and the interaction on common cases.

11 I was also asked to make a
12 statement about EMU, electronic
13 monitoring, and how we run it in the
14 County of Philadelphia.

15 Basically, with regards to
16 the 325s --

17 MR. O'BRIEN: If I can,
18 Mr. Hoyt, I'll just ask you, what is
19 the house arrest electronic monitoring
20 process in the County of Philadelphia?

21 MR. HOYT: As I said in my
22 statement, in Philadelphia County
23 Probation and Parole, offenders are
24 sentenced with electronic monitoring

1 must be released from prison after a
2 home investigation.

3 COUNCILMAN O'BRIEN: What
4 about those that are on bail and not in
5 custody?

6 MR. HOYT: They still have
7 to be incarcerated. Everyone that gets
8 sentenced to electronic monitoring must
9 go to jail, be incarcerated, come out
10 of jail after their residents are
11 approved and we make sure that they
12 have a phone and that they're welcomed
13 in the house and the owner has agreed
14 to it.

15 COUNCILMAN O'BRIEN: So you
16 just don't take somebody's word for it
17 that you can go live with grandmom, and
18 you have -- and you don't take their
19 word for it that there's a landline
20 that can hook up to the monitor? And
21 do any of those offenders ever go
22 unmonitored?

23 MR. HOYT: Any of what
24 offenders?

1 COUNCILMAN O'BRIEN: Any of
2 the offenders that are sentenced to
3 electronic monitor, do they ever go
4 unmonitored?

5 MR. HOYT: Unmonitored?
6 They don't go unmonitored, no. There
7 was a time that the people that were
8 out on bail would walk over, and we
9 would get permission from the judge.
10 But ever since recently, in December,
11 we changed that policy. And
12 everybody -- everybody -- has to be
13 incarcerated that is on electronic
14 monitoring.

15 COUNCILMAN O'BRIEN: I want
16 to congratulate you. I think that's a
17 great best practice that should be
18 emulated.

19 MR. HOYT: Thanks.

20 COUNCILMAN O'BRIEN:
21 Mr. Junod, state your name for the
22 record and then proceed.

23 MR. JUNOD: Charles Junod.
24 Everybody calls me Chip Junod, and I

1 surprise people when they see Charles
2 somewhere, but that is the name.

3 Good afternoon, Council
4 chairman and committee chairman and
5 council members.

6 I understand that you have
7 a copy of, basically, my answers to
8 questions. I think it's more of a data
9 or fact. I did actually update the
10 figures to realtime, if you cared.
11 They're substantially the same though.

12 We still run about 80
13 percent people are pretrial of some
14 sort in the jail. And I do have to say
15 that I'm familiar with the Philadelphia
16 policy.

17 Mr. Hoyt and I are actually
18 on some of the committees together to
19 make sure this works.

20 And just to add, almost in
21 a fairness way, we did work to make it
22 a quick process for persons who were
23 out of custody and have arranged for
24 where there would be kind of a special

1 handling, kind of have a prescreen of
2 whether the house is good so when the
3 person goes in they stay in for a
4 minimum amount of time.

5 And I think that's
6 important for someone who was never in
7 custody for the whole time the case was
8 going on. So we're kind of trusted
9 that much. So we did work out a way
10 where we did, basically, a two-day, and
11 they're back out.

12 The house is verified and
13 the pretrial services who supervised
14 the house arrest and electronic
15 monitoring in Philadelphia do come to
16 the prison with a van and take that
17 person to the house.

18 I can say that the -- I'm
19 not sure, actually, if the chairman of
20 the parole board said this or not. But
21 I thought he said that it was still the
22 policy to release persons from jail to
23 house arrest, that they would tell them
24 to report -- but I think he's wrong

1 about that, because I've talked to the
2 people in our record room, and now the
3 state parole agents come up to the jail
4 and take them from there so they
5 don't -- now, maybe the people who are
6 being sentenced from bail, but I can't
7 imagine how you'd have a parole
8 violation.

9 COUNCILMAN O'BRIEN: Who
10 implemented that policy? And is that
11 just in Philadelphia?

12 MR. JUNOD: I don't know if
13 it's just in Philadelphia. I do know
14 it happened after the incident that it
15 was changed. We also had a very few of
16 them, and I don't know how many we had
17 prior to -- I'll just call it the
18 incident. We've only had, in talking
19 to the people in my record room, about
20 two persons who are released from the
21 state detainer into or onto house
22 arrest, electronic monitoring.

23 COUNCILMAN O'BRIEN: So
24 this isn't something that the state

1 did, it's something that you did, and I
2 congratulate you on best practice.

3 MR. JUNOD: No. They did
4 work with us. But clearly, that was
5 the impetus for the change. We always
6 knew that. In fact, we had an extra
7 step that we might not have needed to
8 have. We used to contact the judge and
9 say, I hope you understand that when
10 you do this, it means that they get
11 released to parole and sometimes --
12 most times the judges wanted their
13 sentence to be followed through, so
14 they'd say, that's okay.

15 Sometimes the judge would
16 say, well, I didn't know that. And,
17 therefore, they'd change the house
18 arrest.

19 But that is the way it is
20 now. The only two that have happened
21 since, what, September, had been
22 directly to parole agents.

23 COUNCILMAN HENON: Does
24 anyone from the committee have any

1 further questions?

2 Gentlemen, we appreciate
3 your time. Thank you for testifying.

4 Clerk, are there any
5 additional witnesses?

6 THE CLERK: There are no
7 additional witnesses.

8 COUNCILMAN HENON: Yes, I
9 believe we do have one more witness.

10 For those who weren't here,
11 before we called up our final witness,
12 who I'm going to ask to be brief
13 please, and I'd appreciate that, we
14 have immediately following the public
15 safety meeting, we're going to start
16 streets and services.

17 THE CLERK: Bill Jones.

18 COUNCILMAN HENON: State
19 your name for the record.

20 MR. JONES: My name is
21 Major William E. Jones. I'm an retired
22 Army infantry officer and a former
23 Pennsylvania state parole field agent
24 in Philadelphia with over 14 years

1 experience.

2 I would just like to say if
3 I can bottom-line everybody, please
4 take away these bottom-lines that the
5 first thing it's all about the money.

6 In order to save \$40,000
7 per inmate per year, the Pennsylvania
8 Board of Probation and Parole since at
9 least 2008 has not been sending people
10 back to prison for technical parole
11 violations and keeping them on the
12 street as long as they can.

13 They've also been pushing
14 out people from the prisons at the rate
15 of up to 2,000 a month to reduce the
16 cash flow, to save State budget funds.

17 Currently, it costs over
18 \$2 billion, with a B, to house 51,000
19 state inmates. 30 percent of them come
20 from Philadelphia.

21 The next point I want you
22 to really understand and we're really
23 to trying to get to is the state prison
24 population is dangerous. Please

1 understand that. They're dangerous.
2 They're graduates of juvey. They're
3 graduates of county probation, county
4 parole, they've been in front of the
5 judge many times, and when they finally
6 -- when the judge finally has enough,
7 they send them to state parole. And
8 then they go through, and when they
9 come out, they're very dangerous folks.

10 Example: Daniel Giddings
11 who murdered Sergeant McDonald who did
12 over 500 days in the hole. He was
13 kicked out of two prisons. I read the
14 file. The first time he was kicked out
15 he was running a cell theft drain in
16 one prison. He was stealing from the
17 prisoners. And the second time he was
18 kicked out he was part of an extortion
19 running in another prisoner.

20 He was declared a threat to
21 the safety of the prison staff because
22 he was trying to have a counselor
23 killed by someone else. He was an
24 animal. I'm sorry.

1 And the parole board let
2 him go. He had a couple months left.
3 And they wanted to put him on parole.
4 And the reasons wasn't money. The
5 reason they gave was, hey, nobody will
6 supervise him for a little bit.

7 Okay. They let him out.
8 Within a week, he ran away from the
9 CCC. Assault within a month. Within a
10 month he assaults four highway patrol
11 officers, two of them needing medical
12 attention. And in addition to the four
13 highway patrol officers, he murdered
14 Sergeant McDonald and shot another
15 officer, and injured a third.

16 This is the kind of people.
17 The 10,463, we deal with violent
18 people. They're graduates. They're
19 violent people.

20 The big five are murder,
21 armed robbery, burglary, aggravated
22 assault, and drugs. And drug dealers
23 are violent.

24 Really quickly, all of this

1 stuff about LSI-R, sanctioning, that's
2 all smoke and mirrors. It's all about
3 not sending guys back to prison and
4 saving money.

5 The two people that
6 murdered Sergeant Liczbinski were under
7 no supervision. Jeffrey Dahmer, Mudman
8 Simon. SLI-R? It's a joke. It's a
9 sad, pathetic joke.

10 Gentlemen, please hear me:
11 The people of Philadelphia have a real
12 dangerous population of criminals. And
13 we, the families of Philadelphia, are
14 paying the butcher's bill every time
15 the Pennsylvania Board of Probation and
16 Parole roll the dice and doesn't send
17 these guys back to prison and lets them
18 out.

19 We have two serial killers
20 that were state parolees and got out
21 and then became serial killers.
22 They're just a dangerous population.

23 And I would like you to
24 look at Act 122 because now it's going

1 to be a law since January not to send a
2 guy back for techs --

3 COUNCILMAN O'BRIEN: Back
4 for what?

5 MR. JONES: Techs,
6 technical parole violations, like doing
7 drugs. And electronic monitoring is
8 more of a flimflam, more of a joke.

9 Getting back to one thing I
10 want to point out, they would say, hey,
11 at least we supervised him for a couple
12 months -- Daniel Giddings. I would say
13 no, if we let him max'd out, Sergeant
14 McDonald would be alive.

15 Philadelphia is looked
16 upon, even within the academy, as an
17 annoyance. The rules don't really
18 apply here because the population is
19 more dangerous.

20 The chairman spoke about
21 changing policies and procedures. The
22 electronic monitoring isn't going to
23 stop me from -- it isn't going to stop
24 anybody from killing you, selling

1 drugs, doing robberies. It's not a
2 magic power. It's a joke. It's
3 something to make you think that we're
4 doing something. And we're not. Okay.
5 We're going to put this electronic
6 monitor on and is he going to stop
7 living the thug life? No, he's not.
8 But it looks good. It looks like we're
9 doing stuff, but we're not.

10 It's all designed, number
11 one, to save money, to save funds.
12 Number two, yes, our population is
13 dangerous. Number three, it's all
14 about the money. And the people and
15 the families of Philadelphia have
16 been bleeding, and it's a trail of
17 blood and tears. And I've been trying
18 to tell people about this since 2008,
19 and I hope you have my HELP documents
20 that clearly lay everything out.

21 If you want to make a
22 difference, please run -- don't walk --
23 to Zane Memeger, US Attorney, to see if
24 he'll do something about political

1 corruption. Because gentlemen, the
2 moon holds its nose when it passes over
3 the Pennsylvania Probation and Parole
4 because it stinks to High Heaven of
5 corruption.

6 Another thing you might
7 want to do, and it might make a
8 difference, is get ahold of the nice DA
9 and start talking to him about
10 involuntary manslaughter charges
11 because -- and I'm not an attorney, but
12 if you don't take action, if you don't
13 take action you should take, and it
14 results in somebody's death, you should
15 go to jail, prison.

16 If you start -- the key
17 people on the ground level that you
18 should focus on are the deputy district
19 directors. They're the ones that issue
20 the warrants, and they've been told not
21 to. You'll never see anything in
22 writing. They've been told, don't do
23 it. We need to save money. We'll push
24 them off into these time-out projects.

1 If they're too bad, we'll take them off
2 the street for 90 days, and then the
3 clocks starts all over. Everything is
4 erased and he gets to do it all over
5 again. And these guys know how to play
6 the game.

7 We're actually encouraging
8 drug use. When we do a urine once
9 every six months or so, and we catch
10 them dirty, we can't send them back.
11 We're not stopping them from using
12 drugs.

13 The guy has an electronic
14 monitor on, he's staying out all night.
15 So what? We're not going to send him
16 back. It's all about money.

17 And so, please, if I can be
18 of any service or whatever, because,
19 God bless the new chairman with his
20 one-year of experience. But it sounds
21 like he's playing you like a Texas
22 fiddle. He's giving you these stats
23 and telling you about these programs,
24 and what does that have to do with a

1 dead cop?

2 And please understand that
3 these are the newsworthy victims that
4 you're hearing about, the cops, the
5 serial killings, the little girl who
6 got savaged, the Frankford rapist. I
7 can runoff a list of over 20 state
8 parolees from 2008 that committed
9 crimes and murders and serial killings
10 that should have never been allowed
11 out, should have been sent back but
12 weren't. Why? Money. And who is
13 paying the butcher's bill? The
14 families of Philadelphia. The families
15 of Philadelphia.

16 So please, is this
17 political corruption? Yes, it is.

18 It was started in 2008,
19 real quick, when Governor Rendell
20 wanted to save money. So he brought in
21 chairman McVey, and the first thing she
22 did was not send people back on techs.
23 And that was really good because since
24 she didn't send them back, she didn't

1 issued a warrant, the recidivism rate
2 was low. Great job. No. You weren't
3 doing your job, but it looked like you
4 were doing a hell of a job.

5 And real quick, the state
6 paid \$12 million to hire 96 new agents
7 in 2008. 72 of them, 72 of the 96
8 agents were designed to push guys out
9 of prison at the rate of up to 2,000 a
10 month.

11 You have all of these fancy
12 smoke and mirror names like community
13 correction center agents. What do they
14 do? They get the guy out, and as soon
15 as they do they flip them on the backs
16 of a field agent.

17 Transitional coordinator
18 agent. What's that? Those are CCC
19 agents without a place to keep them.
20 But they're flippers too. So they take
21 the guy, and within 90 days, the
22 parolee, the dangerous murderer, armed
23 robber, drug dealer, whatever, and flip
24 them onto the back of a field agent.

1 Oh, by the way, I'll give
2 you a current count. Field agent
3 averages over 100 cases. The APPA and
4 the federal government say max for
5 violent offenders, the max caseload
6 should be 1 to 50.

7 Gentlemen, that's all State
8 parole in Philadelphia has, is violent
9 offenders. That's all we've got,
10 violent offenders. Just like the Feds
11 and just like the APPA -- and
12 Pennsylvania is a member of the APPA.
13 It should be 1 to 50.

14 They don't care if agents
15 get burned out because they'll just get
16 new agents and treat them like toilet
17 paper.

18 So, in closing, I would
19 just like to say this is a corrupt
20 situation. The people of Philadelphia
21 are bleeding to death paying for it.
22 And at any time the State Parole Board
23 is letting these guys out and not
24 sending them back, they're rolling the

1 dice, and it's the families of
2 Philadelphia that pay when they crap
3 out.

4 COUNCILMAN HENON: Thank
5 you.

6 COUNCILMAN JONES: Thank
7 you.

8 MR. JONES: Can I answer
9 any questions?

10 COUNCILMAN JONES:
11 Councilman Squilla?

12 COUNCILMAN SQUILLA: Thank
13 you for your testimony. It's truly
14 disheartening hearing the stories. I
15 know, but I have to ask this question:
16 As a recommendation to possibly the
17 DA's Office or the Attorney General's
18 Office, as far as statistics, we know
19 in politics you can form statistics any
20 way you want.

21 MR. JONES: Figures don't
22 lie, but liars figure.

23 COUNCILMAN SQUILLA: Right.
24 We know that. So what would be your

1 recommendation as far as incidents like
2 this to have an increased mandatory
3 sentence? Or would it be when time
4 comes to reevaluate it, should there be
5 restricted guidelines?

6 MR. JONES: Sir, the way
7 the state parole was set up was
8 absolutely beautiful. It has checks
9 and balances. It has maturity. It has
10 safeguards. It's wonderful. But it's
11 being corrupted. It's being corrupted
12 to save money.

13 If you really want to put
14 the blocks to this, you should start
15 looking at and going after the deputy
16 district directors that don't issue
17 warrants. So you've got a target
18 letter for Mr. Zane Memeger, the U.S.
19 Attorney General for Philadelphia. Or
20 maybe getting charged with involuntary
21 manslaughter from our DA, and you're
22 going to stop this. The only way it's
23 going to work is if they start issuing
24 out warrants and you go after the

1 deputy district director, the people
2 who are supposed to issuing out the
3 warrants but they're not because they
4 were told not to.

5 COUNCILMAN SQUILLA: And
6 you believe it's been told from higher
7 above --

8 MR. JONES: I would say it
9 started with Governor Rendell. Let the
10 record show I told Governor Corbett
11 when he was the State Attorney General,
12 repeatedly. And get this: Guess what.
13 On two occasions there was somebody
14 that got really interrogated and beat
15 the daylights out of them, throwing
16 everything and phone books. That
17 person was a whistleblower. Me. Twice
18 by the State Attorney General's office.
19 I mean, I think I remember a wood
20 board, it was that bad.

21 Then I called up to the
22 stand and it they even contaminated a
23 jury pool, a Grand Jury pool, just to
24 kick me around and try to settle things

1 down about how corrupt the Board is.

2 Example, real quick, even
3 Dennis Powell, the district director
4 for Philadelphia during this time was
5 being questioned when he started out,
6 he was a convicted felon and active
7 fugitive, and he was in charge of
8 one-third of state parole population.
9 Hello? Hello?

10 A convicted felon and an
11 active fugitive, and we made him a
12 district director in charge of
13 one-third of the state population, gave
14 him a an \$80,000 a year job, gave him
15 guns, and made him an armor and -- it's
16 unbelievable. It's something out of a
17 60 Minutes story.

18 COUNCILMAN JONES: Well, we
19 want to thank you for your testimony,
20 and it was value added.

21 MR. JONES: Please take a
22 look at the HELP documents. It really
23 lays everything out. And don't be --
24 parole -- another thing to look out

1 for, please, they tell you,
2 confidentiality, I'm sorry, we can't
3 let you look at the books, start with
4 Mr. Memeger.

5 COUNCILMAN JONES: Are
6 there any other questions.

7 COUNCILMAN O'BRIEN:
8 Mr. Chairman, I would just like to
9 thank you for holding this very
10 important hearing. I think it's
11 important that we understand how these
12 law enforcement agencies interact and
13 should interact.

14 I would like to thank your
15 staff for being very professional.

16 I would like to thank my
17 staff lining up the witness.

18 I'd like to thank the
19 members for the generosity of their
20 time for this very important issue and
21 I would hope that as we peruse the
22 testimony, there may be more questions.
23 And I would ask the chairman to
24 consider having a follow-up.

1 COUNCILMAN JONES: Well,
2 I'm just going to tell you and thank
3 you for bringing this issue forward, it
4 was eye opening, to say the least, and
5 something that we cannot close our eyes
6 to now, ever.

7 And so, thank you for
8 bringing your years of experience here
9 to the City of Philadelphia so we can
10 try to make it safer as we gave a new
11 definition of public safety, or the
12 lack thereof, in this hearing. So we
13 want to thank you for that.

14 COUNCILMAN O'BRIEN: I
15 think we all we want to move in the
16 same direction, Mr. Chairman. So thank
17 you.

18 COUNCILMAN JONES: If there
19 are no other individuals to testify on
20 this matter, this concludes our public
21 hearing, and we will now open our
22 public meeting to move bills in
23 legislation.

24 The Chair recognized

1 Council member Henon on a motion for a
2 amendment to Bill Number 130140.

3 MR. HENON: Thank you,
4 Mr. Chairman. I move that the
5 amendment to Bill Number 130140 be
6 adopted.

7 COUNCILMAN O'BRIEN:
8 Second.

9 COUNCILMAN JONES: It has
10 been moved an seconded that Bill Number
11 130140 --

12 Wait a minute. Let me ask
13 you, are you doing that with a
14 suspension of the rules?

15 COUNCILMAN HENON: We're
16 going on the --

17 COUNCILMAN JONES: I've got
18 the wrong paper in front of me. You're
19 right. Thank you, Mr. Vice Chair.

20 It has been moved and
21 seconded that Bill Number 130140 be
22 adopted.

23 All of those in favor of
24 the motion being adopted will signify

1 that by saying Aye.

2 COUNCILMAN HENON: Aye.

3 COUNCILMAN O'BRIEN: Aye.

4 COUNCILMAN JONES: The
5 motion for the Amendment to Bill Number
6 130140 has been adopted.

7 Now, the Chair will
8 recognize Councilman Henon for a motion
9 on Bill Number 130140 as amended.

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

12 I move that Bill Number
13 130140 as amended be reported from this
14 committee with a favorable
15 recommendation, and further move that
16 the laws council be suspended to the
17 first reading of this bill at the next
18 council session.

19 COUNCILMAN JONES: Is there
20 a second?

21 COUNCILMAN O'BRIEN:
22 Second.

23 COUNCILMAN JONES: It has
24 moved been moved and properly seconded

1 that Bill Number 130140 as amended be
2 reported from this committee with a
3 favorable recommendation and further
4 move that the rules of council be
5 suspended to the first reading of this
6 bill at the next session of council.

7 All of those in favor of
8 this motion will say Aye.

9 COUNCILMAN O'BRIEN: Aye.

10 COUNCILMAN HENON: Aye.

11 COUNCILMAN JONES: All of
12 those opposed?

13 The motion carries. Bill
14 Number 130140 as amended will be
15 reported from this committee with
16 favorable recommendation and with the
17 request that the rules of council be
18 suspended, thus permitting first
19 reading at our next session of Council.
20 This concludes our public meeting
21 today. Thank you.

22 (Committee on Public Safety
23 concluded at 1:26 p.m.)

24

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