

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING BEFORE COUNCIL COMMITTEE
4 ON PUBLIC SAFETY

5 - - -
6 Room 400, City Hall
7 Philadelphia, Pennsylvania
8 Wednesday, 1/24/01
9 2:00 p.m.
10 - - -

11
12 RESOLUTION 000044 - Authorizing the City Council's
13 Committee on Public Safety to hold public hearings
14 to monitor the progress made in improving the
15 handling of sexual assault complaints as set forth
16 in the recommendations adopted by the entire City
17 Council on December 16, 1999.

18 PRESENT: COUNCILMAN ANGEL L. ORTIZ, Chair
19 COUNCILWOMAN JANNIE BLACKWELL
20 COUNCILMAN JAMES F. KENNEY
21 COUNCILMAN FRANK RIZZO
22

23 - - -
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1 1/24/01 PUBLIC SAFETY - RES. 000044

2 I N D E X

3		
4		Page
5	Commissioner John Timoney.	3
6	Richard Tustin, Acting Director	10
7	Capital Program Office	
8	Carol Tracy, Executive Director	17
9	Women's Law Project	

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1 /00 PUBLIC SAFETY - BILL

2 P R O C E E D I N G S

3 COUNCILMAN ORTIZ: Good afternoon.

4 Will the clerk please read the title of
5 the resolution, please.

6 THE CLERK: A resolution authorizing
7 the City Council's Committee on Public Safety to
8 hold public hearings to monitor the progress made
9 in improving the handling of sexual assault
10 complaints as set forth in the recommendations
11 adopted by the entire City Council on December 16,
12 1999.

13 COUNCILMAN ORTIZ: Good afternoon.
14 We're going to be very quickly, we've just got
15 two.

16 Commissioner, could you please come up.

17 (Witness comes forward.)

18 COUNCILMAN ORTIZ: I want to thank you,
19 Commissioner, for really the amount of work that
20 you've done through this whole process, and I know
21 that you have given the committee a -- answers to
22 the questions we gave in terms of -- I don't want
23 to go through this whole list of numbers that we
24 have here.

25 COMMISSIONER TIMONEY: Right.

1 /00 PUBLIC SAFETY - BILL

2 COUNCILMAN ORTIZ: But can you just
3 generally give us a quick overview of what it is
4 that's been submitted, and we'll put it in the
5 record.

6 COMMISSIONER TIMONEY: Yeah.

7 COUNCILMAN ORTIZ: And -- because it is
8 very. . .

9 COMMISSIONER TIMONEY: Well, thank you
10 very much, Mr. Ortiz for the invitation to come
11 back, and this -- in regards to the cases under
12 review, this is the final report, and I'll explain
13 that further.

14 As you're well aware, we went back,
15 based on the Statute of Limitations, we went back
16 for the years 1997, 1996, and 1995, and we
17 examined a total of 1999 cases, basically 2000
18 cases, that the review of those 2,000 cases has
19 been complete. And so, we have a narrative and
20 then a chart in the back. And basically what the
21 chart indicates is that out of the 2,000 cases,
22 the review has been completed.

23 And that for example, across the top
24 there -- they're broken down into a variety of
25 categories -- rape, robbery, aggravated assault,

1 /00 PUBLIC SAFETY - BILL

2 simple assaults, and other sexual assaults, other
3 offenses. It turned out that out of the 1999
4 cases, that a total of 637 should have been
5 properly classified and investigated as rapes.
6 And then the next biggest category after -- well,
7 actually, a bigger category, which is in "Other
8 Sex Offenses," there are about 900.

9 In any event, the review has been
10 completed. There have been a total of -- out of
11 the 1999 cases, there have been 83 arrests so far,
12 and 265 have been exceptionally cleared, 389 were
13 classified as unfounded, and so the remaining 1262
14 cases remain active for those 3 years. In other
15 words, there's still an active investigation going
16 on.

17 COUNCILMAN ORTIZ: Yeah.

18 COMMISSIONER TIMONEY: As you can
19 appreciate, the distance in time created numerous
20 obstacles for the investigators involved.
21 People's memories, their willingness to cooperate
22 with the police, in some cases, the ability of
23 this department to locate them, a whole host of
24 things really leads to that, to what appears to be
25 a very high number of still-active cases. But,

1 /00 PUBLIC SAFETY - BILL

2 you know, just 'cause it's difficult, it doesn't
3 mean we're giving up on them, but they've all had
4 at least one look-see, and some, much more than
5 that.

6 And so -- and then the charts are
7 broken down year by year and are basically
8 self-evident.

9 The one thing that would seem maybe to
10 -- you'd wonder why, and I, on a -- I guess --
11 no, I guess the numbers are pretty good as far as
12 on the overall rapes; it looks like they're pretty
13 even as far as the arrests. Because there was
14 some concern going back to 1995, which you'd be
15 able to make (indiscernible), and that's actually
16 where we started, and we did make 9 rapes; and
17 then in 1996, 17; and then in 1997, 10. Those
18 numbers, I'm assuming, will increase as these
19 active investigations go further.

20 So, overall, as I said, it was a full
21 (indiscernible), and while you thanked me, I get
22 far too much thanks and appreciation. The thanks
23 really belongs to the guy my left, Captain Joe
24 Mooney, who, as you're well aware, when we decided
25 to overhaul the Special Victims Unit about -- it's

1 /00 PUBLIC SAFETY - BILL

2 almost two years ago now, we looked for what I
3 consider the top investigative captain at that
4 time in the department, and he was in Internal
5 Affairs. And we plucked him from Internal Affairs
6 and gave him this really thankless job, and he's
7 done, against great odds, a remarkable job.

8 So I just want to -- you know, you
9 probably could thank me; I think the thanks really
10 goes to Captain Mooney.

11 COUNCILMAN ORTIZ: I understand.
12 You're looking for someone to make lemonade,
13 right?

14 COMMISSIONER TIMONEY: Yep.

15 COUNCILMAN ORTIZ: And he did.

16 COMMISSIONER TIMONEY: Yep.

17 COUNCILMAN ORTIZ: And we know the
18 commitment of the captain and what has
19 transpired. And, really, it's an effort that is
20 sort of a work in progress.

21 COMMISSIONER TIMONEY: Yeah.

22 COUNCILMAN ORTIZ: What we have
23 started. So it is not a finished product, but
24 it's a work in progress that we've begun and that
25 we have to continue.

1 /00 PUBLIC SAFETY - BILL

2 COMMISSIONER TIMONEY: Yep.

3 COUNCILMAN ORTIZ: Frank, do you have
4 any questions?

5 COUNCILMAN RIZZO: I'm fine. Thank
6 you.

7 COMMISSIONER TIMONEY: Hello,
8 Councilman Rizzo.

9 COUNCILMAN ORTIZ: I will make this a
10 part of the record. I think we're going to
11 summarize this as soon as I get together with
12 folks and begin looking at how we can be putting
13 this forward so that the people of Philadelphia
14 understand what we got now, and specifically the
15 citizens and women of Philadelphia, that -- that
16 something happens and they begin to understand
17 that it's all right to come forward.

18 COMMISSIONER TIMONEY: Yeah.

19 COUNCILMAN ORTIZ: And that the system
20 is changing, and that although it is not perfect
21 yet, it's way, way, way better than it's ever
22 been.

23 COMMISSIONER TIMONEY: Yeah. And I
24 think the final thing, as an outgrowth of this
25 entire review as part of the effort to, I guess,

1 /00 PUBLIC SAFETY - BILL

2 to reestablish or regain public confidence in our
3 ability to investigate these cases, we have been
4 working with a variety of women's groups who are
5 quite literally monitoring our cases, and we just
6 began last week, and I think it's also been an
7 eye-opener for those folks involved in this review
8 process, that it isn't as easy as it seems, and
9 that there are problems, for example, with the
10 UCR, with the federal definitions of rape and what
11 in fact they capture, and there's an awful lot
12 that -- and it leaves an awful lot to be desired,
13 I guess, as far as informing the public in regards
14 to the national status of rape and other sex
15 crimes. There's a tendency just to focus in on
16 the rapes and not be dismissive but not really
17 emphasize the importance of other sexual-type
18 cases, and I think they will be -- I mean have
19 been and will be in the future in contact with the
20 FBI in regards to maybe looking at the uniformed
21 crime reporting system, because there are --
22 there's plenty of room for improvement.

23 COUNCILMAN ORTIZ: I want to thank you
24 very much, Commissioner. I told you it was going
25 to be a short meeting today.

1 /00 PUBLIC SAFETY - BILL

2 COMMISSIONER TIMONEY: I appreciate
3 that. Thank you very much.

4 COUNCILMAN ORTIZ: Capital Mooney, we
5 thank you again for all the work you did. And,
6 Brad, thank you too.

7 COMMISSIONER TIMONEY: I forgot
8 Brad's --

9 COUNCILMAN ORTIZ: Yeah. Mr. Tustin,
10 please.

11 (Witness comes forward.)

12 COUNCILMAN ORTIZ: Mr. Tustin, identify
13 yourself for the record. And where are we --
14 about where are we now that we were not last time
15 around?

16 MR. TUSTIN: My name is Richard Tustin,
17 and I'm the acting director for the City's Capital
18 Program Office. I don't have formal testimony,
19 but I would like to give you an update on what has
20 happened over the last 30 days since our last
21 hearing.

22 As us discussed at the last meeting, we
23 were in the process of finalizing our space
24 analysis for the space allocation committee, and
25 we did complete that, as I said we would, that

1 /00 PUBLIC SAFETY - BILL

2 following Friday. We also sent copies of that to
3 the Managing Director and the Finance, the Budget
4 Director for their review and approval, and we are
5 were given authorization by them to start our site
6 search, which was our next step, is trying to
7 identify locations where we could move this new
8 facility.

9 COUNCILMAN ORTIZ: So we have the
10 approval.

11 MR. TUSTIN: We have the approval to do
12 the site search; yes, we do.

13 COUNCILMAN ORTIZ: And now what is the
14 timeline for the site search?

15 MR. TUSTIN: We've already had a
16 follow-up meeting with the Department of Public
17 Property Real Estate Division, which is the agency
18 responsible to do this work. And within the next
19 30 days, we should have identified several
20 locations to look at in order for the possible
21 move of this facility.

22 COUNCILMAN ORTIZ: Is Captain Mooney a
23 part of the process --

24 MR. TUSTIN: Yes.

25 COUNCILMAN ORTIZ: -- in terms of the

1 /00 PUBLIC SAFETY - BILL

2 search?

3 MR. TUSTIN: Yes. Yes, he is. We met
4 with him last month and we reviewed the report,
5 and also they will be a part of the group that
6 goes out to look at each individual site.

7 And I should also say that we've also
8 had several meetings with several of the private
9 organizations involved in this -- the Penn's
10 Women's Center, the Women's Law Project, and the
11 Philadelphia Children's Alliance, and we've
12 actually invited them to be a part of the group
13 that goes to look at new facilities as well as,
14 and they're very -- I believe they're very excited
15 to be a part of that team.

16 COUNCILMAN ORTIZ: So within 30 days,
17 we might really have it down or --

18 MR. TUSTIN: I think within the next 30
19 days, we should have at least identified one, two,
20 or even possibly three locations where this
21 facility can be moved to.

22 COUNCILMAN ORTIZ: When do the
23 selection and final decision then take place?

24 MR. TUSTIN: After each one of those
25 sites are reviewed and looked at, it shouldn't

1 /00 PUBLIC SAFETY - BILL

2 take any more than a week or two to come to a
3 final decision.

4 I should say that as we look at each
5 one and we start talking to the owners of those
6 buildings, we will be negotiating simultaneously
7 with as many as we need to, to come up with a --
8 you know, with what a rental budget will be as
9 well as all of the operating costs associated with
10 the facility.

11 COUNCILMAN ORTIZ: Does the process
12 then have to be that we've got to look at is, one,
13 identification of the three sites, selection of
14 one site, then looking at what repairs or
15 modifications have to be done to the locale to
16 make it feasible?

17 MR. TUSTIN: Exactly.

18 COUNCILMAN ORTIZ: And that the
19 organizations and the advocates and Captain Mooney
20 will be in total communication in terms of being
21 able to have input into how this is designed.

22 MR. TUSTIN: Correct.

23 COUNCILMAN ORTIZ: So that we don't
24 have those design flaws that we currently have.

25 MR. TUSTIN: No, we really believe that

1 /00 PUBLIC SAFETY - BILL

2 we all need to be a part of that process in doing
3 the design of the new facility, and we will
4 approve that as a group so that nobody's left out
5 of the process.

6 COUNCILMAN ORTIZ: So you will let me
7 know?

8 MR. TUSTIN: Absolutely.

9 COUNCILMAN ORTIZ: As soon as we
10 identify the three sites and where we're going.

11 MR. TUSTIN: Absolutely.

12 COUNCILMAN ORTIZ: Okay. Very good.

13 MR. TUSTIN: Okay.

14 COUNCILMAN ORTIZ: And we will make
15 this a part of the record, your report.

16 And is Alva Martinez and the
17 commissioners a part of the site selection also?
18 Although we haven't decided in terms of
19 collocation yet.

20 MR. TUSTIN: Yes, right.

21 COUNCILMAN ORTIZ: And that's a process
22 that still is to be decided upon.

23 MR. TUSTIN: Mm-hmm.

24 COUNCILMAN ORTIZ: But I would
25 appreciate it maybe if they are somewhat involved

1 /00 PUBLIC SAFETY - BILL

2 in the process.

3 MR. TUSTIN: We actually have met with
4 Estelle Richman over the past couple of weeks as
5 well to talk to her about possible funding sources
6 over and above the normal City operating budget
7 because we're trying to minimize any additional
8 impact to that. And she also has told us that she
9 has had discussions with Alva Martinez in order to
10 look at collocation and how they fit into in this
11 new project. So not only are we --

12 COUNCILMAN ORTIZ: What's the next
13 decision that we have to make?

14 MR. TUSTIN: The next decision we have
15 to make is after we review possible sites,
16 deciding on a site.

17 One of the things we're asking for as
18 part of our review is --

19 COUNCILMAN ORTIZ: What is the square
20 footage that you're looking at?

21 MR. TUSTIN: Well, our need is about
22 16,800 square feet just for the Police
23 Department's need, but when we go out looking for
24 sites --

25 COUNCILMAN ORTIZ: But if we decide to

1 /00 PUBLIC SAFETY - BILL

2 bring in the other services, do we have a
3 projection of what the -- you know, shouldn't we
4 be looking -- are we looking at the overall aspect
5 in terms of a collocation site in which all of
6 these other services are going to be accommodated,
7 or are we just looking to transfer the unit as it
8 is from the arsenal?

9 MR. TUSTIN: No. As I was about to
10 say, what we're looking for is enough space to
11 accommodate our present needs as well as the
12 future needs to collocate other agencies. We will
13 ask the landlords to give us right of first
14 refusal for additional space around our space, our
15 present need so that if, in fact, they do find a
16 tenant in the future to occupy some of the space
17 adjacent to ours, they would have to come to us
18 and say to us, "I have another tenant, would you
19 rather have that space first?" and give us the
20 right to take that space first, you know, in order
21 to collocate some other City agencies.

22 COUNCILMAN ORTIZ: Okay, thank you. We
23 expect to hear from you as soon as we can. Thank
24 you very much.

25 MR. TUSTIN: You're welcome.

1 /00 PUBLIC SAFETY - BILL

2 COUNCILMAN ORTIZ: Carol? Anyone

3 else?

4 Commissioner, by the way, the crossing

5 guards?

6 COMMISSIONER TIMONEY: I thank you.

7 (Laughter.)

8 COMMISSIONER TIMONEY: I got the money.

9 COUNCILMAN ORTIZ: You got the money.

10 They are budgeted for.

11 COMMISSIONER TIMONEY: Yes, sir.

12 COUNCILMAN ORTIZ: So we can expect the

13 process to begin on that side, right?

14 (Witness comes forward.)

15 COUNCILMAN ORTIZ: Carol, do you have

16 anything to add?

17 MS. TRACY: Things are going very well.

18 I think, in terms of the site, as Mr. Tustin

19 mentioned, he's met with us, and the Children's

20 Alliance, who can't be here today, gave them their

21 elaborate plans. So they're looking at that and I

22 think it's moving faster than we thought would

23 happen, so we're pleased.

24 And everyone has been very

25 accommodating to us. And, you know, in my last

1 /00 PUBLIC SAFETY - BILL

2 hearing here, I spoke about our relationship with
3 the police and how positive that's become. We're
4 glad to see that the reinvestigation has come to
5 an end and has been completed with such honesty
6 and integrity.

7 COUNCILMAN ORTIZ: I spoke with Alva
8 Martinez the other day about collocation. We're
9 going to have a meeting separately and then we're
10 going to bring all of the different advocates
11 together and with District 47.

12 MS TRACY: Good.

13 COUNCILMAN ORTIZ: So that we can
14 accelerate the process of centralizing the units
15 as a division that we develop over the months and
16 the hearings that we have had here.

17 MS. TRACY: Well, we appreciate your
18 role in that. You know, this discussion's been
19 going on for ten years; if we could get some
20 closure on it and some decisions made, I think
21 that it will be to the benefit of everyone in
22 Philadelphia.

23 And I would like to thank on behalf of
24 the Women's Law Project and Women Organized
25 Against Rape and Penn Women's Center and the

1 /00 PUBLIC SAFETY - BILL

2 Children's Alliance and the Support Center, I
3 would really like to thank and commend the
4 Committee on Public Safety for staying with this
5 issue, for helping us so much, and for helping
6 forge this, I think, really creative and important
7 alliance between us and the Police Department.

8 COUNCILMAN ORTIZ: Frank Rizzo is here,
9 Jim Kenney, and Jannie Blackwell.

10 I think if there's nothing else, we
11 will recess until we put all of this together, we
12 will recess until the call of the Chair.

13 I want to thank the commissioner and
14 all of the groups that work together on this.
15 Mr. Tustin, we're not finished yet and we will
16 come back once we have a plan to present to City
17 Council in terms of collocation and relocation of
18 the Sexual Victims Unit and so on. Thank you very
19 much.

20 MS TRACY: Thank you.

21 (Adjourned at 2:30 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Wednesday, January 24, 2001, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON PUBLIC SAFETY
BILL NO. 000044

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter