

Special Committee on Gun Violence Prevention
September 8, 2020

COUNCIL OF THE CITY OF PHILADELPHIA
SPECIAL COMMITTEE ON GUN VIOLENCE PREVENTION

Remote location using Microsoft® Teams
Tuesday, September 8, 2020
9:35 a.m.

PRESENT:

COUNCILMAN KENYATTA JOHNSON, CHAIR
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN ALLAN DOMB
COUNCILWOMAN JAMIE GAUTHIER
COUNCILWOMAN KATHERINE GILMORE RICHARDSON
COUNCILWOMAN HELEN GYM
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA
COUNCILMAN ISAIAH THOMAS

RESOLUTION: 170609

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2 COUNCILMAN JOHNSON: Good
3 morning, everyone. This Special
4 Committee on Gun Violence is called to
5 order. Today is Tuesday, September 8th
6 of 2020. I understand that state law
7 currently requires that the following
8 announcement be made at the beginning of
9 every remote public hearing as follows:
10 Due to the current public health
11 emergency, City Council Committees are
12 currently meeting remotely. We are
13 using Microsoft Teams to make these
14 remote hearings possible. Instructions
15 for how the public may view and offer
16 public testimony of public hearings of
17 Council Committees are included in the
18 public hearing notices that are
19 published in the Daily News, Inquirer
20 and Legal Intelligencer prior to the
21 hearings and can also be found on
22 phlcouncil.com

23 Will the Clerk please call the
24 roll to take attendance. Members that
25 are in attendance will please indicate

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1 that they are present when their names
2 are called. Also, please say a few
3 brief words when responding so that your
4 image will be displayed when you speak.

5 Will the Clerk please call the
6 roll.

7 THE CLERK: Councilmember
8 Gauthier.

9 COUNCILWOMAN GAUTHIER:
10 Present. Good morning, Mr. Chair. Good
11 morning, everyone.

12 THE CLERK: Councilmember
13 Thomas.

14 COUNCILMAN THOMAS: Present.
15 Good morning, everyone. Good morning,
16 Mr. Chairman. Thank you for convening
17 this important conversation.

18 THE CLERK: Mr. Chair, I
19 believe that's all Members present.

20 COUNCILMAN JOHNSON: This is a
21 public hearing of the Special Committee
22 on Gun Violence regarding Resolution
23 170609.

24 Will the Clerk please read the
25 title of the resolution.

1 THE CLERK: Resolution 170609,
2 authorizing the creation of a "Special
3 Committee on Gun Violence Prevention" to
4 address Philadelphia's enduring plague
5 of gun violence by facilitating
6 coordination among stakeholders and
7 formulating a comprehensive gun violence
8 prevention strategy.

9 COUNCILMAN JOHNSON: Before we
10 begin to hear testimony from the
11 witnesses we have for today, everyone
12 who has been invited to the meeting to
13 testify should be aware that this public
14 hearing is being recorded. Because the
15 hearing is public, participants and
16 viewers have no reasonable expectation
17 of privacy. By continuing to be in the
18 meeting, you are consenting to being
19 recorded.

20 Additionally, prior to
21 recognizing Members for the questions or
22 comments they have for witnesses, I will
23 note for the record that at this time we
24 will use the chat feature available in
25 Microsoft Teams to allow Members to

1 signify that they wish to be recognized.
2 In order to comply with the Sunshine
3 Act, the chat feature must only be used
4 for this purpose.

5 Before the Clerk call our next
6 witness, this is a follow-up to a
7 meeting that we hosted last week to
8 address the issue of gun violence,
9 particularly with our District Attorney
10 Larry Krasner, our Police Commissioner
11 Daniel Outlaw, with a specific focus on
12 the trafficking and flow of illegal
13 guns, gun crimes and taking a look at
14 how we're addressing the issue of
15 illegal guns here in the City of
16 Philadelphia. That includes how they
17 are prosecuted, how those who carry
18 illegal guns are arrested.

19 Our conversation today revolves
20 around, one, our bail system, in looking
21 at how individuals receive bail or are
22 denied bail as it relates to the
23 carrying and possession of guns, and
24 also a presentation around our Gun
25 Violence Task Force sponsored by our

1 Attorney General's Office in how we're
2 tracking down the Philadelphia illegal
3 guns here in the City of Philadelphia.

4 At this time, I'm going to ask
5 Joshu Harris to please call the first
6 witness.

7 THE CLERK: Brendan O'Malley,
8 Chief Deputy Attorney General,
9 Pennsylvania Attorney General's Office.

10 MR. O'MALLEY: Good morning,
11 Chair Johnson and members of the
12 Philadelphia City Council. My name is
13 Brendan O'Malley. I'm the Chief Deputy
14 Attorney General and today I'm
15 representing the Office of Attorney
16 General Josh Shapiro. Thank you very
17 much for inviting me to speak today
18 regarding gun trafficking in
19 Pennsylvania.

20 As most of you know, the Gun
21 Violence Task Force is funded by the
22 state legislature and is a joint state
23 and local effort that investigates the
24 origins of crime guns in the City and
25 also targets violent crime organizations

1 at the request of the Philadelphia
2 Police Department. It was created in
3 2007 to assist the City in fighting
4 violent crime.

5 Our mission is to investigate
6 and prosecute those who illegally
7 purchase and transfer firearms in the
8 City. The Office of Attorney General
9 employs 18 state agents that are
10 embedded in the six Philadelphia
11 Detective divisions across the City.
12 They review each gun recovered in the
13 City and investigate possible straw
14 purchases and illegal transfers.

15 If they make an arrest, in most
16 instances those cases are prosecuted by
17 the District Attorney's Office. Several
18 gun violence agents are deputized with
19 federal agencies like the FBI and the
20 United States Marshals and work on
21 violent crime task forces. In those
22 capacities, they often arrest violent
23 offenders in possession of firearms and
24 their cases are usually prosecuted in
25 federal court.

1 Our prosecutors are also
2 deputized as Special Assistant U.S.
3 Attorneys so they can adopt cases in
4 federal court, which brings enhanced
5 penalties and increased public safety.
6 Pursuant to a federal grant, we also
7 have two Deputy Attorney Generals
8 assigned to the Violent Crimes Unit in
9 the U.S. Attorney's Office. And in the
10 first quarter of this year, they
11 federally adopted 13 City firearms
12 prosecutions.

13 In addition to agents and
14 prosecutors, just last month we added
15 intelligence analysts to not only assist
16 our agents in investigations, but to
17 help provide a more complete picture of
18 the origin of crime guns in the
19 Commonwealth. There are severe federal
20 restrictions in data sharing and state
21 law restrictions as well, but we believe
22 it is important to compile and share
23 information where possible that can have
24 the public and the policymakers make
25 informed decisions regarding illegal gun

1 possession in Pennsylvania.

2 In general, as City violent
3 crime cases face minimal public
4 cooperation, our analysts can use new
5 technology in analyzing cell phone
6 records, open source social media to
7 achieve results in the absence of
8 witness testimony. As we have limited
9 resources, our agents and analysts will
10 assist in ensuring high value targets
11 are investigated thoroughly to stop gun
12 pipelines. We seek to have maximum
13 impact from our investigations given our
14 limited number of agents.

15 Our office in 2018 launched the
16 Kensington Initiative which targets with
17 precision intelligence violent drug
18 trafficking groups that are responsible
19 for extreme amounts of violence that
20 surround their drug operations. The
21 target areas are generated using opioid
22 overdose data because drug trafficking
23 causes a massive amount of violence in
24 our neighborhoods.

25 Two weeks ago our agents, along

1 with Philadelphia police, seized 25
2 firearms and 23,000 doses of fentanyl
3 while dismantling three drug trafficking
4 operations. This group was responsible
5 for numerous shootings, and some of the
6 weapons recovered during the 35 arrests
7 were semi-automatic rifles and shotguns.
8 The Kensington Initiative is an example
9 of using our resources in a targeted
10 fashion to have a high impact on violent
11 crime in city neighborhoods.

12 These targeted complex
13 operations are covert in nature, so
14 surrounding communities do not bear the
15 burden of feeling overpoliced, but they
16 reap the benefit of safer neighborhoods.
17 Outside of the City in a separately
18 funded initiative, the Office of
19 Attorney General used a blueprint
20 created by GVTF to assist in the
21 investigation of crime guns in the other
22 66 counties of the Commonwealth.
23 Because we know crime guns don't respect
24 county borders, our statewide agents
25 work closely with the Philadelphia GVTF

1 to trace guns across county lines. Our
2 agents often find connections between
3 Philadelphia and cities across the state
4 like Carlisle, Wilkes-Barre and
5 Williamsport.

6 Just last month, an
7 investigation revealed a source
8 obtaining guns from Kensington and
9 selling them on the streets of Wilkes-
10 Barre. And earlier this summer, during
11 a GVTF drug and gun arrest, a man was
12 arrested with a firearm purchase in
13 York. Our statewide agents were able to
14 track down the purchaser and she
15 confessed to providing the gun to the
16 drug dealer that was arrested in
17 Philadelphia.

18 I've been asked to speak about
19 historical data as it relates to gun
20 recoveries and other activity by the Gun
21 Violence Task Force. As we all know,
22 COVID had a traumatic, temporary impact
23 on all of us, City services, businesses,
24 schools. But as our Kensington
25 Initiative showed, our agents have

1 adapted to the challenge and are back
2 working the streets.

3 GVTF was able to limit health
4 risks for the public and we are on pace
5 to recover approximately 200 firearms
6 this year. GVTF traditionally average
7 between 135 to 170 gun recoveries in the
8 City in a year. In 2018, that number
9 increased to 184. And in 2019, agents
10 recovered 233 firearms. So far this
11 year despite the pandemic, our agents
12 have recovered 144 guns through August.
13 Gun Violence Task Force also increased
14 the amount of cases it has opened from
15 384 the year before Attorney General
16 Shapiro took office to 641 cases open in
17 2019.

18 Finally, Gun Violence Task
19 Force arrests for crimes like illegal
20 transfer of firearm and lying on a gun
21 purchase background check increased from
22 101 in 2017 to 115 in 2018 to 216 in
23 2019. These increases are due to new
24 leadership in our agency, increased
25 supports for the agents and an emphasis

1 on collaborating with our law
2 enforcement partners, including the ATF
3 and the Philadelphia Police Department.

4 We work closely with deputy
5 commissioners and chief inspectors to
6 identify violent organizations that are
7 appropriate for state resources to
8 investigate and prosecute. In 2019 --
9 Police Commissioner Outlaw talked about
10 guns recovered in 2020. You've asked
11 about 2019. 4,288 firearms were
12 recovered in Philadelphia. 55 percent
13 of guns recovered in Philadelphia in
14 2019 were purchased in Pennsylvania.
15 That percentage tracks closely with the
16 larger picture of trafficking in the
17 state. As approximately 58 percent of
18 all guns were recovered in Pennsylvania
19 were purchased in Pennsylvania, so that
20 means Pennsylvania is the number one
21 source state for guns recovered in
22 Pennsylvania. Meaning, the majority of
23 crime guns originate intrastate, not
24 from outside of state borders.

25 Philadelphia is home to 12 gun

1 dealers. And in 2019, 27 percent of all
2 crime guns recovered in Philadelphia
3 were purchased in the City. Our
4 investigations reveal that most straw
5 purchasers are in social networks with
6 the gun traffickers that pay for the
7 firearms, relatives, criminal
8 associates, neighborhood connections all
9 contribute to the straw purchase
10 epidemic and violence in our streets.

11 Our agents closely analyze the
12 time to crime, time to recovery, spatial
13 relationship between the buyer and
14 possessor and other factors to determine
15 if an investigation can yield a
16 prosecutable case. I want to talk a
17 little bit about the collar counties and
18 other guns originating in Philadelphia.
19 17 percent of crime guns recovered in
20 Philadelphia were purchased in Delaware,
21 Bucks and Montgomery Counties.

22 As we continue to expand our
23 collaboration with police departments
24 and prosecutors in the Southeast, we
25 hope to increase cross-county drug

1 trafficking investigations and
2 prosecutions and lead to a clearer
3 picture of how guns travel in the City.
4 We do not have a significant amount of
5 firearms originated from outside the
6 Commonwealth. Instead most crime guns
7 are regional in their origin.

8 I want to speak briefly on
9 databases and crime gun information
10 because it's extremely complicated.
11 Unfortunately, due to a lack of federal
12 leadership on this issue, there is no
13 federal searchable database of gun sales
14 in this country. Gun sale paper forms
15 stay at the dealer once a gun is
16 purchased and are only recovered by ATF
17 agents once a gun is recovered and the
18 National Tracing Center contacts the
19 manufacturer and distributor of the
20 recovered crime gun.

21 So essentially, what that means
22 is we are relying on a paper form system
23 for federal crime gun information.
24 These forms only track the first retail
25 purchase. They do not track subsequent

1 legal transfers, and this severely
2 hampers investigations in the firearm
3 trafficking. Once a crime gun is
4 recovered, it can be entered into a
5 searchable database, which is called the
6 eTrace system. As stated previously,
7 eTrace will track the first retail
8 purchase, but it can reveal a treasure-
9 trove of information on the buyer and
10 other crime gun recoveries.

11 ETrace is only effective if
12 recovering agencies enter the crime gun
13 information into the database and
14 participate in data sharing. If
15 agencies don't participate in data
16 sharing, they will be limited to only
17 guns recovered in their jurisdiction,
18 which as we know will not be effective
19 in seeing crime guns that cross county
20 lines.

21 Pennsylvania does have a
22 searchable database of gun sale
23 information. However, due to paperwork
24 forms, there is a 13-month backlog in
25 accessing the gun purchasing information

1 in those entries. So two different
2 systems, there's a federal system and a
3 state system. The state system is more
4 robust. We can track subsequent legal
5 transfers. However, those databases
6 don't talk to each other. We need
7 analysts that we recently brought on
8 board to manually overlay the data from
9 the federal eTrace database to the
10 Pennsylvania Record of Sale database to
11 give a more complete picture of the
12 origin of these weapons.

13 These disparate databases
14 without the capability to provide
15 realtime information led the Attorney
16 General to create the Track + Tracing
17 Initiative in 2019. In summary, Track +
18 Tracing encourages local law enforcement
19 to enter their recovered crime guns into
20 the ATF's eTrace system, participate in
21 collective data sharing and also
22 encourage gun dealers in Pennsylvania to
23 use electronic forms to reduce and
24 eliminate the 13-month paper backlog of
25 the Pennsylvania State Police.

1 Due to our efforts, the number
2 of gun purchases being run through
3 electronic records by gun dealers has
4 increased 600 percent. The number of
5 law enforcement agencies sharing crime
6 gun data through eTrace has increased 68
7 percent, and the number of eTrace
8 reports now accessible through data
9 sharing has increased 824 percent. This
10 is important because there was data that
11 we just couldn't see before. But now
12 that we've on-boarded major agencies
13 like the Philadelphia Police Department
14 and the Pittsburgh Police Department
15 gives us a better sense of gun
16 trafficking in Pennsylvania.

17 In addition, the Pennsylvania
18 Gun Trafficking Analytics Platform
19 available on our website at
20 attorneygeneral.gov now shows aggregate
21 gun trace data in a searchable format
22 based on eTrace data that can be shared
23 publicly. This is an important resource
24 and I encourage you to use it. There
25 was also a community outreach component

1 to Track + Trace that engages those must
2 vulnerable to straw purchasing.

3 Operation LIPSTICK with Mothers In
4 Charge conducted 20 workshops reaching
5 450 people while recruiting dozens of
6 community ambassadors to educate young
7 women on the dangers of straw
8 purchasing. That grant recently ended,
9 but we look forward to continuing our
10 work with Mothers In Charge, to continue
11 our efforts to discourage those without
12 a criminal record from becoming part of
13 the problem by buying a gun for someone
14 else.

15 Finally, as part of Track +
16 Trace, we created a Working Group that
17 brought leaders of the ATF, FBI, State
18 Police, District Attorney's Association,
19 Chief of the Police and the two largest
20 Police Departments in Pennsylvania,
21 Philadelphia and Pittsburgh. It brought
22 them together to regularly discuss
23 transit gun trafficking and collaborate
24 on statewide violent crime issues.

25 Prior to Track + Trace, there

1 was no organized effort among those
2 agencies to meet, share data and use
3 best practices to formulate a plan for
4 gun traffic in Pennsylvania. The first
5 phase of the Working Group is to
6 encourage local law enforcement to
7 record your weapons and share data so
8 that these guns can be seen across
9 county lines.

10 This Special Committee asked us
11 to provide information on untraceable
12 ghost guns. A ghost gun starts out as
13 an 80 percent receiver, and federal law
14 permits them to be sold without a
15 background check. An 80 percent
16 receiver is essentially the building
17 block of a gun. It needs to essentially
18 use very minor modifications to make it
19 into a fully functioning firearm. These
20 are sold, as I said before, without a
21 background check in Pennsylvania.

22 COUNCILMAN JOHNSON: Excuse me,
23 Brendan.

24 MR. O'MALLEY: Yes?

25 COUNCILMAN JOHNSON: Just one

1 second. You have an echo.

2 MR. O'MALLEY: Yes, I'm trying
3 to resolve that.

4 COUNCILMAN JOHNSON: It may be
5 your earphones. I'm not sure.

6 MR. O'MALLEY: I think that
7 resolved it. Did that resolve it,
8 Councilman?

9 COUNCILMAN JOHNSON: Yes, it
10 did.

11 MR. O'MALLEY: Essentially,
12 what a ghost gun is it's a gun without a
13 serial number and they're created from
14 the 80 percent receivers. In
15 Philadelphia, 95 ghost guns were
16 recovered in 2019 and 84 have been
17 recovered so far this year. In 2018
18 there were so few of them that they
19 really weren't tracked. So we've seen
20 an explosion of ghost guns on the
21 streets of Philadelphia. This is
22 clearly a troubling trend.

23 Our agents have observed
24 convicted felons purchasing duffel bags
25 full of 80 percent receivers without

1 showing so much as a driver's license at
2 a gun show. There are more restrictions
3 on buying a pack of cigarettes than
4 purchasing an 80 percent receiver. Last
5 year due to this increase, there are
6 more restrictions on buying a pack --
7 I'm sorry. Last year, the State Police
8 requested the Attorney General's legal
9 opinion on whether 80 percent receivers
10 are, in fact, firearms for the purpose
11 of state law.

12 Our office answered an emphatic
13 yes and despite an early injunction by
14 the Commonwealth Court, the AG's legal
15 opinion makes it easier for our agents
16 to aggressively pursue felons in
17 possession of 80 percent receivers.
18 Now, we can actually investigate felons
19 in possession of 80 percent receivers
20 which was the harm that we were trying
21 to reduce when we were watching
22 convicted felons buy 80 percent
23 receivers at gun shows.

24 To summarize, the Office of
25 Attorney General believes strongly in

1 collaboration with its local and federal
2 partners. With only 18 agents in the
3 City and close to 5,000 crime guns
4 recovered, we know we cannot do this
5 alone. Initiatives like Operation
6 Zombie which recovered 35 firearms,
7 including the rifle that killed 2-year-
8 old Nicolette Rivera, with the FBI and
9 New Jersey State Police earlier this
10 year. And another example, we worked
11 last week with Montgomery County
12 detectives which led to the recovery of
13 four firearms this past Monday,
14 including an AR-15 and a shotgun. One
15 of those guns was used in a shooting in
16 Plymouth Meeting, Pennsylvania. We show
17 that by attacking gun trafficking across
18 county lines, we are stronger when we
19 work together. Thank you very much and
20 I will be willing to take questions.

21 COUNCILMAN JOHNSON: Thank you
22 very much, Brendan. And as always, I
23 just want to thank you for your
24 commitment and your dedication on this
25 issue being on the front line and

1 aggressively addressing this issue.

2 Before we go into questions, I
3 want to acknowledge the presence of
4 Councilman Curtis Jones. I want to
5 acknowledge the presence of Councilwoman
6 Katherine Gilmore Richardson.

7 I have a question in regards to
8 you talked about the Working Group that
9 the Attorney General --

10 MR. O'MALLEY: Yes, sir.

11 COUNCILMAN JOHNSON: -- put
12 together regarding gun crimes and I
13 heard you mention all the major agencies
14 except for Alcohol, Tobacco and Firearm
15 and the District Attorney's Office. Did
16 I miss you mentioning them?

17 MR. O'MALLEY: No. ATF is a
18 big component of the Working Group and
19 members of the GVTF are involved in the
20 Working Group as well. So GVTF is half
21 state agents and half Philadelphia
22 District Attorney's Office, and the
23 agents communicate on a regular basis
24 with the DAs and DAs from Philadelphia
25 have been present at previous Working

1 Group meetings. So, yes, both of those
2 agencies are very much a part of the
3 statewide Working Group, especially the
4 ATF.

5 COUNCILMAN JOHNSON: How often
6 does the Working Group meet? How often
7 does the Gun Violence Task Force meet?
8 And how many personnel are dedicated
9 from the AG's Office particularly to the
10 District Attorney's Office as well as
11 the City of Philadelphia? I guess that
12 would pretty much be the same.

13 MR. O'MALLEY: Yes, correct.
14 So 18 agents, there are 4 supervisors.
15 The supervisors are co-located with the
16 Philadelphia District Attorneys that are
17 assigned to GVTF, so they meet and
18 collaborate on a regular basis. As I
19 said before, the state agents' cases are
20 generally prosecuted by the Philadelphia
21 District Attorney's office so there is
22 constant contact and constant
23 collaboration of those individuals.

24 COUNCILMAN JOHNSON: At what
25 point does a case get elevated to the

1 AG's Office? At what point does the
2 case get elevated to the Feds?

3 MR. O'MALLEY: So any case that
4 originates by our agent generally will
5 be looked at for either being prosecuted
6 in the City, prosecuted by state
7 Attorney Generals or prosecuted in
8 Federal court. So it's a lot of
9 different factors, Councilman.

10 One involves the complexity of
11 the criminal organization that's
12 involved. Another one certainly would
13 be the criminal record of the
14 individuals involved, if it's elevated
15 to that which would be appropriate for
16 Federal court. So those decisions are
17 being made on a daily basis as to how
18 those cases are prosecuted and where
19 they are prosecuted.

20 COUNCILMAN JOHNSON: As it
21 relates to straw purchasing, and I know
22 you have Operation LIPSTICK, do you have
23 statistical data on the number of women
24 who have been arrested as a result of
25 engaging in straw purchasing?

1 MR. O'MALLEY: There's no
2 number -- there's no solid way to track
3 that. Anecdotally, we saw a large
4 amount of women that were being arrested
5 more so than any other violent crime.
6 And Mothers In Charge brought us
7 Operation LIPSTICK, which was really on
8 all fours with what we did as an agency,
9 which was trying to find out where the
10 gun came from.

11 We knew that young women were
12 particularly susceptible to straw
13 purchasing and often times they didn't
14 have criminal records, and they could be
15 susceptible to gun traffickers using
16 them for a myriad of reasons. Some of
17 them are drug dependents. Some of them
18 were victims of domestic violence. So
19 we saw more women conducting straw
20 purchases than conducting any other type
21 of violent crime.

22 It was very rare -- I was a
23 city DA for many years. It would be
24 very rare to see a woman charged with a
25 crime of violence, but straw purchasing

1 much more than any other crime of
2 violence.

3 COUNCILMAN JOHNSON: Before I
4 turn it over to my colleagues, give me
5 an idea of you talked about the
6 percentage of guns that come from the
7 City of Philadelphia, the percentage of
8 guns that come from the state of
9 Pennsylvania. And I remember myself,
10 Councilman Curtis Jones, Council
11 President Darrell Clarke and some
12 members of ATF, we visited the gun show
13 up at Oaks and really got a chance to
14 see firsthand how easy it is for an
15 individual to purchase a gun.

16 Are we working on or the level
17 of -- give me an idea of the level of
18 resources and manpower dedicated to
19 working with ATF and working with other
20 law enforcement agencies to go after
21 those particular, one, gun shows when
22 they do come into the City of
23 Philadelphia making sure they're
24 monitored properly, but also the actual
25 sloppy stores that sell guns loosely

1 irregardless of a person's background?

2 And the reason why I say that
3 and the whole purpose of this hearing,
4 as recently as Friday when I was in the
5 neighborhood where I live and a
6 constituent approached me and said,
7 Councilman, I see you're trying to
8 address this issue, but again where are
9 the guns coming from. We talk about our
10 young people and we talk about the
11 things that they're engaging in and it's
12 always asked where are these guns coming
13 from, how are some of the young people
14 able to obtain the level of guns that
15 we're actually seeing.

16 I think you've given a
17 comprehensive look at this issue from a
18 data standpoint and an operational
19 standpoint, but I just want to get
20 another deep dive in terms of those
21 stores engaging in the illegal selling
22 of guns. But most importantly, when we
23 have these gun shows and they do come to
24 our state, how are they monitored. I do
25 know for a fact that you have a lot of

1 young people that go out, like Tioga
2 County, purchasing guns. There's been
3 some shootings at local universities
4 that I'm very familiar with, but the
5 guns are purchased, primarily ghost guns
6 in the middle of the state of
7 Pennsylvania. Can you give me an
8 overview of that aspect as well? And
9 then I'll move on to my colleagues'
10 questions.

11 MR. O'MALLEY: Sure. So we
12 work extremely closely with the ATF,
13 especially statewide. We have six
14 agents statewide and currently four of
15 them are specially deputized by the ATF
16 and work closely with the ATF on a daily
17 basis to monitor and understand what's
18 happening at the gun shows. There's a
19 gun show every weekend in Pennsylvania.
20 And what we are seeking to do is use the
21 data to find where the problematic gun
22 shows are, where are the crime guns
23 being recovered that originate from
24 those shows. We can't do that right now
25 as we talked about. With the federal

1 database and the state database, it's
2 extremely difficult to do.

3 We're going to use our
4 analytical capability to find out which
5 are the most problematic gun shows,
6 where are the crime guns coming from,
7 meaning which are the problematic shows
8 across the state, is it in Tioga, is it
9 in Montgomery County, are they in
10 Philly. Currently, no way to track it
11 but we are seeking ways to track that
12 down.

13 COUNCILMAN JOHNSON: All right.
14 Thank you. At this time, one, I want to
15 acknowledge the presence of Councilman
16 Allan Domb, Councilwoman Helen Gym.

17 I want to acknowledge for
18 questioning first Councilwoman Jamie
19 Gauthier. Then Councilman Curtis Jones.

20 COUNCILWOMAN GAUTHIER: Thank
21 you, Mr. Chair.

22 Good morning, Chief Deputy. I
23 just have a few questions. You talked
24 earlier about kind of increasing the
25 degree to which different agencies were

1 participating in data sharing.

2 MR. O'MALLEY: Yes.

3 COUNCILWOMAN GAUTHIER: Can you
4 talk more about why an agency would not
5 participate and just give us more
6 insight.

7 MR. O'MALLEY: Yeah, sure. So
8 I will start by saying our agency was
9 not participating in data sharing. The
10 Philadelphia Police were not
11 participating in data sharing.
12 Pittsburgh Police were not participating
13 in data sharing, so some of the largest
14 agencies in the state. I honestly think
15 it's a question of education. It's been
16 our experience that when we go and
17 educate the agencies of the particular
18 need to data share, that they are more
19 than willing to do it.

20 So just by getting Philadelphia
21 and Pittsburgh to data share, we talked
22 specifically about Philadelphia, about
23 4,000 or 5,000 guns recovered in
24 Philadelphia a year, about 10,000
25 recovered statewide. By signing up

1 Philadelphia and by signing up
2 Pittsburgh, Philadelphia is about 4,000
3 to 5,000 guns a year and Pittsburgh over
4 1,000. We were able to see an increase
5 by well over half how many crime guns we
6 were able to see in the data sharing.
7 So honestly, I think the most basic
8 answer to your question is it was
9 education. We were able to find out
10 that agencies weren't doing it and then
11 educate them on the process of how to
12 data share.

13 Now, we are working our way
14 down in a concerted effort of we hit the
15 largest agencies and now we're working
16 on hitting the middle of the pack
17 agencies, Harrisburg City, Erie, York,
18 the middle, what you would say not the
19 largest agencies, not the smallest, but
20 right in the middle of the pack
21 agencies.

22 COUNCILWOMAN GAUTHIER: Okay.
23 I also wanted to know are there policy
24 recommendations that you have gleaned
25 from your work with the Task Force that

1 can help us reduce the flow of guns in
2 the City?

3 MR. O'MALLEY: I think that's a
4 little bit more difficult to answer. I
5 do think that Pennsylvania, even though
6 we are often knocked for not having
7 great state laws on guns, the fact that
8 we do have a database at all is more
9 robust than many other states around the
10 country and the background check system
11 is extremely robust. But we work the
12 cases, so it's hard for us to be making
13 policy recommendations.

14 COUNCILWOMAN GAUTHIER: So
15 that's not a goal of the Task Force
16 to --

17 MR. O'MALLEY: Well, it's
18 certainly -- I'm sorry. Go ahead.

19 COUNCILWOMAN GAUTHIER: Is it a
20 goal of the Task Force to offer policy
21 recommendations that can help us?

22 MR. O'MALLEY: I think the goal
23 of the Task Force is certainly to supply
24 the information for the policymakers to
25 make those decisions.

1 COUNCILWOMAN GAUTHIER: Okay.

2 Thank you.

3 COUNCILMAN JOHNSON: Brendan, I
4 just want to follow up with my
5 colleague's line of questioning, and it
6 may be some of the recommendations. But
7 our purpose of our hearing is we're
8 trying to get to the root cause of this
9 issue with some solution. So separate
10 from recommendations, I would ask the
11 question from your perspective and being
12 a person that's on the ground addressing
13 this issue and you've been working with
14 this Committee for several years, in
15 your view what could we be doing to
16 address this issue better, be it
17 resources, be it coordination, be it
18 enforcement, but just give me your
19 perspective as a person who's on the
20 ground and addressing this issue on a
21 day-to-day basis.

22 We have talked after hours as
23 recently as this past Friday about young
24 people buying guns online, so I know
25 this issue is very near and dear to you.

1 MR. O'MALLEY: Right. Right.

2 COUNCILMAN JOHNSON: So give me
3 from your perspective, Councilman, if we
4 have A, B, C and D, this would make our
5 lives much easier. If we were doing A,
6 B, C and D, we could be more effective
7 in addressing this issue, just from your
8 perspective being a person that's on the
9 ground addressing this issue on a
10 day-to-day basis.

11 And you did lay out the
12 progress that we have in making thus far
13 with initiatives such as eTrace, which I
14 think is great. And as I begin doing a
15 deeper dive on this issue, I do see the
16 opposition regarding data sharing on a
17 federal level. I do see the opposition
18 of individuals trying to protect
19 businesses that actually engage in
20 illegal straw purchasing sales. But
21 from your perspective, give us just an
22 overview of things that you believe that
23 if you can snap your finger tomorrow,
24 these particular things would make your
25 life much easier in addressing this

1 issue.

2 MR. O'MALLEY: So certainly
3 from our perspective, we have very
4 limited resources, Councilman. We have
5 18 agents and a handful of lawyers with
6 those 5,000 guns recovered in the City.
7 So we work closely with the Philadelphia
8 Police Department's Gun Violence
9 Reduction Task Force, that also has
10 resources in the Detective division and
11 the ATF. But just based on those
12 numbers alone, 18 agents for 5,000 guns,
13 it's certainly a resource issue for us.

14 COUNCILMAN JOHNSON: So I do
15 want to go on the record in saying that
16 my colleagues and I, we will begin
17 following up with Governor Wolf because
18 we know through support from Minority
19 House Leader Jordan Harris, and I
20 remember Senator Williams provided
21 funding for the Gun Violence Task Force,
22 actually he's one of the original
23 creators of the Gun Violence Task Force,
24 but a greater push for support on a
25 state level, because as my colleague

1 Councilwoman Gauthier has been saying,
2 we are in a state of emergency. And so,
3 we believe that separate from what we do
4 on a city level, we should be receiving
5 support on a greater level, on a state
6 level. And we're also going to be
7 talking to our Congressional
8 representatives as well to make sure
9 that everyone is involved in addressing
10 this issue, because at the end of the
11 day, it's impacting all of us equally
12 across the board, and all neighborhoods
13 and all zip codes on a city, state and
14 federal level. So I just want to note
15 that for the record. But I understand
16 we could have more manpower on the
17 ground that would go toward addressing
18 this issue for invoking the flow of
19 illegal guns in the City of
20 Philadelphia.

21 Councilman Curtis Jones.
22 COUNCILMAN JONES: Thank you,
23 Mr. Chairman.

24 A couple of quick questions by
25 way of information. Would you classify

1 Pennsylvania as a pro-gun state? I know
2 we have Pittsburgh. I know we have
3 Philadelphia. But in the middle, would
4 you say that the vast majority of the
5 state is pro-gun?

6 MR. O'MALLEY: So that's a
7 tough question for me to answer.
8 There's certainly a history, Councilman,
9 a strong history of hunting in
10 Pennsylvania, and we do respect those
11 individuals, to your point very much so.
12 I would certainly say from working in
13 the City versus working in the counties,
14 there is definitely a different
15 perspective of guns. I mean, in the
16 City obviously they are leading to an
17 extreme uptick of violence and that's
18 not seen in a lot of counties outside of
19 Philadelphia.

20 So for sure there is certainly
21 a different perspective and certainly
22 different traditions that go along with
23 gun ownership outside of Philadelphia,
24 Pittsburgh and some other more urban
25 centers across Pennsylvania.

1 COUNCILMAN JONES: Having gone
2 to school in Lancaster, Pennsylvania,
3 opening day for hunting was a religious
4 holiday. They closed down schools and
5 did things like that. But is it safe to
6 say that a ghost gun is not used for the
7 purpose of hunting?

8 MR. O'MALLEY: Yes, certainly
9 we have not seen -- the problematic
10 ghost guns are being used in crimes of
11 violence, not in hunting, correct.

12 COUNCILMAN JONES: And would
13 you say that in the paper tracing of
14 the -- let me step back. It is illegal
15 for a straw purchase and punishable by
16 what type of penalty of law?

17 MR. O'MALLEY: Yeah, sure. So
18 as you will recall, several years ago
19 there was a very tragic case where a
20 young police officer was killed by the
21 name of Brad Fox. He was killed using a
22 straw purchased firearm. As a result of
23 that, the Pennsylvania legislature
24 introduced a five-year mandatory
25 sentence for anybody that straw

1 purchased two or more firearms, so there
2 can be significant penalties associated
3 with multiple straw purchases.

4 COUNCILMAN JONES: Do you find
5 it a common defense for those
6 individuals accused that somehow that
7 gun was lost or stolen?

8 MR. O'MALLEY: Certainly in
9 urban areas, we do see straw purchasers
10 that report guns lost or stolen, yes.

11 COUNCILMAN JONES: And at this
12 point in time in the Commonwealth, is it
13 a requirement to report guns lost or
14 stolen?

15 MR. O'MALLEY: No, there is no
16 requirement in the Commonwealth to
17 report firearms lost or stolen.

18 COUNCILMAN JONES: So an
19 individual buying a gun at a gun show
20 today could resell it or have it lost or
21 stolen and then it winds up in the
22 commission of a crime a year later, and
23 then say, oh, yeah, that gun was stolen
24 or I lost it in the backseat of my car?

25 MR. O'MALLEY: Yes, sir.

1 COUNCILMAN JONES: In your
2 answering of the question to what things
3 we could do that Chairman Johnson talked
4 about that could make us safer, could
5 the requirement of guns being lost or
6 stolen be reported, would that be a
7 useful tool to protect ourselves,
8 particularly in big cities like
9 Philadelphia?

10 MR. O'MALLEY: Certainly in
11 cases where individuals use that as a
12 defense, yes.

13 COUNCILMAN JONES: All right.
14 So that's one solid thing that we really
15 need to get our partners at the state
16 and local level in tune in cooperating
17 with each other on. Second thing, when
18 you start to get these illegal weapons
19 or confiscated weapons, is there a
20 pattern of the type of individuals that
21 are being caught with them? Are they
22 your user types, dealer types,
23 distributor types? Who fits the profile
24 of the people we are apprehending with
25 these kinds of illegal weapons?

1 MR. O'MALLEY: So we focus less
2 on the enduser. Philadelphia Police are
3 generally the ones that arrest those
4 individuals with the guns. We work
5 backwards and try to find out who
6 purchased the gun initially and how did
7 it get into the enduser's hand. So any
8 questions regarding the enduser, the end
9 possessor, which is certainly something
10 we look at when we analyze the case, but
11 we are more focused on tracking it back
12 to how it got into the illegal stream of
13 commerce. And the endusers usually are
14 not truthful and will not tell us where
15 they got the gun, as you would know
16 that, yeah.

17 COUNCILMAN JONES: So the
18 individuals that are distributing, I'm
19 going to call them middle distributors,
20 is there a pattern of the type -- are
21 they registered dealers with the
22 Commonwealth?

23 MR. O'MALLEY: Oh, no.

24 COUNCILMAN JONES: Who are
25 they?

1 MR. O'MALLEY: So they're
2 generally individuals that are able to
3 obtain guns via other people doing straw
4 purchases, so they're usually people --
5 so you're talking about the general
6 middle man gun trafficker is somebody
7 that has a criminal record, somebody
8 that's able to recruit straw purchasers
9 and somebody that has access to illicit
10 funds to be able to pay to front the
11 cost of the guns and then get the money
12 back when they sell the firearm. So
13 definitely not registered dealers for
14 sure. But the inception is the straw
15 purchase -- so the individual that
16 mingles the guns is somebody that
17 usually again has a criminal record and
18 is able to recruit straw purchasers.

19 COUNCILMAN JONES: Have you
20 come into contact or heard of places
21 where people, and usually they were
22 taverns I heard or bars, that you could
23 in neighborhoods rent a gun?

24 MR. O'MALLEY: Yes, and that
25 would be illegal.

1 COUNCILMAN JONES: Have you
2 heard of cases or been able to apprehend
3 individuals that had operations where
4 there was a gun put in circulation and
5 it was almost like musical chairs, you
6 get caught with this gun, this gun
7 probably had all kinds of cases and/or
8 crimes associated with it?

9 MR. O'MALLEY: Yes, all the
10 time.

11 COUNCILMAN JONES: Can you
12 elaborate?

13 MR. O'MALLEY: Sure. As
14 Commissioner Outlaw discussed, the ATF
15 has a program that is able to use
16 analytics from fire cartridge cases that
17 are left on the street after a shooting
18 and can link back to a particular gun.
19 So we often times find that there may be
20 100 shootings in a week, but it's not as
21 if 100 guns were used. Maybe 30 guns
22 were used in 100 shootings. So we do
23 often see, Councilman, that a gun is
24 being used in multiple crimes. It's not
25 just a gun being recovered. It's a gun

1 that was recovered that was used in five
2 or more shootings.

3 So the ATF's data has
4 significantly increased as the
5 Commissioner spoke about and we are
6 finding ways to use that data to better
7 advance not only the case against the
8 individual that's caught with the gun,
9 but also try to solve some of those
10 shootings that the gun was used in. So
11 all of these things that you're
12 discussing, Councilman, we are ramping
13 up the ability to use data to attack not
14 only the enduser or the origin of the
15 gun, but also to solve these outstanding
16 shootings.

17 COUNCILMAN JONES: So,
18 Mr. Chairman, data becomes good
19 information that creates good public
20 policy. We need to take a data-driven
21 approach to solving this problem. We
22 should and I'm calling for all hands on
23 deck to look at the last 100 shooters in
24 the City of Philadelphia and put it up
25 on a spreadsheet and say, this

1 individual, this was his first use of a
2 gun, second use of a gun, third use of a
3 gun. If it's the third use of a gun,
4 why did he get two extra chances to get
5 it wrong and become the end shooter.

6 And the tracing of those guns, so the
7 individual pulling the trigger but also
8 the pathway of the gun, so we can know,
9 A, where it came from and then why did
10 this individual have the third chance,
11 opportunity to take a shot at someone
12 and often take a life. We have to start
13 to codify that in a way so that we
14 cannot point fingers, but at least
15 tighten up where we need to tighten up.

16 Thank you, Mr. Chairman.

17 COUNCILMAN JOHNSON: Thank you,
18 Councilman Jones.

19 And I know that information has
20 been requested actually prior to us
21 having the last hearing. So I'm going
22 to do a follow-up with the request. I
23 know I reached out to the District
24 Attorney's Office early on because you
25 mentioned this during the last hearing.

1 So I'll do a follow-up and then I'll
2 also see whatever partners have to be a
3 part of that conversation so we can get
4 an overall look.

5 And before I call on
6 Councilwoman Maria Quinones-Sanchez,
7 Brendan, I talked to you last week
8 regarding how -- and check this out,
9 Councilman Jones, how folks are buying
10 guns online, right.

11 Brendan, can you just give us a
12 real brief overview of those types of
13 operations, our limited ability to
14 address it and what we may have to do or
15 from a policy standpoint rather than
16 city, state or federal level to address
17 those types of issues in the future?

18 MR. O'MALLEY: I will tell you
19 we are quickly ramping up our ability to
20 track open source social media to better
21 understand how items are being
22 trafficked using the Internet. I'll
23 just give you a very brief example. We
24 were able to use social media to
25 convince -- I'm sorry, to investigate,

1 arrest and detain an individual that was
2 selling dynamite during the civil unrest
3 used to blow ATMs. What's important
4 about that case is he also had extended
5 magazines when he was arrested and we
6 were able to link him to a straw
7 purchasing case.

8 So essentially, what I'm
9 telling you is we were able to use the
10 Internet to advance an investigation.
11 That was so successful that we are now
12 starting to put resources in a much more
13 strategic fashion to address those same
14 issues. As I said before in my
15 testimony, we have analysts who are
16 using social media more to see how
17 social media is being used to traffic
18 not only firearms, but as you had said
19 the extended clicks and items that would
20 make these guns infinitely more
21 dangerous.

22 COUNCILMAN JOHNSON: Thank you,
23 very much.

24 Councilwoman Maria Quinones-
25 Sanchez.

1 COUNCILWOMAN QUINONES-SANCHEZ:

2 Thank you. Good morning. Good morning,
3 Brendan and our Chair, for facilitating
4 this.

5 MR. O'MALLEY: Good morning.

6 COUNCILWOMAN QUINONES-SANCHEZ:

7 I have to go on the record and really
8 thank the Attorney General's Office for
9 their hands-on approach, particularly as
10 it relates to the Kensington Initiative,
11 and I know we celebrate some victories
12 there. We can do that every day and the
13 conditions in Kensington unfortunately
14 continues to be quite dire.

15 As it relates to the gun
16 violence in Kensington because it's so
17 associated with the open air drug
18 marketing, what recommendations -- I
19 know some of the other shootings in
20 other parts of the City are not
21 necessarily as directly related to it.
22 Are you clear around the narcotics
23 strategy in the City of Philadelphia in
24 the role that you guys play in that?
25 I've been encouraging and trying to get

1 an idea of what is our strategy in the
2 City.

3 MR. O'MALLEY: Councilwoman,
4 and I think you know this, for the
5 Kensington Initiative we received a
6 federal grant to partner with Temple
7 University to analyze how these
8 operations are conducted, how we choose
9 our targeting area and what are the
10 results of the operation prior to the
11 date of enforcement and post-date of
12 enforcement. So to answer your
13 question, analysis has found that
14 overdose deaths are spatially clustered
15 nearest the most active drug markets,
16 which are also the markets associated
17 with the most gun violence. So let me
18 say that again: Overdose deaths are
19 linked to active drug markets. Active
20 drug markets are linked to organizations
21 that use the most gun violence. These
22 are the organizations that the Attorney
23 General's Office in combination with the
24 Philadelphia Police Department are
25 targeting. These are drug trafficking

1 organizations that we are targeting. So
2 our analysis is showing that we are in
3 the right place targeting the right
4 groups. So we will continue to use the
5 location data of overdosed deaths to
6 help refine our priority targets in the
7 future.

8 So, Councilwoman, as you know
9 this is very targeted and very specific.
10 But this has been a multiple-year
11 strategy using data to show where we
12 should be and how to attack these
13 organizations and also to measure the
14 results. And as you know, in two out of
15 the three operations we saw a
16 significant decrease six months post in
17 police calls for service, shootings,
18 other indicators that Temple University
19 has tracked. So it is certainly our
20 strategy to work with the Philadelphia
21 Police Department, the federal agency,
22 the FBI is a partner in the Kensington
23 Initiative as is the DEA, SEPTA,
24 collaborate with those agencies and
25 target the most violent drug

1 organizations that we are being led to
2 by the overdose death data.

3 COUNCILWOMAN QUINONES-SANCHEZ:

4 The City has been very resistant to
5 reclaiming some of these open air
6 markets. Do you think that that is a
7 wise investment to try to reclaim some
8 of these corners? These amount of open
9 air drug -- and we know what the corners
10 are. I can list them for you, 3133
11 Kensington Avenue, 2800 Boudinot. The
12 fact that I can list the 10 top corners
13 in the District and we know they operate
14 daily, do you think even on a short-term
15 basis reclaiming these spaces would be
16 somewhat successful?

17 MR. O'MALLEY: So as you know,
18 what is somewhat remarkable about the
19 Kensington issue is not only that it
20 uses data to target the most violent
21 drug gangs, but there is also a
22 community outreach component on the
23 backend, because law enforcement is not
24 going to get us out of this problem.
25 Law enforcement can clear the corners,

1 but we really rely on the neighborhoods.
2 And for a long time, we were relying on
3 the Resiliency Project to ensure that
4 neighborhoods had good lighting -- after
5 we cleared the corner, that there was
6 good lighting and abandoned houses were
7 taken care of, that the community was
8 heard and that the community could hold
9 those corners.

10 So as you know, our strategy in
11 Kensington relies heavily on not only
12 achieving some law enforcement gains,
13 but also holding those gains by using
14 City resources and the neighborhood,
15 really that and the neighborhoods to be
16 guardians of their own blocks.

17 COUNCILWOMAN QUINONES-SANCHEZ:
18 Thank you, Mr. Chair.

19 In this post-COVID world, we
20 lost all the gains that we had in
21 Kensington. And the last six months has
22 just been a third world country. So I
23 don't know what happens first, is it the
24 removal of the 300-plus unsheltered
25 active users, is it the taking over of

1 the corners. Right now we have a
2 convergence of all of that and we just
3 have lawlessness. And again looking for
4 answers, not wanting to point fingers.
5 I want to echo the cause, this is a
6 public health crisis. We need all hands
7 on deck. But what is happening in
8 Kensington would not be allowed to
9 fester anywhere else in this City.

10 It's just outrageous to me that
11 we're normalizing and traumatizing an
12 entire generation of young people over
13 there. And the Resilience Project was
14 not as effective. And we've called on
15 the restoration of Kensington.
16 Kensington has had always had drugs,
17 right. We know since the days of
18 factories and the workers and so forth.
19 But what we have in Kensington now, the
20 lawlessness is just out of control. We
21 appreciate again all of the efforts, but
22 it's not enough. It's not enough.

23 Thank you, Mr. Chairman.

24 COUNCILMAN JOHNSON: Thank you,
25 Councilwoman Sanchez.

1 Any other questions from any
2 other members of Council?

3 COUNCILMAN DOMB: Chairman
4 Johnson --

5 COUNCILMAN JOHNSON: Yes.

6 COUNCILMAN DOMB: -- Allan
7 Domb.

8 COUNCILMAN JOHNSON: Councilman
9 Allan Domb.

10 COUNCILMAN DOMB: Thank you. I
11 just want to join in. Councilwoman
12 Maria Quinones-Sanchez, I took a
13 two-hour drive tour on Thursday up
14 Kensington Avenue from Girard just past
15 Allegheny. And what I saw there was
16 shocking, worse than I've ever seen.
17 Worse than I have ever seen. And I
18 would say it's below a third world
19 country. I've never seen anything like
20 this in my life. It's horrible what's
21 going on there. And so, whatever I can
22 do or we can do, we need to support that
23 area. We need to fix that issue. That
24 is a disgrace to the City.

25 Let me ask a few questions: It

1 sounds to me like myself and all my
2 colleagues and Chairman Johnson, we all
3 want to find solutions to this problem.
4 But it sounds like most of these
5 solutions have to come from the state,
6 which leaves us to a degree with our
7 hands a bit tied. So I'm just going to
8 throw out a few ideas.

9 And I'm going to ask you,
10 Chairman Johnson, can we put together
11 maybe a list of policies, I know that
12 the Vice-Chairman Jones had some good
13 ideas and others have ideas that we can
14 submit to our State people and say,
15 look, sign up to these whatever, 10
16 points, 20 points of changes we need to
17 make to get this under control.

18 So I want to throw out some
19 ideas. Some of them may be off the
20 wall, but I'll throw them out anyway:
21 Is there a possibility to have annual
22 registrations for guns? So every year
23 you have to register, re-register the
24 gun every year to make it legal. That's
25 one question.

1 I just saw the Inquirer, I
2 think, three days ago which is
3 concerning me, that in 2019 they
4 reported 217,000 checks to Instant Check
5 System for guns that were completed
6 versus this quarter to 314,000. Over
7 100,000 more checks for guns, a 45
8 percent increase which is shocking to
9 me, considering 100,000 more potential
10 gun applications in Pennsylvania.

11 I also understand once you
12 apply, you can get a gun in a very short
13 amount time. If other states lengthened
14 the amount of time, could it be 60 days,
15 whatever, 45 days, would that help? And
16 the last component which is probably pie
17 in the sky, could we require some sort
18 of educational component when you
19 purchase a gun so that people understand
20 this is a serious weapon or tool? Could
21 we require some sort of education so
22 that it's just a basic knowledge of when
23 you're a gun owner what your
24 responsibilities are.

25 These are just ideas. But I

1 think in general, Chairman Johnson, we
2 can come up with whatever we think is
3 productive and get our State people on
4 board. We probably can get Pittsburgh
5 to join in. Maybe we can force the
6 issues that way, because I know all of
7 us want to get this under control and it
8 seems like we can't do anything really
9 locally in Philadelphia. I don't know
10 if there's a response to it, but that
11 was my quick statement.

12 COUNCILMAN JOHNSON:

13 Absolutely. Go ahead, Brendan.

14 MR. O'MALLEY: Councilman,
15 there are 50 different states and
16 there's 50 different state laws on how
17 they treat guns. I will tell you that
18 there are some states that require
19 education when a firearm is purchased.
20 There are some states as you know that
21 there is a wait time to obtaining a
22 firearm. And you know that Pennsylvania
23 specifically, state law does not allow a
24 registry. So I do have information on
25 all of those issues and we would be

1 happy to provide that to your office.

2 COUNCILMAN DOMB: That would be
3 great. Thank you.

4 Thank you very much,
5 Mr. Chairman.

6 Thank you, Brendan.

7 COUNCILMAN JOHNSON: Thank you
8 very much, Councilman Domb.

9 And, Brendan, can you provide
10 that to the Committee as a whole, that
11 information?

12 MR. O'MALLEY: Yes, sir.

13 COUNCILMAN JOHNSON: And,
14 Councilman Domb, I'll also follow up
15 with you because there is some advocacy
16 that we still can do as it relates to
17 our state legislature as well as
18 Governor Tom Wolf as it relates to
19 supporting this issue here in the City
20 of Philadelphia.

21 Brendan, I just want to thank
22 you again for always being dedicated to
23 your commitment as well as Attorney
24 General John Shapiro and the work that
25 he has done in addressing this issue.

1 For me, it's critically important that
2 when we talk about all the movements
3 that we are addressing right now in our
4 society and in our country and we talk
5 about the issue of Black Lives Matter
6 and we talk about institutional racism
7 and we talk about systematic racism, the
8 reason why tracking down the flow of
9 illegal guns is so critically important
10 is because it does exemplify the reason
11 why Black lives do truly really matter.

12 We're seeing a level of young
13 people dying in the streets of
14 Philadelphia and all throughout this
15 country on a day-to-day basis. And so,
16 we are aggressively advocating and
17 finding for a level of urgency when it
18 comes to not only addressing why these
19 young men pick up the guns, but where
20 the guns are actually coming from. So
21 thank you for your time and dedication
22 in being here today. Because I am asked
23 when I'm inside my community, where are
24 the guns coming from. There are no gun
25 shops in Point Breeze. There are no gun

1 factories in Strawberry Mansion which
2 means they're coming from somewhere. We
3 appreciate the work that you're doing.

4 I remember the great
5 Congresswoman Maxine Waters, she posed a
6 question some time ago which I thought
7 at that time was pretty bold as it
8 related to the crack epidemic, where was
9 crack coming from as it related to urban
10 neighborhoods all throughout our
11 country. And again, it just goes to us
12 so we're focusing on making sure that
13 when we address this issue
14 comprehensively, we're taking the tools
15 that are devastating our community out
16 of the hands of young people.

17 So thank you, Brendan O'Malley.
18 Thank you --

19 MR. O'MALLEY: Thank you.

20 COUNCILMAN JOHNSON: -- for
21 your dedication. Thank you for your
22 hard work and most importantly being
23 sincere in addressing this issue.

24 At this particular time, I'm
25 going to ask the Clerk to please call

1 the next witness.

2 THE CLERK: Judge Leon Tucker.

3 COUNCILMAN JOHNSON: Judge
4 Tucker, before you give your testimony,
5 I just want to thank you for your
6 patience. You've been on this hearing
7 as well as Brendan O'Malley, I think,
8 over the last three days, two or three
9 days, well, two days. But we thank you
10 for your patience. We thank you for
11 being here today. We know the courts
12 are open today and you have a very busy
13 schedule. But we appreciate you saying,
14 you know what, this is important and we
15 need to be here.

16 And hopefully, as part of your
17 presentation, I know there was some --
18 and your purpose of being here is
19 because over the last few days during
20 this hearing, Councilman Jones keeps
21 asking the question eloquently, the
22 community is always asking the question,
23 if a person has several arrests with
24 illegal guns and they are known shooters
25 or they are engaging in some type of

1 criminal acts with guns, how do they
2 keep coming out into our community time
3 and time again committing acts with
4 guns.

5 And part of this hearing that
6 we've had in the past couple of days was
7 the issue around bail and either the
8 proper bail given or the lack of, so
9 it's pretty important that we have our
10 court system here to give us an overview
11 on what that process looks like and
12 specifically around those who carry and
13 use illegal guns.

14 So with that being said, Your
15 Honor, you can start your testimony.

16 JUDGE TUCKER: Well, thank you
17 very much, Councilman, again the other
18 members as well for allowing me to be
19 here again. Being here reminds me of
20 growing up in Strawberry Mansion and
21 attending Thomas FitzSimons Junior High
22 School in 8th grade Civics where we were
23 talking about the three branches of
24 government. So it's not often that the
25 Judiciary has the opportunity to come

1 before the Legislative branch of our
2 government and to speak, but I really
3 relish this opportunity because this is
4 very important to me.

5 I have been concerned with this
6 issue for about four years now, sending
7 out on a weekly basis to the criminal
8 justice partners the shootings that are
9 going on in our City, the killings that
10 are going on in our City, and the things
11 that have just brought so much violence
12 to our City. As a result of that,
13 there's people of color, mainly people
14 of color, that are dying, that are
15 getting shot and we look at that and
16 it's almost become a point where it's
17 normalized which it should not be.

18 My concern is that something
19 must be done. And you have to
20 understand and appreciate that the court
21 is on the backend of this. What we see
22 and do is at the end. Now, there's two
23 courts in Philadelphia. There's
24 Municipal Court and there's Common Pleas
25 Court. And for the members and the

1 public who don't understand or know
2 that, Municipal Court is composed of
3 about 25 judges and maybe 3 senior
4 judges. And they hear misdemeanor cases
5 and they also hear the preliminary
6 hearings for the felony cases. The
7 Court of Common Pleas, which I am the
8 Supervising Judge of the Criminal
9 section is composed of around 93 judges,
10 and they're broken down into different
11 sections in terms of Family Court, Civil
12 Court, Orphans Court. And the Criminal
13 section is composed of about 34 judges,
14 35 judges now with Judge Moore just
15 coming on about two weeks ago.

16 Now, as the Supervising Judge,
17 supervision is something that can be
18 misunderstood. Judges are elected in
19 the Court of Common Pleas for 10 years.
20 Their supervisor, me, I do not tell them
21 what to do, who to find guilty, who not
22 to find guilty in terms of sentencing
23 and those things. That's left to the
24 discretion of the judge. And often
25 times, we see complaints and it's mainly

1 in the newspaper, an attorney or the
2 District Attorney may not be satisfied
3 with something that a judge did, but
4 there's a proper procedure for that to
5 be remedied. That's what the Appellate
6 Courts are for.

7 We are very civic-minded. Our
8 standard pretty much is the safety of
9 the City, so we do what we think is
10 right under the circumstances that are
11 presented to us. And I say that to
12 mainly get into the specifics that were
13 addressed to me. I was asked to talk
14 about the topics of Gun Court and how
15 Gun Court was worked before it was
16 discontinued. And I just happened to be
17 a Gun Court Judge in the year 2006 to
18 2007, which I believe was the second
19 year of the Gun Court.

20 The questions mainly was, was
21 it independently evaluated and what were
22 the conclusions of that evaluation? Do
23 we favor re-establishment of Gun Court?
24 And if so, what would be the
25 recommendation terms of structuring it?

1 What ingredients would be necessary to
2 ensure the success of Gun Court if it
3 was revived?

4 And the other questions that
5 are put to me or that were mentioned
6 mainly deal with Municipal Court, which
7 of course is under the guidance of Judge
8 Patrick Dugan. But there is one
9 question there, what authority do trial
10 judges have to revisit magistrates'
11 rulings.

12 Now, Municipal Court again is a
13 court that deals with the arraignment,
14 setting bail, making decisions in terms
15 of pretrial detention or release and
16 then there's an appellate procedure that
17 a case can go to Common Pleas Court
18 during that process, and often times it
19 is appealed to Common Pleas Court.

20 And the other question was,
21 does the First Judicial District, which
22 is the Common Pleas Court and Municipal
23 Court, collect statistics in terms of
24 the outcomes of preliminary
25 arraignments? Again, that would fall

1 under Municipal Court and not Court of
2 Common Pleas.

3 Now, the purpose of Gun Court,
4 which again started I believe in 2004
5 and went on until 2011, during that time
6 the cases that had a conviction of the
7 Violation of the Uniform Firearms Act as
8 the lead charge, now when I say the lead
9 charge, that means that was the main
10 charge. Those cases in Gun Court did
11 not involve robbery with a gun, burglary
12 with a gun. It was mainly a possession
13 of a gun and the person was stopped and
14 the car stopped or whatever the
15 circumstances would have been.

16 Now, this would encompass all
17 risk of supervision by probation and
18 there's various risks of supervision --
19 various supervision rather, low risk,
20 moderate risk and high risk in
21 individuals that were convicted. This
22 would not include individuals who had
23 violent crimes often times in Gun Court.
24 It could be a retired security guard who
25 had gotten their license renewed or

1 forgot to get their license renewed so
2 they were charged with a possession of a
3 firearm or it could have been a person
4 that was 6 years old or so with a first
5 conviction of the possession with no
6 violence attached.

7 Often times what we would see
8 is individuals who had a current violent
9 act as well as a history of violence
10 with a gun and that case would be sent
11 to another program, the Majors Program.
12 The Majors Program in the Court of
13 Common Pleas, the Criminal section,
14 those cases were your violent crimes,
15 your homicides, your aggravated assault
16 and things of that nature. So it most
17 definitely included individuals that had
18 current violent acts as well as a
19 history of violence. But sometimes
20 those case gun cases would be sent to a
21 different program. This would be done
22 mainly by the District Attorney's Office
23 determining as to what program the case
24 should be in.

25 Now, the problem evolved when

1 there was a gun charge, but the lead
2 charge was, say, aggravated assault with
3 some other charge and the gun charge was
4 dropped in terms of maybe a guilty plea
5 or whatever and the gun charge may not
6 have been the most serious charge.

7 Now, these cases would not end up in Gun
8 Court. It would be in what we call the
9 Majors Program as I mentioned earlier.

10 So the supervision of those defendants
11 after conviction by probation and parole
12 would not be under Gun Court.

13 Now, even if there was let's
14 say a possession with the intent to
15 deliver controlled substance with a gun,
16 that would not go to Gun Court. So the
17 court in many times would not be
18 comprised with defendants who were a
19 risk to the community. Often times in
20 Gun Court in the cases that I dealt with
21 between the years of 2006 and 2007,
22 there was approximately 1500 cases that
23 we dealt with and those cases were
24 mainly individual's first-time
25 conviction. And so the recidivism was

1 relatively light. We usually did not
2 see them anymore.

3 Now, the probation officers in
4 those cases were unarmed at first and
5 they would go out with police officers.
6 The officers eventually became armed
7 officers and certified with the Firearm
8 Education Training Commission and the
9 defense tactics was done by the
10 Protective Security Systems.

11 Now, Gun Court was created to
12 establish the continuity with the Gun
13 Court Judge, the District Attorney, the
14 Public Defender and the Court and the
15 intent was to have strict supervision
16 and strict penalties for violations.
17 This often would take place in terms of
18 intensive supervision upon defendants
19 that were not identified as a
20 substantial risk to the community.

21 Now, there was a lot of risk
22 done to create Gun Court, but there was
23 very little research to the effect of
24 Gun Court on the violence within the
25 community. We might find that those in

1 Gun Court would not be majority of the
2 violators as opposed to the people who
3 were causing violence in the community.
4 Often times, again those cases where the
5 violence was the lead charge would be
6 diverted away from Gun Court.

7 Now, this may be true because
8 when Gun Court was disbanded, many of
9 the defendants were classified as low
10 risk and they were low risk. Often
11 times it would be very little violence
12 in their background. The fact that they
13 had a gun, hadn't shot anyone or
14 anything of that nature would allow them
15 to be classified as low risk.

16 Now, in recreating Gun Court,
17 you need substantial manpower in terms
18 of supervision upon conviction and make
19 a criteria as to whether you wanted all
20 persons who possess the gun regardless
21 of the circumstances to be under strict
22 supervision. If we are trying to
23 capture those individuals that are
24 considered a major threat to the
25 community by way of the violence that

1 they impose or can be predicted to
2 impose on the community, you would need
3 to capture those defendants with a
4 history of violence or committing
5 violent acts, especially if the lead
6 charge was not a gun. You would need
7 the District Attorney as well as the
8 Public Defender and other justice
9 partners on board in sending these cases
10 to Gun Court.

11 Again, if you have all of these
12 defendants in Gun Court just for
13 possession, you may not be properly
14 supervising those defendants that really
15 need to be supervised or really didn't
16 have to be supervised because of their
17 lack of violence. So in essence what
18 I'm saying is it can be confusing; you
19 may have too much supervision or you may
20 not have enough supervision.

21 The probation officers that
22 I've spoken to believe that Gun Court
23 would be effective if there was the
24 ability to identify those individuals
25 with weapons or the lead charge of

1 violence where a weapon was present even
2 if the charges were dropped, the gun
3 charge was dropped. In other words, if
4 a gun was involved, then that person
5 should be in Gun Court even if the gun
6 charges were dropped.

7 And often times, those charges
8 are dropped for various reasons in terms
9 of negotiating guilty pleas or that
10 particular charge may not be as strong
11 in terms of the ability to present it.
12 Again, it would only be successful if
13 the right selection of the population of
14 all parties, when I say all parties, the
15 District Attorney and the Public
16 Defender, would be agreeing that that
17 case would go to Gun Court.

18 Now, just as a follow-up there
19 was a question as to whether or not the
20 program had been evaluated after it was
21 disbanded, and it was. It was evaluated
22 by an individual who was doing a
23 graduate thesis, so I'm not sure if that
24 would be a formal evaluation. But
25 nonetheless, an evaluation was done and

1 the results indicate that there was no
2 statistically significant decline in the
3 aggregate rate of the four gun-related
4 crimes in the 10 categories in
5 Philadelphia in the 24 months after the
6 introduction of the Gun Court program.
7 In other words, once the Gun Court
8 started, and there was an output of
9 individuals, there was no significant
10 decline in the rate of gun-related
11 crimes.

12 Now, as a side note, there has
13 been ways that we have attempted to
14 reintegrate Gun or Gun Court.
15 Currently, we started in July of 2019 a
16 nonfatal shooting program, and there's
17 been a substantial amount of nonfatal
18 shootings in Philadelphia. We started
19 that in 2019. Any case where there the
20 individual who was shot would go into
21 this program and the program was
22 overseen by a Homicide judge. So any
23 individual who was charged with shooting
24 someone was put into basically the
25 Homicide Court program.

1 Currently, we have 130 cases in
2 that category. Because of the pandemic
3 and the courts being closed in that
4 regard, there's been no preliminary
5 hearings until maybe a couple of weeks
6 ago, so there's substantial cases in the
7 pipeline that has not gotten to the
8 Court of Common Pleas yet. Currently, a
9 large portion of those cases, as a
10 matter of fact 68 of those cases involve
11 one case. And that's the Maurice Hill
12 case that you may be familiar with, the
13 individual in Tioga where there were
14 shootings and individuals did not
15 expire.

16 The District Attorney's Office
17 internally designates which cases go to
18 that program, and it's upon them and
19 their desire to put those cases in the
20 program. A substantial amount of those
21 cases also will be coming out of the
22 Investigating Grand Jury program, so
23 those cases we don't have a firm
24 understanding of because those cases are
25 done under the privacy and the secrecy

1 of the investigating grand jury.

2 Also again, due to the pandemic
3 slow-down, we've not added new cases
4 into the program for the past six months
5 since there's been no preliminary
6 hearings. We fully anticipate this
7 program to move on and to balloon
8 significantly once we open the courts
9 back up, which we have done today.

10 Now, moving on, there is quite
11 a bit that's disturbing. Just last week
12 alone, let's look at August 24th through
13 August 30th. That was last week and I
14 get this report every Wednesday. It's
15 terrible. It's so disturbing. There
16 were 50 people that suffered gunshot
17 wounds in Philadelphia, 50 people, and
18 this has become the normal. 4 of those
19 shootings were fatal. Now, also
20 interesting is that 10 of those people
21 were under active probation supervision
22 that suffered those gunshot wounds. In
23 other words, 10 people that got shot
24 were on probation and 2 of those people
25 passed away because the gunshots were

1 fatal. 7 people who suffered gunshot
2 wounds of the 50 had open cases.

3 Fortunately, none of them passed away.

4 Now, when we compare this to
5 last year, it's astonishing. But before
6 I mention those numbers, Commissioner
7 Outlaw testified on Thursday, I believe
8 it was, that so far this year it has
9 been 1334 individuals that's been shot
10 and 303 of those individuals passed
11 away. 222 of those individuals as a
12 side note were on probation that got
13 shot, and 49 of those individuals that
14 were on probation died. So this is
15 basically what we're dealing with. 170
16 of those individuals had open cases, and
17 34 of those individuals were pronounced
18 dead as a result of the shooting.

19 Now, when we look at last year
20 this time in 2019, there were 929 people
21 shot as opposed to 1334. In terms of
22 the people that were on probation that
23 were shot last year was 212; this year
24 222. So the problem as I see it is that
25 we kind of know individuals who are more

1 than likely to get shot. We kind of
2 know individuals who are probably doing
3 the shootings, and that's where we get
4 into the various programs, Focused
5 Deterrence and all of those other
6 programs which I am involved in on a
7 limited degree as Chair of the Criminal
8 Justice Advisory Board, which is a
9 program established by each county which
10 brings together all of the criminal
11 justice partners in an effort to do
12 things, to get grants and to make
13 betterment of the things that the
14 justice partners do.

15 Now, I guess it was last week
16 when Councilman Derek Green was asking
17 the question, well, what has changed.
18 Well, so many things have changed. I
19 guess the most common thing that comes
20 to my mind is that the social media has
21 changed. The way of thinking has
22 changed in terms of our society. Just
23 think, could you imagine Diana Ross or
24 the Four Tops singing any of the lyrics
25 that you hear commonly sung today, even

1 Prince or Michael Jackson. And I say
2 that anecdotally, but it's true. Our
3 society has changed so much. What has
4 become the norm now would not have been
5 accepted, say, 20 years ago, even 5
6 years ago. So there's no quick fix.
7 There's no easy way out. But if there
8 was a way that we can do it, it would
9 have to be a collaborative effort.

10 It concerns me because these
11 are people of color which I happen to
12 be. And I sincerely believe that more
13 effort needs to be into it by everyone.
14 I'm not pointing fingers. I won't point
15 fingers. But I think that if we looked
16 at the problems that we are going
17 through and what our young people are
18 going through, the schools have changed,
19 so many things have changed. It
20 involves our culture, education, the
21 poverty level. There's no one quick
22 fix. It's like one of the those ping-
23 pong things where you hit down on one
24 and the other pops up somewhere else.

25 But again, collectively we must

1 do something. I don't have the answers.
2 The Court of Common Pleas is ready and
3 available to do whatever we can.
4 Obviously, we have obligations of being
5 impartial so our ability to be at the
6 forefront in terms of this is limited.
7 But nonetheless, we are here, ready,
8 available to do whatever it is that we
9 can do.

10 And one last point, since
11 January of 2018 there has been over
12 10,000 persons charged with possession
13 of a firearm in Philadelphia without a
14 license carrying a firearm on a public
15 street of Philadelphia and all of the
16 violent crimes as well. This includes
17 the homicides as well as the robberies,
18 the burglaries. Everything that had a
19 gun involved in it, there has been an
20 excess of 10,000 people, and some of
21 these are repetitive, but 10,000 since
22 2018.

23 I will avail myself to any
24 questions if there are, but I can go on
25 and on and on. And often times I do

1 email or forward the emails that I get
2 to certain members of City Council as
3 well as justice partners because it's
4 quite disturbing to see what our young
5 people are doing to each other. Often
6 times because the glamorization of
7 what they do they learn from song
8 lyrics, videos and things on social
9 media which is just the way of the time,
10 and this is not just Philadelphia. If
11 you look at Chicago, LA, that's no
12 excuse and we should do something about
13 it.

14 COUNCILMAN JOHNSON: Thank you
15 very much, Honorable Leon Tucker.

16 Before I turn it over for
17 questions to Committee members, and I
18 also want to acknowledge the presence of
19 Councilman Mark Squilla, and I don't
20 know if some of these questions we want
21 to ask should be addressed by you or
22 Judge Dugan. He declined to
23 participate. But we thank you for being
24 here, but I'll still ask some of the
25 questions because some of the issues

1 revolve around the issue of bail.

2 It was a very thorough
3 presentation given regarding the bail
4 system, regarding something that you
5 even touched on just now in wrapping up
6 your last remark when you talked about
7 10,000 people being arrested for
8 gun-related crimes. And then you also
9 just mentioned that some of them
10 repeated, right. That's the question
11 that a lot of people are asking. That's
12 the question.

13 And Councilman Jones has
14 touched on several different times
15 that's what he wants to do an analysis
16 of, 100 individuals that have been
17 arrested with guns because it does beg
18 the question there's a lot of issues
19 that needs to be addressed in addressing
20 the issue of gun violence. But we do
21 recognize if we have a revolving door
22 when it comes to individuals being
23 arrested with gun crimes and getting
24 back out on the street and using those
25 guns to commit more crimes, we're trying

1 to narrow that gap and even eliminate it
2 if need be in terms of working
3 collaboratively with all of the
4 agencies.

5 And so, to some questions
6 around bail that you say, Councilman,
7 that these don't apply, but I oversee in
8 terms of the court system, you know,
9 just reply accordingly. But one is, how
10 is preliminary arraignment with bail
11 commissioners selected? How do they
12 make decisions regarding pretrial
13 detention or release, including whether
14 to set bail and how much? And what
15 authority do trial judges have to
16 revisit against magistrates' rulings?
17 And does the First Judicial District
18 collect statistics regarding the
19 outcomes of preliminary arraignments?

20 JUDGE TUCKER: So to answer
21 your questions, mainly what you're
22 talking about is what occurs in
23 Municipal Court which would be under the
24 President Judge of the Municipal
25 Court -- I hear an echo.

1 COUNCILMAN JOHNSON: I hear the
2 echo as well. Go ahead, Your Honor.

3 JUDGE TUCKER: Thank you. But
4 to give you a limited response as best I
5 can without delving into Municipal
6 Court, it's my understanding that
7 Municipal Court has a thorough process
8 that has been in place for many, many
9 years in terms of the way that they
10 select their bail commissioners and
11 whatnot.

12 But more specifically, the
13 question that you put in terms of do the
14 Court of Common Pleas judge have the
15 opportunity to revisit the decisions
16 made by the magistrate in terms of bail
17 decision, the answer is yes, and it
18 happens quite frequently. Let's say for
19 instance if an individual is arrested
20 and bail is set at \$100,000. Once the
21 preliminary hearing is held, bail can be
22 revisited again. Again, that's at
23 Municipal Court.

24 But after that, usually 14 days
25 after the preliminary hearing, it's an

1 arraignment and that's when the case
2 becomes a Court of Common Pleas case and
3 bail motions are filed. Usually, it's
4 filed in our Motion Court which is a
5 part of the Criminal section of the
6 Court of Common Pleas and that bail is
7 revisited by the judge or the petition
8 by the Defense Attorney and the
9 participation by the District Attorney.

10 Now, mind you that the only way
11 that things happen in the Court of
12 Common Pleas and mainly in Municipal
13 Court as well is someone has to file a
14 petition or a motion or something to get
15 it to the court's attention. I guess
16 during the pandemic, it was initially
17 thought that the judges could just open
18 the prisons and let everyone out. In
19 essence, a petition has to be filed,
20 whether it's oral or written, but
21 something has to be filed. And so, that
22 would happen in this particular case
23 when you asked the question, does the
24 Court of Common Pleas judge have a
25 chance to revisit what's been done in

1 Municipal Court. And the answer to that
2 is yes.

3 COUNCILMAN JOHNSON: Thank you,
4 Your Honor.

5 At this time, I'm going to call
6 on Councilman Mark Squilla and
7 Councilwoman Jamie Gauthier.

8 COUNCILMAN SQUILLA: Thank you,
9 Mr. Chairman.

10 And thank you, Your Honor, for
11 all your input and appreciate all the
12 work and effort you put into this along
13 the years. Would you suggest that Gun
14 Court was something that was a positive
15 or a negative?

16 JUDGE TUCKER: No, it was a
17 positive, definitely positive. I think
18 that it probably did not go far enough
19 because in essence what you had were
20 individuals who were charged with
21 possession of a firearm without a
22 license, possession with a firearm on
23 the streets of Philadelphia or a felon
24 who should not have in his possession a
25 firearm. So just those three cases,

1 three charges rather. What you need in
2 my estimation is something broader.
3 Because in those cases, you usually do
4 not have the recidivism.

5 And so, once there's a
6 conviction what you have is the
7 Probation Department, the Parole
8 Department involved and the manpower
9 there which before was funded I believe
10 by a federal grant, and once that money
11 ran out, it just went away. But my
12 point is that there was intense
13 supervision where it was not needed.

14 You had individuals who were in
15 high school who had just graduated,
16 working. And often times the excuse
17 would be -- often times the excuse would
18 be he had a gun for his own protection,
19 which would not be a valid excuse, but
20 could be understood. But to answer your
21 question did Gun Court work, it did.

22 Could it have worked better,
23 yes. If we bring it back, will it work
24 better, only if all of the parties, as I
25 said, the District Attorney's Office,

1 the Public Defender's Office agree that
2 all cases involving guns would go a
3 certain way. Similar to what we're
4 doing in the Nonfatal Shooting program
5 where all nonfatal shooting cases end up
6 in the Homicide program to show the
7 seriousness of the case. Dealing with
8 the judges who handle homicide cases,
9 the only difference is that we have a
10 live victim who may be paralyzed, who
11 may be seriously injured. But
12 nonetheless, we do have someone who can
13 give testimony as to the case and the
14 charges and the weapon that was used and
15 the person who did it.

16 COUNCILMAN SQUILLA: I
17 appreciate that and I understand funding
18 is always an issue. But I think the
19 theme that we're hearing over and over
20 again in collaboration working together,
21 how do we get people to work together to
22 resolve this issue and that's something
23 that we really have to strive to do.
24 And if we're not going to have everybody
25 pointing in the same direction, we'll

1 never get to that end result that we
2 want, because we saw all the programs.
3 We used to have Community Court program
4 and it was sort of a deterrent for
5 quality of life issue type of thing that
6 didn't lead to this. And then you had
7 Focused Deterrence and certain fund
8 levels came and then they went.

9 But I think as a whole if we're
10 going to really make this work, the only
11 way to do it is first of all, put our
12 money where our mouth is and get the
13 resources available. And then second is
14 to have a collaboration with the courts,
15 with the different departments, and make
16 sure that we stick to the program that
17 can then have results. And I think
18 these results have to be measured like
19 you're saying so you can see the actual
20 benefits of it.

21 And where we are today -- and
22 sometimes we have a success in a certain
23 program and then we sort of say, you
24 know what, we don't need this or that
25 really didn't help or it was something

1 else that did it, so then we start
2 playing against each other. I think we
3 need to come back together and to make
4 it work. So I appreciate your
5 involvement in this and I see your
6 dedication. And hopefully, we can work
7 with the courts and with our departments
8 to create another program like the Gun
9 Court and maybe even Community Court and
10 some other courts to really get to the
11 challenges that are at hand and I
12 appreciate your efforts.

13 JUDGE TUCKER: Well, thank you
14 very much. And again, this court stands
15 ready and available to always sit down
16 and collaborate and if we can move
17 something forward to eliminate some of
18 this violence, even just one shot, one
19 person would be significant in my mind.
20 When we're looking at 50 people getting
21 shot in one week, it's something that
22 has to be dealt with.

23 COUNCILMAN SQUILLA: We agree.
24 Thank you.

25 COUNCILMAN JOHNSON:

1 Councilwoman Gauthier and then
2 Councilman Jones.

3 COUNCILWOMAN GAUTHIER: Thank
4 you, Mr. Chair.

5 Good morning, Judge Tucker.

6 JUDGE TUCKER: Good morning.

7 COUNCILWOMAN GAUTHIER: First,
8 can you clarify for me, did you say that
9 222 people on probation were a portion
10 of the 1300 shot or were a portion of
11 the over 300-plus murdered? Can you
12 clarify that statistic for me?

13 JUDGE TUCKER: Yes. Last year
14 during the year -- so far this year
15 2020, and this is as of August 30th,
16 there were 1320 people -- I'm sorry.
17 1334 people that were shot in
18 Philadelphia County. 303 were fatal.
19 And 222 people on adult probation were
20 shot. And 49 of those 222 were fatally
21 shot.

22 COUNCILWOMAN GAUTHIER: I see.
23 So certainly, that leaves a lot of
24 people who were shot and who were
25 murdered that were not on probation, but

1 it's still a glaring statistic. So that
2 means that if we would have prevented
3 those 222 people on probation from being
4 shot, our shootings would be almost 20
5 percent less. In your opinion, what are
6 we not doing in supporting or what are
7 we failing to do in supporting people
8 who are on probation so that this
9 doesn't occur? It just sticks out to me
10 so much that we know that people who are
11 on probation are likely to be involved
12 in this activity. What are we not
13 doing?

14 JUDGE TUCKER: Well, that's an
15 excellent question. And if I knew the
16 answer, it wouldn't happen. I don't
17 know the answer candidly. The problem
18 is that we have competing interests. We
19 have individuals. And again, I'm not
20 pointing fingers but it becomes the
21 flavor of the month, if you will. Let's
22 let him out. We got too many people on
23 probation, and we've reduced
24 substantially the number of people on
25 probation. We have produced the level

1 of supervision, especially during the
2 pandemic.

3 There was statements made I
4 guess it was the last hearing or so that
5 the Probation Department was closed.
6 That's not true. We have not closed.
7 The Probation Department is working
8 every day in terms of supervising their
9 clients. It's done by phone. They're
10 not coming into the office yet. But
11 nonetheless, that's being done.

12 So I guess specifically to
13 answer your question should there be
14 more strict supervision, perhaps there
15 could be. And then the other side of
16 that would be, well, you're supervising
17 too much. Are they being held in
18 violation; then the other side of that,
19 yes, they should not be violated because
20 for whatever reason, you're being too
21 strict on them.

22 In terms of the level where
23 they're not then high level, where they
24 report more frequently or the moderate
25 level or the low level, the question

1 becomes what level are they and why are
2 they at that level. But nonetheless,
3 these are the competing interests that
4 we're dealing with and it's difficult.
5 If there was one answer, one quick fix,
6 I'm certain we would have done it by
7 now. But unfortunately, yes, 222 people
8 on adult probation were shot. And 49 of
9 those people are no longer with us.

10 COUNCILWOMAN GAUTHIER: And I
11 guess I want to be clear that I'm not
12 necessarily trying to make a point that
13 people should have been held in the
14 system or that all we should be doing is
15 strict enforcement of supervision. But
16 it seems to me that since that number is
17 so large, there's something that we
18 should be able to figure out between
19 supervision and support that can help to
20 save those people, so just something for
21 consideration for my colleagues.

22 JUDGE TUCKER: I do not
23 disagree with you. I'm certain during
24 the testimony that you heard at the last
25 hearing of Chief Darlene Miller, her

1 heart is only in what she does. She is
2 one of my favorite people in terms of
3 advocating not only for the rights of
4 probation, but for the clients that she
5 oversee. And I'm certain almost every
6 day she comes up with some program,
7 something new, something else to do not
8 only for the benefit of probation, but
9 for the people that she serves as well.

10 COUNCILWOMAN GAUTHIER: Thank
11 you.

12 COUNCILMAN JOHNSON: Thank you
13 very much.

14 Before I bring on Councilman
15 Curtis Jones, and this question really
16 isn't for you, rather it's a statement,
17 Judge Tucker. I know now during the
18 pandemic if the level of probation and
19 even parole, because you can't do
20 inperson direct one-on-one supervision,
21 I think it gives the client if they
22 aren't trying to do the right thing, the
23 upper hand to be upfront with you, only
24 for the simple fact that it's not the
25 same type of supervision where you come

1 here and you look your probation
2 officer, your parole officer in the eye,
3 tell him what you're doing with your
4 life, what are you trying to do, what do
5 you need help with.

6 I know for a fact that there's
7 a lot of individuals who engage in
8 illegal drug use when it comes to some
9 of these gun crimes that are taking
10 place. Because of COVID-19, urines
11 aren't being taken right now. If they
12 are, let me know if something's
13 different. But I know for a fact if you
14 aren't doing inperson supervision or
15 one-on-one meetings, I don't think that
16 urines are being taken at this
17 particular point in time, which also
18 leads to a whole different level of
19 unsupervized individuals who may decide
20 that they want to engage in a life
21 that's illegal as it relates to the
22 public safety of our City.

23 I know that's not totally your
24 jurisdiction, but I'm just thinking in
25 terms of how the system works, right.

1 And I know from a probation and parole
2 standpoint, it's either intense,
3 one-on-one, taking urines but also
4 separate from taking urines, the support
5 systems that Councilwoman Jamie Gauthier
6 is referring to as well could be
7 provided to an individual in a much more
8 robust manner, but I do recognize that
9 we're in COVID-19.

10 You probably couldn't answer
11 this question but I will still put it
12 out there anyway: Is there any movement
13 to do ankle monitoring of individuals
14 because of COVID-19 who can't come in
15 and see your probation or parole
16 officers directly? And also if the
17 person violates, right now during COVID-
18 19, let's say they get the phone call at
19 home and they're not there, and because
20 our court system is the way it is, what
21 happens to that individual?

22 JUDGE TUCKER: The same thing
23 that would happen if COVID was not going
24 on. A warrant is issued and they're
25 picked up. I get a list every morning

1 of every individual who was picked up
2 either for a violation or absconding.
3 It's not as though we're not paying
4 attention. It's not as though we're not
5 doing anything. They are checked by
6 phone. And if they are not there, then
7 it's just as though they did not come
8 in.

9 In terms of electronic
10 monitoring, we're still doing that. We
11 had stopped for a while mainly because
12 of the inability to social distance.
13 There's a lot involved in the electronic
14 monitoring. A person from the Probation
15 Department has to go to that person's
16 house where there's family.

17 Before that, the residence has
18 to be okayed. There's certain places
19 that landlords do not want that in
20 there, monitors in their house and their
21 rental properties, so that has to be
22 cleared. Then the Probation Department
23 has to go out, look at the place and
24 insert the apparatus, place the
25 monitoring on there.

1 And of course, back in March
2 and April, we are all concerned about
3 social distancing and that type of
4 thing. So, no, we weren't adding those
5 cases, but we found a way to do it. And
6 I guess it was maybe in June or July
7 that we did begin to do new cases with
8 electronic monitoring, so all of that is
9 being done. So don't get the impression
10 that, no, it's just a phone contact and
11 if you're not there, it's okay. No. If
12 you're not there, a warrant is issued
13 and you're picked up.

14 COUNCILMAN JOHNSON: Okay. And
15 I'll wrap up on this last statement and
16 thank you for your thorough testimony
17 before I turn it over to Councilman
18 Curtis Jones. When we talk about
19 oversupervising, that's what I heard you
20 say, and I know during this environment
21 we try to do a balance, right, for the
22 system not being oppressive but at the
23 same time making sure that public safety
24 is a priority.

25 And while I'm out in the street

1 talking to mothers and fathers who have
2 lost their loved ones, the conversation
3 has come up on several different
4 occasions that I heard an aunt say, I
5 would rather see my nephew in jail than
6 dead. I would rather see my nephew in
7 jail than dead. I've talked to other
8 young men who said if it was not for
9 that judge and me doing a little time, I
10 would not have been given the
11 opportunity to change my life. And I
12 just talk about that from a balance
13 standpoint because at the end of the
14 day, we have to take public safety as a
15 priority.

16 I understand we're also
17 balancing the rights of individuals
18 because we don't want mass
19 incarceration. We also know that and,
20 you know, I'm never ashamed to use
21 myself being an Ivy League graduate and
22 doing some coursework at Harvard and
23 growing up in South Philly. But if it
24 had not been for Judge Reynolds saying,
25 wait a minute, young man, what do you

1 want to do to with your life, what do
2 you want to do as it relates to standing
3 on the corner, getting involved in
4 mischief and bringing your neighborhood
5 down. Had it not been for him saying,
6 well, wait a minute, either you're going
7 to count the birds on that ledge or
8 you're going to figure out what you want
9 to do with your life, had it not been
10 for him and the support system obviously
11 of my family, but most importantly
12 community members. This is where
13 outside support plays a major role.

14 Other people saw something in
15 myself that I didn't necessarily see in
16 myself at that time, like a Congressman
17 Chaka Fattah or Curtis Jones when I was
18 a young man or Harold James to say,
19 listen, you can get involved in stuff
20 that's positive as opposed to something
21 that's negative. It was that type of
22 support system that Councilwoman Jamie
23 Gauthier is talking about to help a
24 person on probation to get involved in
25 something that's positive, but I also

1 say just because I'm on the side of
2 making sure that individuals are held
3 accountable that do not see what we're
4 doing as something that's worthy, why
5 we're on this call that have to be held
6 accountable and can possibly save their
7 life in the future.

8 So I just wanted to say that
9 for the record. But I want to turn it
10 over to Councilman Curtis Jones.

11 JUDGE TUCKER: Before that, let
12 me just mention I agree with you
13 wholeheartedly having grown up in North
14 Philadelphia, still visit there. I have
15 friends that I grew up with who are in
16 jail. It's no secret. I have grown up
17 with people who are doing time and I'm
18 still in touch with their relatives.
19 And they're saying, look, I'm glad that
20 he's in there because if he was out
21 here, he would be dead. They know him.
22 They know his personality and that type
23 of thing. They file petitions in terms
24 of compassionate release and that type
25 of stuff. But nonetheless, I agree with

1 you that but for some folks being
2 incarcerated, they would not be with us.

3 And I don't want to speak too
4 far, but it troubles me that we went
5 through great lengths to get a lot of
6 people out of jail during the pandemic.
7 And I'm not sure what effect that has on
8 what we're going through now. I'm
9 waiting on the numbers. But my thought
10 is perhaps there is some correlation of
11 those people that were released. I
12 don't have any proof and I'm kind of
13 hesitant in saying what I'm saying.

14 But nonetheless, all the noise
15 that was made about let him out, let him
16 out, let him out and this is what we
17 have. At the same time, I got to give
18 good kudos to Commissioner of Prisons
19 because of what she did in terms of
20 having stopped the family visit, having
21 the attorneys checked and all of that.
22 The explosion of COVID that everyone
23 anticipated did not happen thanks to
24 her, and we can say that very proudly.
25 And as a result, I believe it was one

1 individual unfortunately out of the 4900
2 or so individuals that were in jail in
3 March that unfortunately passed away.

4 But getting back to what you
5 said, I agree with you. I wish it was
6 so much more that we could do to stop
7 these individuals from killing
8 themselves.

9 COUNCILMAN JOHNSON: How many
10 individuals you said that were released
11 are murdered, were murdered?

12 JUDGE TUCKER: What do you
13 mean?

14 COUNCILMAN JOHNSON: I thought
15 I heard you say individuals who were
16 released, there were a number of them --

17 JUDGE TUCKER: No, no. I don't
18 have that number. I'm waiting on that
19 number. And that's my concern in
20 getting that number --

21 COUNCILMAN JOHNSON: Well, I
22 think before you say that, you want to
23 have the numbers first because that's
24 kind of an assumption that --

25 JUDGE TUCKER: Well, it is an

1 assumption and that's why I said --

2 COUNCILMAN JOHNSON: This could
3 be all new shooters who just got off the
4 steps and want to get involved in gun
5 violence. I just want to say that just
6 for the record.

7 JUDGE TUCKER: Was that a
8 question? I didn't quite understand
9 what you just said.

10 COUNCILMAN JOHNSON: No. I was
11 saying that before you make that blanket
12 statement, I think it might be best to
13 do it with statistics and say, listen,
14 this is why individuals were on State
15 Road. These are the charges that they
16 had when they were on State Road. When
17 they were released as a result of the
18 advocacy when people said let them go
19 because of COVID-19, we know that we had
20 this percentage was locked up for guns,
21 this percentage was locked up for drug
22 addiction, this percentage was locked up
23 for retail theft. And we know this
24 percentage of individuals has been
25 either rearrested on gun charges or

1 murdered after the fact of them being
2 released.

3 I would just think that if we
4 make that statement, it would probably
5 be best to have some statistics to back
6 it up because some people will run with
7 that statement and say, well, wait a
8 minute, everyone that been let out under
9 COVID-19 off of State Road is a result
10 of gun violence. It would say it's a
11 result of those individuals coming home.
12 And if that is the case, I would make
13 that statement only in the event that we
14 have data to back it up. I mean,
15 correct me if --

16 JUDGE TUCKER: And that's my
17 point. That's my point. I am not
18 making that statement. I am not making
19 that statement. My point is that there
20 was a substantial amount of people let
21 out and we are waiting on the data.

22 COUNCILMAN JOHNSON: Okay. I
23 stand corrected. Okay.

24 Councilman Jones.

25 COUNCILMAN JONES: Thank you,

1 Mr. Chairman.

2 Let me first thank you, Judge
3 Tucker, for your leadership in this
4 regard but also your leadership at CJAB.
5 One of the things I found in management
6 is when you bring all stakeholders to
7 the table, you can get quicker results
8 in processing data that becomes good
9 information, that becomes public policy
10 by not letting people point the fingers
11 in different directions.

12 And in doing so, whether it was
13 responding to the prison population
14 during COVID or whether it is dealing
15 with a whole myriad of criminal justice
16 reform issues, I found that that group
17 that you had is at the epicenter of good
18 change. And so, thank you for that
19 leadership. I would also then look at
20 challenging us to take that a step
21 further.

22 What I mean by that, and I've
23 been sounding like a broken record, is
24 that I've been hearing glimmers of hope,
25 glimmers of positivity in different

1 aspects of your hearings, Mr. Chairman.
2 I hear a Police Commissioner that's not
3 afraid to look in the mirror and see
4 what she can do better with her
5 department. I see a District Attorney
6 that's willing to look at his own
7 reflection and processes and say,
8 listen, maybe I need to do a little more
9 of this, a little less of that.

10 I believe the courts are
11 equally willing to do that kind of self-
12 reflection to say, we need to tighten
13 the dials on this and look at what we're
14 doing related to probation and parole.
15 So if that is the feeling, I'd like to
16 challenge us along with you,
17 Mr. Chairman, to look at the last 100
18 shooters, I'm going to beat this like a
19 drum, and say how did these guns get
20 here, let's reverse engineer and look at
21 that because I heard a little bit of
22 that today, and how did the shooters get
23 here at the same point in time
24 committing this act. And if we do that
25 and we don't point fingers as you said,

1 Your Honor, and say, look, maybe we can
2 do this a little better in the future,
3 and for us in City Council to take
4 responsibility too.

5 When you talk about some of the
6 things you observed, Your Honor, I'll
7 never forget that we had a hearing on a
8 matter dealing with the Water
9 Department. The Water Department was
10 incensed about an action this Council
11 was about to take, so they brought their
12 membership to Council.

13 I looked back behind me, Member
14 Gauthier, and I saw Pookie who I went to
15 school with, who was voted most likely
16 to get a gun, working for the Water
17 Department. I saw Ray-Ray who had been
18 discouraging my neighborhood coming up,
19 like he was the guy you walked on the
20 other side of the street from. Even if
21 you knew him, you walked on the other
22 side. But these individuals had a job.

23 They were now responsible
24 members of society, baseball coaches,
25 football coaches, contributing to their

1 block and the difference between who
2 they were and who they could have been
3 was a job. So we have a responsibility
4 to create those pathways out. So we
5 can't just go into your courtroom and
6 say, you know what, irrespective of how
7 you feed yourself and your family, put
8 that gun down and, you know, that's
9 what's going to happen. We have to
10 provide answers to the complexity of the
11 problem.

12 So what I'm saying is that as a
13 result of your hearings, Mr. Chairman,
14 I'd like to narrow down to cases because
15 I heard a willing set of stakeholders to
16 look at a case study that says here's
17 100 guns, here's 100 shootings, here's
18 100 trigger-pullers, how did we get
19 here. If we can do that and reverse
20 engineer solutions, I think that that's
21 a better approach to just -- I can't
22 hear thoughts and prayers no more. I'm
23 done with after we get finished praying
24 and get up off of our knees we have to
25 do some work. And I think this is the

1 level to which we have to do.

2 And thank you, Member Gauthier,
3 for almost being like Paul Revere and
4 saying to the Mayor and the
5 Administration, like this has risen to a
6 crisis level that we can no longer
7 ignore, and the British aren't coming.
8 They're already here. And we have to
9 deal with this in that kind of
10 magnitude.

11 So at the end of the day,
12 Mr. Chairman, I'm asking that Judge
13 Tucker participate in that smaller group
14 so that we can kind of peel the layers
15 away of the onion to get to the core of
16 the problem. And if you would be
17 willing to do that, Judge Tucker.

18 JUDGE TUCKER: I am. I am.
19 Again, not only as part of the CJAB, but
20 as the Supervising Judge of the Criminal
21 section of the Trial Division. Again,
22 it concerns me. Every Wednesday I get
23 these numbers and all I can do is shake
24 my head now. We had started a
25 program -- well, not a program, but an

1 initiative to reach out to entertainers,
2 sports stars and whatnot just with a
3 letter asking them if they would do some
4 commercial spots or something just to
5 lend a voice.

6 Those guys out there who are
7 doing the shootings, they're not going
8 to listen to me. And chances are even
9 in your constituency the guys that are
10 doing the shootings, they probably won't
11 listen to you. But the people that they
12 listen to are the entertainers, the
13 singers, the football stars, the
14 basketball people, simply to say, hey,
15 you know, what you're doing ain't cool.

16 When you and I were growing up,
17 a fair one was a fair one. There isn't
18 any more fair ones. There's drive-bys
19 and stuff like that. This is what I'm
20 talking about. So in order for us to
21 get on the same page, we have to find
22 the page. Right now folks think they're
23 on the same page and they may be on the
24 same page, but it's a different book.

25 When we're talking about

1 individuals who have propensity just to
2 drive down a street and shoot into a
3 crowd, how do you reach that person?
4 What's in their mind? Are we talking
5 about the lyrics and the song that
6 they're listening to over and over again
7 or are we talking about something else?
8 And that's what I'm driving at. If we
9 can find that and if we can save just
10 one person from getting shot, not
11 killed, just shot, then I think we're on
12 the road to success.

13 COUNCILMAN JONES: Thank you,
14 Mr. Chairman.

15 COUNCILMAN JOHNSON: Thank you
16 very much.

17 And thank you, Your Honor, for
18 your testimony.

19 Before we call for a public
20 comment, is there any last minute brief
21 comments, questions from my colleagues
22 before we turn it over to public
23 comment?

24 (No response.)

25 COUNCILMAN JOHNSON: Well,

1 first and foremost, I want to personally
2 again thank you, Judge Tucker, for your
3 patience and your commitment and most
4 importantly, thank you for your
5 sincerity and your passion. I've known
6 you for years as a young public servant
7 getting involved in politics. I know
8 the work that you have done mentoring.

9 I call him the Great Kevin Harden.

10 That's the example of you not only
11 walking the walk, but doing the talk,
12 mentoring another young man who comes
13 from a similar background like myself
14 and giving them an opportunity to change
15 their lives and follow their goals and
16 their dreams and their aspirations.

17 And when you talk about what's
18 in a young person's mind that will make
19 them pull the trigger, I wouldn't say I
20 would know. But I believe when you have
21 mentors, when you have people show that
22 they care, when we have opportunities to
23 point our young people in the right
24 direction -- I know there's a lot of
25 trauma going on in our community right

1 now, so hurt people hurt people. I know
2 there's a lot of revenge killings that
3 are taking place because young people
4 don't know how to process when they are
5 losing what they consider their loved
6 one which is their friend.

7 A lot of these young
8 relationships with our young people
9 start off in kindergarten and go to high
10 school. When you lose that young one,
11 you may decide to process it in a way
12 that's devastating to our community.
13 And so, I'm one that believes that it
14 takes a collaborative effort, all hands
15 on deck.

16 But I will call and say that we
17 do have to have a level of urgency in
18 how we address this issue, because again
19 we do know when we talk about the issue
20 of Black Lives Matter, when we talk
21 about the issue of institutional racism
22 and systematic racism, we will have to
23 begin looking at how we are distributing
24 our resources, our manpower to a very
25 critical area that pretty much could

1 very well decimate another generation of
2 young people before they even get a
3 chance to get older.

4 So thank you, Your Honor. And
5 we shall be in touch regarding following
6 up regarding Councilman Curtis Jones'
7 request and working with our law
8 enforcement agencies and criminal
9 justice partners regarding those 100
10 individuals who are carrying guns from
11 start to finish. Thank you very much.

12 And at this particular time,
13 we're going to take a break so we can go
14 into public comment. And I'm going to
15 turn everything over to Modesto to queue
16 us up.

17 JUDGE TUCKER: Thank you for
18 having me.

19 COUNCILMAN JOHNSON: You're
20 welcome.

21 COUNCIL SUPPORT: Okay. Great.
22 Council Chair, now we're going to take a
23 few minutes just to get the participants
24 for public comment into our session.

25 (Brief recess.)

1 COUNCILMAN JOHNSON: Thank you
2 very much. I want to thank everyone for
3 participating in the Special Committee
4 on Gun Violence. I want to ask the
5 Clerk to please call the first witness.

6 THE CLERK: Reverend Gregory
7 Holston.

8 COUNCILMAN JOHNSON: Reverend
9 Holston, please state your name for the
10 record and you can begin. Reverend
11 Holston.

12 Can the Clerk please call the
13 next witness.

14 THE CLERK: Mr. Chair, you may
15 want to remind the public commenters to
16 press star 6 to unmute their phones.

17 COUNCILMAN JOHNSON: I think
18 you just did. Thank you very much.

19 THE CLERK: And the next
20 witness is Queen Judith Robinson.

21 MS. ROBINSON: Morning.
22 Morning. I'm here to testify on 170609.
23 I hope you all can hear me well. Hello?
24 Okay. Can you hear me?

25 THE CLERK: We can hear you,

1 Ms. Robinson.

2 MS. ROBINSON: Okay. Thank
3 you. So Queen Judith Robinson here
4 testifying on 170609, the Special
5 Committee on Gun Violence. And I
6 understand that now after so much
7 violence and murder and mayhem
8 unfortunately in our community, you now
9 want a task force. With all due
10 respect, my head is spinning after
11 hearing last week's testimony.

12 I'm going to first say this
13 because this is what we want in North
14 Philadelphia, is prevention. Prevention
15 is the key because once we find that we
16 have some of this madness that we have
17 in our community, then to try to get
18 heads or tails of some kind of clarity,
19 you have the Police saying one thing and
20 then our DA saying another thing and
21 then the case can't get to be packaged
22 properly and it goes to the judge or a
23 jury and then we got criminals back on
24 our street.

25 If we don't know what's going

1 on in the street, what the hell are we
2 supposed to do, who are trying our best
3 to get clarity so we can be clean and
4 smart and healthy about what's going on.
5 So I'm going to just scream prevention
6 is the key. That's what we want. We
7 want to start early to try to prevent
8 what's going on. Because we want to
9 also ask for tracing of the firearms,
10 and thank you for writing the letter to
11 the ATF. And I would love to please
12 make it public what your results are
13 because it's no way in hell that we
14 should accept what's going on in our
15 towns.

16 When we see a surveillance tape
17 of what's going on, this is just --
18 something's wrong here. We are humans
19 killing each other like Manchurian
20 candidates like we're under some spell
21 or something as Black men, and now
22 they're spilling their bullets all over
23 our community killing women and
24 children. You know, come on you all,
25 come on. We're listening here.

1 And I want to say, you know
2 that old statement lies, lies and damn
3 statistics because it's not making any
4 sense. For instance, here in Northy
5 Philly we have four law enforcements so
6 we're asking the question are we being
7 overpoliced. We got PHA, and I want to
8 focus just briefly on them for a minute.
9 A lot of horrible crimes are going on.
10 Can we pull them into this discussion
11 and hear what is their action plan, you
12 know, to deal with what we see here
13 going on in their developments?

14 We have PHA. We have Temple
15 police. We have SEPTA police and then
16 we have a bunch of security forces all
17 in the heart of North Philadelphia in a
18 short distance, okay, in the 22nd
19 District. And then we can't -- no
20 arrests, no suspects, no arrests. Well,
21 look, trace the guns when you can --

22 UNIDENTIFIED CALLER: Hello?
23 Hello?

24 MS. ROBINSON: Yes. Can you
25 hear me? Can you hear me? Can you

1 hear what I'm saying?

2 UNIDENTIFIED CALLER: Yes.

3 MS. ROBINSON: Okay.

4 THE CLERK: Yes, we can hear
5 you.

6 MS. ROBINSON: Okay. I can't
7 wait, I can't wait until we get back
8 into in person because this Zoom and
9 this technology -- I hope I'm on record
10 for everything I said because I want to
11 make sure that you're clear that this is
12 not making any sense to the average
13 citizen, you know, that we're not coming
14 up with a better agenda and direction
15 than we have.

16 A task force at this late date,
17 please don't put the usual, you know,
18 the same folk on. I've been hearing
19 people with a lot of experience, but
20 you're still telling me we can't figure
21 it out by the time these cases are
22 presented. I was totally taken aback
23 and quite surprised that supposedly
24 according to the DA's statistics these
25 are not repeat offenders, these are not

1 people known to law enforcement. I know
2 the police are saying some other things.
3 I would tend to agree with them. But
4 how on earth could those statistics be
5 correct when -- if they are correct,
6 let's say they are correct. Then who
7 are these people now? Are these new
8 perpetrators? Who are these people?

9 So with that, I'm going to just
10 beg for prevention in North Central.
11 And I know you all are cutting off based
12 on divisions, and Police District is
13 doing one thing here and one thing
14 there. We want prevention all around.
15 We've got five law enforcement agencies
16 in North Philly. We want to trace those
17 firearms in any crime that happens where
18 a firearm is obtained and then all of
19 those firearms that they're collecting,
20 let's trace them and then publicize that
21 information for the public.

22 Thank you very much for the
23 opportunity. I'm going to let someone
24 else speak. But trace those firearms.
25 That's what we want to add to that ATF

1 letter. Thank you. Have a great day.

2 COUNCILMAN JOHNSON: Thank you
3 very much, Queen Judith Robinson.

4 And I just want to state for
5 the record that the sole focus of this
6 hearing over the last two days was
7 specifically around where are the guns
8 coming from, the illegal trafficking of
9 guns in the City of Philadelphia, how
10 people are arrested for carrying and
11 using guns as well as how people are
12 prosecuted and we have also made sure
13 that the tracking and the tracing of
14 guns were a part of the letter to
15 Alcohol, Tobacco and Firearms and we did
16 receive a preliminary response from
17 them. However, we're still waiting for
18 a comprehensive investigative report on
19 gun crimes here in the City of
20 Philadelphia.

21 So thank you very much Queen
22 Judith Robinson for always being
23 passionate and always on the front line.
24 At this particular time, I'm going to
25 ask the Clerk to please call the next

1 witness.

2 THE CLERK: Reverend Gregory
3 Holston.

4 REVEREND HOLSTON: Good
5 afternoon. My name is Reverend Gregory
6 Holston and I am the Senior Pastor of
7 Janes Memorial United Methodist Church
8 and a member of Black Clergy
9 Philadelphia as well as other community
10 organizations. What I want to do is
11 really just encourage and want to
12 celebrate the sense of cooperation. It
13 appears to be happening because of all
14 of this emergency that we're in.

15 I am thankful that Council, the
16 DA, Police, are all having a sense of --
17 Attorney General's Office and the Judges
18 are all having a sense of a need to work
19 together. Black Clergy wants to
20 encourage that as much as it possible
21 can and is holding a Gun Violence Summit
22 next Tuesday and I want to make sure we
23 invite all of the parties to be present
24 as we continue to spirit cooperation.
25 We believe clearly that clergy and

1 spiritual leaders have a role to play in
2 dealing with this gun violence that's
3 going on and we want to be active in
4 that participation.

5 So I want to just again thank
6 you and looking forward to working with
7 everyone now in a really cooperative way
8 to fight against this terrible epidemic
9 that is going on in our City. Thank
10 you.

11 THE CLERK: Mr. Chair, should I
12 call the next witness?

13 COUNCIL SUPPORT: Council
14 Chair, you're on mute.

15 COUNCILMAN JOHNSON: Thank you
16 very much. Can the Clerk please call
17 the next witness.

18 THE CLERK: Jilani Hadi.

19 MR. HADI: Hello. Can you hear
20 me?

21 COUNCILMAN JOHNSON: Yes, we
22 can hear you. Please proceed.

23 MR. HADI: Yes, hi. My name is
24 Jilani Hadi and I run a lot of different
25 acts in the community, activism,

1 community organizing. Councilman
2 Kenyatta, you and I have marched side by
3 side together at different rallies, at
4 different protests. You know, I'm not
5 heavy in the community, but I am in the
6 community and I have been working with
7 different mentor groups like ManUpPHL
8 and other groups and working with
9 different organizations to look at the
10 issues of gun violence in the community.

11 I may not specifically have --
12 I know you all were talking about a
13 specific bill. I can't speak on the
14 specific bill that you all are talking
15 about right now over the last two days,
16 but I wanted to present what I think
17 will be a solution to the reduction of
18 gun violence in the community. I feel
19 that one of the ways that we can reduce
20 gun violence in the City of Philadelphia
21 is to have every City Councilperson --
22 every City Councilperson, not just the
23 City Council people that are on this
24 Committee, but every City Councilperson
25 hold or have an anti-gun violence

1 march/rally.

2 Now, I know Cherelle Parker, I
3 know she has some. Councilman Kenyatta,
4 I know you have some as well. But
5 regardless of whether a City
6 Councilperson's District sees gun
7 violence or not, I feel that every City
8 Councilperson in City Council has to
9 have or has to put together some type of
10 gun violence march/rally or some type of
11 gun violence initiative.

12 Not only that, I feel like it
13 has to be -- I'm going to go as far as
14 to say that if someone would like to
15 hold an elected position in City
16 Council, then it will be mandatory for
17 them to present some type of anti-gun
18 violence initiative or anti-gun
19 violence -- yes, I'm going to say
20 initiative. In other words, at your job
21 interview -- if you're running for City
22 Council, at your job interview you have
23 to put together an anti-gun violence
24 initiative for the City of Philadelphia,
25 right.

1 In order for any person that
2 wants to be in City Council and hold an
3 elected position in City Council, I feel
4 that one of the job requirements is that
5 they have to put together some type of
6 anti-gun violence initiative or
7 march/rally. I think there are other
8 issues that are on the table like
9 poverty and homelessness and food and
10 things of that nature, but given the
11 seriousness and the emotional impact
12 that gun violence has had or is having
13 on the City of Philadelphia, I feel like
14 it needs to take a priority over all of
15 the other issues that are impacting the
16 City. And I just feel like maybe
17 starting there will be a good start.

18 This is my first time actually
19 speaking on City Council so I'm a little
20 nervous. But that's my -- that will be
21 a solution that I would have to gun
22 violence in the community. And,
23 Councilman Kenyatta, maybe you can
24 elaborate more on other City Councilmen
25 who have been putting together or having

1 anti-gun violence marches/rallies but,
2 you know, those are my thoughts.

3 COUNCILMAN JOHNSON: All right.
4 Well, thank you very much for your
5 testimony. Thank you for taking time
6 out of your schedule and being here
7 today.

8 I want to acknowledge
9 Councilman Isaiah Thomas.

10 COUNCILMAN THOMAS: Thank you,
11 Mr. Chairman.

12 And I just wanted to take a
13 minute to thank that young man for his
14 passionate testimony. I can only
15 imagine how nervous he is testifying to
16 us on this issue that's so important.
17 So first of all, thank you. I
18 appreciate it. I appreciate his ideas
19 as well as the fact that we do want to
20 make sure that we are thinking about as
21 many anti-gun violence initiatives as
22 possible.

23 I know that Councilman Johnson
24 has been a part of a number of rallies.
25 I know a lot of Councilmembers have. I

1 can't speak for everybody else. But I
2 do want to take a minute to give a
3 shout-out to a lot of the young people
4 who have been leading the anti-gun
5 violence rallies across the City of
6 Philadelphia. And I think for a lot of
7 us, we've been more or less
8 participating in their events and trying
9 to support them throughout initiatives.

10 So I didn't catch the young
11 man's name, but I would love to hear
12 more from him if he has any ideas or
13 suggestions or initiatives that we
14 should be a part of. We would love to
15 support him and we encourage that level
16 of testimony.

17 So thank you, Mr. Chairman.
18 And while I have the mic, I just want to
19 thank you for just convening this
20 conversation in general. I know that it
21 hasn't gone exactly according to
22 schedule, but the content that I've
23 received and the information that's been
24 provided is invaluable to me and I'm
25 hoping that it helps me and my

1 colleagues as well as the constituents
2 across the City be more effective as we
3 continue to fight not just the
4 coronavirus pandemic but this gun
5 violence pandemic as well.

6 So thank you, Mr. Chairman.

7 COUNCILMAN JOHNSON: Thank you.

8 And Jilani Hadi is the young man's name.
9 And, Jilani, we also just want to
10 acknowledge, and I speak pretty much for
11 my colleagues, I know their hard work
12 and I know how dedicated we are around
13 this issue, Councilwoman Jamie Gauthier
14 will be introducing a resolution calling
15 on the City of Philadelphia to make this
16 issue a key priority making it a state
17 emergency. The same way we're
18 addressing the opioid crisis, the same
19 way we're addressing COVID-19, we should
20 be addressing the issue of gun violence
21 here in the City of Philadelphia.

22 So just you know, we're all
23 working in cahoots together in
24 partnership to figure this thing out
25 because we know at the end of the day,

1 we can't continue living in a city where
2 our young people are dying and we have
3 to work with a sense of urgency and
4 aggressiveness as it relates to the
5 issue of gun violence.

6 So, young man, you keep up the
7 good work. You keep filling up and we
8 appreciate you for taking the time of
9 your schedule for being on this call.

10 MR. HADI: Okay. Thank you.

11 COUNCILMAN JOHNSON: You're
12 welcome.

13 Will the Clerk please call the
14 next witness.

15 THE CLERK: Malik Salahuddin.

16 COUNCILMAN JOHNSON: Malik, are
17 you there?

18 Will the Clerk please call the
19 next witness.

20 THE CLERK: That's the last
21 witness, Councilman. It does appear
22 that someone was trying to speak but may
23 have been on mute.

24 COUNCILMAN JOHNSON: Are there
25 any other comments or questions from

1 members of City Council?

2 (No response.)

3 COUNCILMAN JOHNSON: So hearing
4 none, there will be no further questions
5 from members of the Committee and no
6 other witnesses to testify. I will ask
7 if there is anyone else present in this
8 hearing whose name we have failed to
9 call that wishes to offer testimony on
10 any of the bills being considered today?

11 (No response.)

12 COUNCILMAN JOHNSON: Hearing
13 none, I want to thank all the witnesses
14 for their participation today. I now
15 invite all panels and witnesses to
16 please disconnect from the meeting
17 before the hearing concludes.

18 This concludes the business
19 before the Special Committee on Gun
20 Violence. And what I will do for my
21 colleagues, we will do a summary of
22 these last set of hearings that we've
23 had around the issue of gun violence.
24 And then we will follow up regarding
25 what some key recommendations are in

1 terms of moving forward.

2 And I thank all of my
3 colleagues for your dedication, your
4 commitment and most importantly, your
5 passion around this issue and your
6 patience over these last couple of weeks
7 around getting to the bottom of this
8 issue. This will not be the last
9 hearing that we will have.

10 I just wanted to also
11 acknowledge that when we have these
12 meetings and we have these hearings,
13 it's also about transparency and
14 accountability. And I do know for a
15 fact that by having these hearings, by
16 bringing all of the stakeholders to the
17 table, by making sure that we're working
18 again with the level of transparency and
19 accountability that put all individuals
20 including ourselves as elected officials
21 on the front line when it comes to
22 making sure we are doing everything
23 that's possible in addressing these
24 issues, and most important so the public
25 can see where the gaps are, what we

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1 aren't doing, what we should be doing
2 and how we can improve upon addressing
3 this issue of gun violence.

4 And so, again I thank everyone
5 for their dedication. With that being
6 said, this concludes the Special
7 Committee on Gun Violence. Thank you
8 very much and be safe, everyone.

9 COUNCILWOMAN GAUTHIER: Thank
10 you, Mr. Chair.

11 (Special Committee on Gun
12 Violence Prevention concluded at
13 12:00 p.m.)
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C E R T I F I C A T I O N

I, hereby certify that the
proceedings and evidence noted are contained
fully and accurately in the stenographic
notes taken by me in the foregoing matter,
and this is a correct transcript of the
same.

TANEHA C. CARROLL
Court Reporter - Notary Public

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