

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, March 7, 2012
10:00 a.m.

PRESENT:

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

RESOLUTION 120072 - Resolution authorizing
City Council's Committee on Public Safety to
hold public hearings to examine bail practices
in gun-possession cases and the correlation to
future gun-related crimes.

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THE CLERK: The Committee on
Public Safety will recess until 11:00
a.m. today, March 7th.

Thank you.

(Recess.)

COUNCILMAN JONES: The
Committee on Public Safety will now come
to order.

Will the Clerk please read the
number and title of the resolution.

THE CLERK: Resolution 120072,
resolution authorizing City Council's
Committee on Public Safety to hold public
hearings to examine bail practices in
gun-possession cases and the correlation
to future gun-related crimes.

COUNCILMAN JONES: Thank you
all. As members of the Committee, I have
in Chambers Councilwoman Tasco,
Councilman O'Brien, Councilman Johnson,
Councilman Henon and Councilman Squilla.
Thank you all for attending this hearing.

I'd like to start before we
hear from the panel and say that I

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 intentionally, I intentionally wore black
3 today. I wore black because this is the
4 suit that I wear at way too many funerals
5 in the 4th Councilmanic District, way too
6 many funerals that I've attended for
7 fallen police officers, way too many
8 funerals that I have had the misfortune
9 of hearing the words, Oh, my God, they've
10 killed my child.

11 There are wonderful parts of my
12 job, but that is not one of them. And
13 each one of the victims that have fallen
14 to gun violence in the City of
15 Philadelphia was someone's child, was
16 someone's son, was someone's daughter,
17 was someone of importance to a family
18 member.

19 Recently, we've had over 60
20 murders in the new year, which averages
21 about one murder a day. Eighty percent
22 of the murders in the City of
23 Philadelphia are by handguns, and when
24 you peel the layer off the onion a little
25 closer, you find that many of these guns

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 have been used in multiple assaults
3 and/or murders.

4 What we hope to do today is
5 look at this problem, one slice at a
6 time. We do not believe that we will
7 solve all the problems of gun violence in
8 the City of Philadelphia, because they
9 come from many origins and many sources.
10 We will not point fingers today. We
11 won't point towards Harrisburg and bring
12 up 1523, which limits, limits local
13 authorities of the City of Philadelphia
14 to legislate handguns in the City of
15 Philadelphia.

16 We will not point the finger at
17 the NRA that lobbies effectively to stop
18 municipalities like Philadelphia from
19 doing that.

20 We will not point the finger at
21 broken families or broken school systems.

22 What we will do is examine one
23 aspect of the problem today, and this
24 Committee on Public Safety will look at
25 various other aspects in the future.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 Today, we will examine the correlation
3 between bail that is set for gun
4 offenders and the correlation to going on
5 to create havoc, literally havoc, in the
6 City of Philadelphia.

7 It was said to me that if
8 someone on Monday tries to convince you
9 with a handgun that they are dangerous
10 and you let them out on Tuesday and then
11 on Thursday they create havoc by creating
12 murder in the City of Philadelphia, you
13 should have believed them the first time.

14 So we're going to take a look
15 at what is going on. We're going to talk
16 about best practices. We're going to
17 talk about things that are beginning to
18 go correctly and the needle pointing in
19 the right direction. But we will not be
20 afraid of looking at this problem and not
21 wishing to Washington, not wishing to
22 Harrisburg, but controlling the space
23 that we live in in the City of
24 Philadelphia.

25 Will the Clerk -- are there any

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 other comments by members of the Public
3 Safety Committee? And they are welcome
4 in my committee.

5 (No response.)

6 COUNCILMAN JONES: Anyone?

7 (No response.)

8 COUNCILMAN JONES: We may get
9 done in a reasonable amount of time.

10 Clerk.

11 THE CLERK: Michael Resnick and
12 Captain Fran Healy, Panel 1.

13 (Witnesses approached witness
14 table.)

15 MR. RESNICK: Good morning,
16 Councilman Jones and members of the
17 Public Safety Committee. My name is
18 Michael Resnick and I am the Director of
19 Public Safety. With me is Captain Fran
20 Healy of the Philadelphia Police
21 Department. Captain Healy is a Special
22 Advisor to Police Commissioner Ramsey.
23 Thank you for the opportunity to appear
24 before you today on behalf of the Nutter
25 Administration to offer testimony

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 concerning Resolution 120072. The
3 resolution, introduced by Councilmembers
4 Jones, Tasco and Johnson, authorizes this
5 Committee to hold public hearings to
6 examine bail practices in gun-possession
7 cases.

8 As I am sure the members of the
9 Committee are aware, the City of
10 Philadelphia has no involvement in the
11 process of setting bail in gun cases or
12 in any other criminal case. Bail is
13 initially set during an adversarial
14 hearing before a judicial officer, the
15 District Attorney and defense counsel
16 representing the parties.

17 Our District Attorney has
18 recently announced that his office will
19 seek high bail for those offenders
20 charged with gun crimes, and we are
21 seeing judges impose higher bail for
22 violent offenses committed with guns.
23 The Administration supports the efforts
24 of our criminal justice partners who
25 remove dangerous felons from our

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 neighborhoods within the bounds of the
3 law. We appreciate the District
4 Attorney's support and cooperation in our
5 efforts to reduce gun violence.

6 The Administration has taken
7 note of bail practices in other
8 jurisdictions. For example, since May
9 2011 in St. Louis Missouri, a judge has
10 been setting \$30,000 cash-only bail in
11 certain gun cases. This practice assures
12 that many of those charged with certain
13 gun crimes will spend time awaiting trial
14 behind bars rather than on the streets.
15 Since this practice has gone into effect,
16 the City of St. Louis has experienced a
17 20 percent reduction in the homicide
18 rate. Researchers from the University of
19 Chicago have begun a research study to
20 determine if there is indeed a
21 correlation between this new bail
22 practice and the reduction in the
23 homicide rate.

24 In addition to the District
25 Attorney's new protocol with respect to

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 bail, the City has unveiled a host of new
3 initiatives to combat crime. On January
4 26, 2012, Mayor Nutter, standing in
5 Strawberry Mansion High School with our
6 local, state and federal partners,
7 announced a series of crime-fighting
8 measures. The Mayor's crime-fighting
9 strategy focuses on reducing gun violence
10 and crime through prevention,
11 intervention and collaboration. Among
12 the initiatives announced are tougher
13 enforcement of Sections 6106 and 6108 of
14 the PA Crimes Code; use of rewards for
15 information leading to the arrest and
16 conviction of anyone who commits a
17 homicide or who possesses an illegal gun;
18 development of an automated system that
19 will allow citizens to text tips to the
20 Philadelphia Police Department; increase
21 funding to victim and witness programs;
22 establishing a program that incentivizes
23 property owners and business owners to
24 install video cameras; increasing the
25 numbers of officers in the Philadelphia

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 Police Department; relaunching Operation
3 Pressure Point; and implementing a
4 GunStat meeting chaired by the Police
5 Commissioner and our District Attorney.
6 The GunStat meeting serves to coordinate
7 our investigative and prosecution
8 resources on the most violent offenders
9 in areas where gun violence is prevalent.

10 Working collaboratively and
11 cooperatively with our justice partners
12 will allow us to see reductions in the
13 number of gun-related violent crimes.

14 Captain Healy and I would be
15 happy to answer any questions the members
16 of the Committee may have.

17 COUNCILMAN JONES: State your
18 name for the record.

19 CAPTAIN HEALY: Captain Francis
20 Healy, Philadelphia Police Department.

21 COUNCILMAN JONES: Proceed with
22 your testimony, please.

23 CAPTAIN HEALY: I'm here for
24 questions.

25 COUNCILMAN JONES: All right.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 You mentioned in your testimony
3 that recently, I think the word was, that
4 bail has begun to be increased for
5 perpetrators with guns; is that correct?

6 MR. RESNICK: Yes, Councilman.

7 COUNCILMAN JONES: What do you
8 think prompted the Mayor to cite the low
9 bail previous to this new occurrence?

10 MR. RESNICK: I didn't get all
11 of your question, Councilman.

12 COUNCILMAN JONES: The question
13 is, you mentioned recently we've begun to
14 move in the right direction.

15 MR. RESNICK: Right.

16 COUNCILMAN JONES: Which
17 suggests that prior to that, we were not
18 in the right direction.

19 Last year what was the average
20 bail set for gun possession?

21 MR. RESNICK: I don't have that
22 information here, Councilman. I'm sure I
23 can find it for you and provide it to the
24 Committee. The recent protocol to
25 increase bail in gun cases was something

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 that originated from the District
3 Attorney's Office, and I know Mr. McCann
4 is here and he could probably explain the
5 rationale for that reasoning in his
6 testimony. But when the Administration
7 got together with the District Attorney's
8 Office to discuss some of the Mayor's
9 crime-fighting measures, we were briefed
10 by the District Attorney on what their
11 plans were.

12 Now, that does have an
13 implication, because more people
14 remaining in custody, not getting out on
15 bail increases our census in the prison,
16 increases the prison population. So we
17 have to deal with that on the other end.
18 But we're ensuring that the people who
19 need to stay behind bars are behind bars.

20 COUNCILMAN JONES: What
21 percentage of homicides in the City of
22 Philadelphia occurred with an offender
23 having a prior gun charge?

24 MR. RESNICK: That, again, I
25 don't have off the top of my head, but

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 I'm sure we can find that and provide it
3 to the Committee.

4 COUNCILMAN JONES: You did
5 realize you were coming here today.

6 MR. RESNICK: Yes, sir, but I
7 didn't realize that those were the nature
8 of the questions you were going to ask
9 me, but they're data that I can find and
10 get for you.

11 COUNCILMAN JONES: I will
12 remind you the reason we had this
13 resolution passed and this hearing today
14 is that these will be the same questions
15 that are posed to you during budget time.

16 MR. RESNICK: Yes, sir.

17 COUNCILMAN JONES: So you will
18 have enough runway to be able to answer
19 those questions.

20 Of the five officers that were
21 murdered since 2007, how many of those
22 murders were committed by people who had
23 prior gun offenses? These are important
24 questions.

25 MR. RESNICK: Anecdotally, I

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 believe that in probably most of those
3 cases, but I think all of them were.

4 But, again, we can look into that and
5 provide that to the Committee.

6 COUNCILMAN JONES: Of the
7 homicides in the City of Philadelphia
8 last year, how many were done by handgun?

9 MR. RESNICK: I believe the
10 figure is it's upwards of 80 percent; 81,
11 82 percent.

12 COUNCILMAN JONES: And the
13 other 20 percent was done by?

14 MR. RESNICK: Stabbings, by
15 hands, blunt-force trauma, things like
16 that.

17 COUNCILMAN JONES: Of that 80
18 percent, how many of those handguns were
19 illegal?

20 MR. RESNICK: That I don't
21 know.

22 COUNCILMAN JONES: I think --

23 MR. RESNICK: Either illegal,
24 illegally possessed, illegally owned by
25 the individual using them.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 COUNCILMAN JONES: Are there
3 any of the aforementioned definitions,
4 how many of them were -- let's put it
5 this way. Let me rephrase.

6 How many of them were committed
7 by people who had lawful permits to carry
8 a handgun?

9 MR. RESNICK: I would venture
10 to guess that would be a minority of
11 those cases.

12 COUNCILMAN JONES: I think it
13 would be an extreme minority and an
14 aberration if it's 1 percent.

15 MR. RESNICK: Right.

16 COUNCILMAN JONES: So the vast
17 majority of them were committed by
18 illegal handguns on the streets of the
19 City of Philadelphia.

20 MR. RESNICK: Correct.

21 COUNCILMAN JONES: And we do
22 not know how many of those individuals
23 that committed murders had a prior
24 handgun possession --

25 MR. RESNICK: No.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 COUNCILMAN JONES: -- correct?

3 MR. RESNICK: Correct.

4 COUNCILMAN JONES: Because all
5 of these are going to be asked again as
6 we try to figure out how to adequately
7 fund public safety.

8 MR. RESNICK: Right.

9 COUNCILMAN JONES: These are
10 questions that deserve answers so that we
11 can make appropriate adjustments to our
12 budget.

13 MR. RESNICK: Of course.

14 COUNCILMAN JONES: What is the
15 average age of the assailant that commits
16 murder with a handgun?

17 MR. RESNICK: The numbers that
18 I have seen, Councilman, the figures that
19 I've seen are the 18- to 24-year-old
20 range. It's basically centered in that
21 age group.

22 COUNCILMAN JONES: And from 24
23 to 30 -- let me go back.

24 From 18 to 24, if a person is
25 in possession of a handgun -- and I

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 understand there will be testimony that
3 further elaborates what this statistic
4 means, what it truly means to the safety
5 in Philadelphia. But if there is a
6 statistic that says if you're 18 to 24
7 and you have a gun charge, you are
8 probably to go on to greater crimes and
9 some of those crimes being murder.

10 MR. RESNICK: Yes, sir. It's
11 an indication of a potential to commit
12 future violent crimes.

13 COUNCILMAN JONES: And is it
14 also true that the victims of those
15 crimes happen to also fall in that scary
16 demographic between 18 and 24?

17 MR. RESNICK: Yes, sir. That's
18 correct.

19 COUNCILMAN JONES: And what is
20 the leading cause of death for African
21 American men in the City of Philadelphia?
22 And you can include cancer, you can
23 include auto fatalities, you can include
24 infectious diseases. What is the number
25 one cause of death for African American

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 males in the demographic of 18 to 24?

3 MR. RESNICK: Homicide.

4 COUNCILMAN JONES: Homicide.

5 Homicide by?

6 MR. RESNICK: Gun.

7 COUNCILMAN JONES: Gun. And
8 predominantly illegal handgun.

9 MR. RESNICK: Yes, sir.

10 COUNCILMAN JONES: I'm going to
11 get this on the record.

12 MR. RESNICK: Yes, sir.

13 COUNCILMAN JONES: So if we can
14 safely say that from 18 to 24 you're more
15 probable here to, if you have a
16 possession charge, go on to do more
17 crime, and that that same demographic
18 reverses itself on the victims of those
19 crimes 18 to 24, you're likely to be a
20 victim of those illegal guns. This
21 creates a very dangerous nexus in that
22 demographic, correct?

23 MR. RESNICK: Yes, it does.

24 COUNCIL JONES: All right. I'm
25 going to allow any of my other colleagues

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 to ask questions if you'd like.

3 COUNCILMAN JOHNSON: Good

4 morning, Michael.

5 MR. RESNICK: Good morning.

6 COUNCILMAN JOHNSON: Captain

7 Fran Healy, how you doing? How you been?

8 CAPTAIN HEALY: Good, sir.

9 COUNCILMAN JOHNSON: That's
10 good.

11 I just want, from the
12 Administration's standpoint, to just give
13 us an update on the status of the
14 crime-fighting package that was
15 introduced --

16 MR. RESNICK: Certainly.

17 COUNCILMAN JOHNSON: -- on
18 January 26th, specifically the program
19 that deals with surveillance cameras,
20 because that's been asked of me when I go
21 throughout the district. People will
22 say, Well, there's this presentation,
23 this press conference for anti-crime
24 initiatives. Does the City have the
25 surveillance camera programs available

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 for us to implement in our individual
3 neighborhoods? That's one.

4 I am familiar with the GunStat
5 meetings, so I'm glad that that's moving
6 forward.

7 There is also mention of a
8 texting initiative, where people can
9 actually text information in.

10 More importantly, the rewards
11 program, how are we moving forward with
12 providing information to those who may
13 have information regarding gun crimes and
14 homicides? There was a significant
15 amount of money that was mentioned at the
16 press conference dedicated to this
17 initiative.

18 So can you update us, please.

19 MR. RESNICK: Yes, sir. Any
20 particular order or I'll just go in the
21 order that I have them on my list.

22 COUNCILMAN JOHNSON: Whatever
23 makes you comfortable.

24 MR. RESNICK: The use of
25 rewards, there was money that was

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 budgeted last year for Fiscal '12. That
3 was, I think, \$500,000. And perhaps
4 Captain Healy can talk more about this,
5 but I know the Commissioner has
6 instructed the Homicide Unit and the
7 detectives to know that there's a
8 protocol that if they need reward money
9 to help them in having witnesses come
10 forward to provide valuable information,
11 that there's a process by which they go
12 through to have the Commissioner's Office
13 authorize that. So that's in place.

14 The Mayor has also asked his
15 press folks to advise all members of the
16 press that when they report unfortunately
17 on these incidences when they occur, that
18 automatically they should remind the
19 public that there is this reward out
20 there for information leading to the
21 arrest and conviction of individuals who
22 are committing these crimes. So that's
23 for the reward portion of it.

24 The texted tip, the Police
25 Department's website currently will

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 accept e-mail tips, and people can do
3 that currently. You just log on to the
4 PPD online website and there's a space
5 that you can e-mail a tip. And what
6 we're working on now, the same providers,
7 the same developers who developed that
8 website are going to roll out a system,
9 and I believe it's coming out later this
10 month, for us to allow folks to text us
11 anonymously. Obviously when you do it
12 with an e-mail, we have your e-mail
13 address, but if you do it through a text
14 tip, we won't know who sent the tip in.
15 So those will remain anonymous, and I
16 believe that's going to be rolled out
17 later on this month.

18 The priority or the
19 incentivization for property owners and
20 business owners to install cameras, we
21 have a program out of the Commerce
22 Department currently that provides
23 funding for businesses in certain
24 commercial corridors to install roll-down
25 security gates and security windows, and

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 we're going to use the bones basically of
3 that program to help us establish this
4 program.

5 Now, the Police Department has
6 a set of cameras that we monitor
7 throughout the City. We have some issues
8 with those cameras, but we're working on
9 those. And those cameras are monitored
10 at the Police Administration Building.
11 We're trying to formulate a specification
12 that we can tell people that, Look, your
13 camera has to be digital, it has to have
14 whatever the technological requirements
15 are for us to monitor it. We don't want
16 people to go out and buy inferior
17 products or products that we won't be
18 able to see. So this helps us in two
19 ways. It acts as a deterrent. People
20 see more cameras around, hopefully that
21 will act as a deterrent. And also it's
22 an investigative tool that the detectives
23 and the DA can use with the evidence
24 that's gathered from those cameras.

25 So we will develop the

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 specification that needs to be purchased
3 by the business owners or the property
4 owners so that we can monitor it, and
5 then the Commerce Department is going to
6 model this program off of the program
7 that they have with the roll-down
8 security gates. And that is being worked
9 on in Commerce. They're using that model
10 from the roll-down security gates as
11 something to build this program on, and I
12 know that's currently being worked on.

13 GunStat, the DA and the
14 Commissioner have chaired their second
15 meeting, I believe it was, not this past
16 Monday, Monday a week ago, but we
17 continue to meet weekly to work on those
18 meetings and to develop the coordination
19 between enforcement and prosecution and
20 develop the lists of individuals and
21 identify the locations. So those --

22 COUNCILMAN JONES: Excuse me.
23 Point of information. Can you describe
24 GunStat a little more for --

25 MR. RESNICK: Certainly.

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 GunStat, I'm sure you're all familiar
3 with the CompStat process, computerized
4 statistical analysis. GunStat is a
5 CompStat meeting focusing only on
6 gun-related crime, and we've
7 identified -- and I don't want to
8 publicly give too much information about
9 the workings of it, but essentially what
10 it is, is we've identified certain
11 individuals in certain places, and we
12 come together monthly with the commanders
13 of those districts, the district
14 attorneys who are assigned to those
15 areas. The DA and the Police
16 Commissioner chair those meetings, and we
17 focus on those individuals and those
18 locations and the crimes and make sure
19 that we are all on the same page together
20 coordinating our enforcement efforts with
21 their prosecution efforts. We include
22 state probation/parole, local
23 probation/parole, the jail system. All
24 the criminal justice stakeholders who may
25 touch these individuals or these places

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 come together so that we're sure that
3 we're coordinating our resources.

4 COUNCILMAN JONES: And if I
5 may, Councilman, without giving up too
6 much of the story and inside movements of
7 GunStat, is it true that certain gangs --
8 and it's important for us to dispel myth
9 from reality. If you listen to a lot of
10 people in the barber shop, the belief is
11 that there's a truck that pulls up in the
12 Home Depot lot with a whole lot of guns
13 in the back of it and that's how illegal
14 guns are finding their way to the streets
15 of Philadelphia, but I've been talking to
16 individuals that tell me that it's
17 slightly different with the straw
18 purchases, one's or two's, I think they
19 called it, and that gangs tend to almost
20 in a rent-a-center fashion pass guns
21 around to different members of the gang.
22 So an illegal handgun may be a part of
23 more than one instance of crime. Is that
24 true?

25 MR. RESNICK: Correct,

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 Councilman. There are places where
3 illegal guns are stashed, and individuals
4 have access to those guns. It's not one
5 person committing crimes with his gun.
6 Guns can be lent, rented out. So they're
7 the problems that we're dealing with.

8 COUNCILMAN JONES: Also, it's
9 come to my attention through this
10 process -- and I warned my Serious
11 Freshmen here, and I've given them that
12 name, that some of the things that you
13 learn in this process you wish you never
14 knew. And I'm sure you share that
15 sentiment in your responsibility.

16 MR. RESNICK: That's true.

17 COUNCILMAN JONES: Is it also
18 true that some of the taverns and bars
19 have a role to play within this? And if
20 there's a troubled bar, then if you peel
21 the layers of the onion off, you might
22 find that in some cases that's where some
23 of these illegal weapons are found as
24 well.

25 MR. RESNICK: Correct,

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 Councilman. I believe that's one of the
3 reasons -- part of the reason why we're
4 going to relaunch Operation Pressure
5 Point, because when we did that some
6 summers ago, there were particular
7 locations, bars and taverns, that we
8 would hit and we would find drugs, guns.
9 They're readily accessible to the
10 individuals there.

11 COUNCILMAN JONES: And,
12 Councilmembers, one of the more
13 disturbing things that you hear is that
14 in some of those cases, the bar is where
15 you come to rent the gun; is that
16 correct?

17 MR. RESNICK: In some cases.

18 COUNCILMAN JONES: That is
19 truly, truly disturbing.

20 I want to recognize
21 Councilwoman Blackwell who has joined us.
22 Would you like to participate?

23 COUNCILWOMAN BLACKWELL: Thank
24 you.

25 COUNCILMAN SQUILLA: I have a

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 question.

3 COUNCILMAN JONES: Councilman
4 Squilla.

5 COUNCILMAN SQUILLA:

6 Mr. Resnick, you had said that the texted
7 tip by the end of the month. Is that
8 something that is a definite that that
9 will be available?

10 MR. RESNICK: That's a
11 definite, Councilman. I think the City
12 has already procured what's called a
13 vanity number. I forget if it's like
14 text PPD or PPD-911, something like that,
15 that will be publicized, and it's ours.
16 We own it. We own that name. So people,
17 all they have to do -- you can program it
18 into your phone. If you see something,
19 you can take a picture, you text it to
20 that number and that will be received by
21 the Police Department. It's not a
22 substitute for 9-1-1. I want to make
23 that clear.

24 COUNCILMAN SQUILLA: Does that
25 go to a specific part of the Police

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 Department, a portion that just reviews
3 that information and then goes directly
4 to --

5 MR. RESNICK: It goes to a
6 centralized area, and those tips are
7 reviewed and then they will be sent out
8 to the detective divisions according to
9 where the tip -- what the tip is about.
10 Obviously if it's about a homicide, it
11 will go to the Homicide Division. If
12 it's in a certain particular geographic
13 area, it will go to East Detectives,
14 Southwest Detectives. It will be sent to
15 where it's relevant.

16 COUNCILMAN SQUILLA: And then
17 you mentioned about the cameras, the
18 specifications that you want for cameras.
19 I know I've recently been meeting with
20 developers and people who do some zoning
21 changes or building houses, and we're
22 asking them to actually install cameras
23 on everything that goes through our
24 office.

25 When is the timeline where you

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 feel that you would have specifications
3 that we can use as Council when we ask
4 people to add these cameras to their
5 properties that we would give them the
6 right information?

7 MR. RESNICK: The
8 specifications, Councilman, I believe are
9 coming very, very soon. It's taken us a
10 little while longer to work out the
11 logistics of the program by which people
12 would apply for subsidies for those
13 cameras. But because we have cameras
14 ourselves, the City owns cameras, and we
15 do monitor them currently out of the PAB,
16 we want to just make sure that with the
17 state of technology and the way things
18 develop, we want to make sure there are
19 minimum standards by which people will
20 purchase something that will be of
21 benefit and use to us. So that will be
22 coming very, very soon.

23 COUNCILMAN SQUILLA: So by the
24 end of the month?

25 MR. RESNICK: I would imagine,

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 yes.

3 COUNCILMAN SQUILLA: Thank you.

4 MR. RESNICK: You're welcome.

5 COUNCILMAN JONES: The Chair
6 recognizes Councilman Henon and then
7 Councilman Johnson.

8 COUNCILMAN HENON: First, thank
9 you for coming and testifying today in
10 front of the Committee.

11 I want to echo what a few of
12 the colleagues had talked about, and am
13 eager and anxiously awaiting the
14 specifications of the cameras. I just
15 want to note that I'm concerned that -- I
16 just want to make sure that the watchful
17 eyes of these cameras are trained police
18 officers who know how to deploy the
19 proper resources in a swift and effective
20 fashion. So I think -- I'm sure it's a
21 concern for the citizens of Philadelphia.
22 It's certainly a concern of mine that we
23 have -- when this program and the
24 specifics of it is released, that on the
25 other end we have trained and watchful

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 eyes ready to deploy our officers in a
3 quick and safe manner.

4 MR. RESNICK: Officers are
5 currently watching them. And if you'd
6 like, Captain Healy can give you a little
7 more in-depth about how the program works
8 and where the officers actually are.

9 CAPTAIN HEALY: Correct. The
10 officers are assigned in the Realtime
11 Crime Center, which is up and running
12 full time, 24/7. It's manned by a
13 captain, along with a staff of personnel
14 that oversee all the City-sponsored
15 cameras as they are now. So that's part
16 of the Philadelphia Critical
17 Infrastructure Program, where all the
18 critical infrastructures are now
19 monitored by the police. And they're
20 tied in with Police Radio. So they're
21 tied also in with the automatic tag
22 readers that are on the police officers'
23 cars going through the City. That's the
24 conduit for information, the Realtime
25 Crime Center, and it can facilitate to

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 Police Radio for the immediate dispatch
3 of police officers or backup for
4 investigative purposes, whatever they
5 need, documenting crimes or incidents
6 that have occurred. So that's the
7 central repository for that information
8 right now, and it's manned by police
9 officers.

10 COUNCILMAN HENON: How many
11 cameras are in operation at this point?
12 How many cameras do we have placed
13 through the City and are they in
14 operation?

15 CAPTAIN HEALY: I can give you
16 preliminary numbers. A couple hundred,
17 but sometimes they go offline, they have
18 to be fixed. So the number is never
19 static. I can get you a better number, a
20 ball park number, from our Deputy
21 Commissioner Gaittens.

22 MR. RESNICK: We have
23 approximately 400, Councilman, and as the
24 Captain stated, there are at times
25 problems with certain cameras that the

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 panning mechanism won't work, so it's
3 fixed in one location. The zoom in and
4 out maybe doesn't -- the cameras are
5 working, they're operational, they're
6 gathering information, they're taking
7 pictures, but unfortunately maybe they
8 won't be able to be moved. And actually
9 unless somebody is actively watching the
10 camera and monitoring that camera, they
11 can operate it and move it and zoom in
12 and zoom out. If they're not actually
13 actively monitoring that camera, that
14 camera just has a field of view. If a
15 crime occurs within that field of view,
16 we capture that and we can have that
17 evidence. If a crime occurs just outside
18 that field of view, we won't capture
19 that.

20 COUNCILMAN HENON: Then I think
21 you touched on the time reaction. I'm
22 going to have the same question with the
23 text hotline or tip program, the reaction
24 time and response time for deployment.

25 MR. RESNICK: Right.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 COUNCILMAN HENON: It's
3 certainly going to be an issue as far as
4 safety and effectiveness.

5 MR. RESNICK: The texted tip --
6 and we're going to stress this -- it does
7 not supplant 9-1-1. If there's a need
8 for an emergency and there's a need for
9 emergency responders immediately, call
10 9-1-1, but if you happen to see
11 something, you happen to have evidence,
12 you have a camera that you were able to
13 take a picture of, you can text that to
14 us, and we will use that in the
15 investigative process. But by no means
16 do you text that number when you are in
17 need of emergent help at that moment.

18 COUNCILMAN HENON: Okay. So --

19 MR. RESNICK: 9-1-1 is still
20 going to be used.

21 COUNCILMAN HENON: I'm just
22 trying to see the texted tip, the
23 hotline. For somebody who is reporting
24 illegal activity, would they otherwise
25 call 3-1-1, or what is the difference in

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 the response or the allocation, figuring
3 out where that complaint goes?

4 CAPTAIN HEALY: See, the
5 important thing is, we're trying to give
6 the public as many options to give
7 information to us, but we do have to vet
8 that out. Emergency calls for service go
9 to 9-1-1, whether they're received by our
10 tip line or they're received by texting.
11 So somebody needs to analyze, make sure
12 this is a crime in progress, and it gets
13 reallocated or rededicated to 9-1-1 so
14 officers can be dispatched immediately.
15 The good thing about the Realtime Crime
16 Center, in combination with this, is
17 Realtime Crime Center is monitoring the
18 Police Radio at the same time. So it's
19 like a cumulative effect where the
20 officers are responding, but any and all
21 cameras in that area are now being
22 monitored to pick up any and all
23 information. A lot of times what you'll
24 see is just a person running through the
25 scene, but that's sometimes enough to get

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 a description that we need.

3 And an important thing to also
4 add into this is Public Affairs. Our
5 Public Affairs Unit is in collaboration
6 with the FBI on a video enhancement
7 program. What they do is, a lot of these
8 videos that we get, even if they're not
9 the best quality, we are -- there is an
10 FBI program that the Police Department is
11 partnered with to actually enhance these
12 pictures to like an incredible degree
13 where you can actually see facial
14 recognition stuff in them.

15 So there's a lot going on with
16 the video in this department, and a lot
17 is going to be going on. But the texting
18 in and of itself, it's not like you're
19 going to be texting 9-1-1. Somebody will
20 have to analyze that text, see what it is
21 and then kind of re-dispatch it to 9-1-1.
22 So, I mean, I would encourage anybody
23 with realtime information, like a crime
24 in progress, always call 9-1-1.

25 COUNCILMAN HENON: And I

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 certainly believe in asking the citizens
3 of Philadelphia be partners and help
4 assist our officers for the sake of
5 public safety for everybody and the
6 department to effectively do their job.
7 I just look forward to hearing the
8 details on some of the questions when you
9 release the --

10 CAPTAIN HEALY: We've had some
11 great successes with the videos in the
12 past, and the people that we've
13 encountered. The business owners that
14 we've dealt with, like if a crime
15 occurred in front of their store, have
16 been more than receptive more than not to
17 work with the police. So there is a true
18 partnership with the community, business
19 community, on working, because sometimes
20 they have to shut down their whole
21 computer system so we can take what we
22 need. And we do appreciate that. I know
23 it's an inconvenience, but it's an
24 absolute necessity, and we try to be
25 as -- make the inconvenience the least as

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 possible. But they are very, very much a
3 partner in our solving a lot of these
4 crimes.

5 COUNCILMAN HENON: Well, while
6 I have you, not to ramble on,
7 Mr. Chairman, a couple other quick
8 questions I have is, there a -- back on
9 bail. Is there a set dollar amount or
10 bail amount to an offense with a crime --

11 CAPTAIN HEALY: Not to my
12 knowledge.

13 COUNCILMAN HENON: --
14 consistent or does that change?

15 MR. RESNICK: There are bail
16 guidelines, Councilman. So there are
17 certain criteria that are taken into
18 effect to determine where you stand on
19 the grid, and basically what score you
20 get is -- and I'm sure Doctor or
21 Mr. McCann can explain that more to you
22 in-depth, but there are guidelines that
23 are followed and there are a whole host
24 of factors that go into determining the
25 amount.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 COUNCILMAN HENON: Well, in
3 addition to while you're gathering
4 statistics in advance to the budget
5 hearings and some other questions that
6 Councilmembers have, do you have the
7 statistics on people who have been
8 charged with a handgun or a gun crime and
9 skipped bail and, in addition, stop their
10 probation, just skipped it completely,
11 stopped coming around, so they're
12 basically on the ^lamb, so to speak?

13 MR. RESNICK: I can tell you,
14 Councilman, there are --

15 COUNCILMAN HENON: It sounds
16 like that would be a high percentage as
17 well.

18 MR. RESNICK: There are
19 approximately close to 40,000 bench
20 warrants that exist in the City of
21 Philadelphia for people who are wanted
22 for failing to appear. Some of those are
23 for not fulfilling the obligations of
24 their probation and they're put on one
25 car for probation officers. What

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 percentage of that has to deal directly
3 with handguns, I can't say, and I think
4 it would be hard to say, because lots of
5 people are arrested for multiple charges.

6 COUNCILMAN HENON: I think you
7 guys can figure that out.

8 MR. RESNICK: Yeah.

9 COUNCILMAN HENON: Where a
10 handgun is involved or a firearm.
11 Whether it's chosen to be part of the
12 statistic or not I think is up to the
13 Administration.

14 Thank you. I have no further
15 questions.

16 MR. RESNICK: Thank you.

17 COUNCILMAN JONES: Thank you,
18 Councilman.

19 The Chair recognizes Councilman
20 Johnson.

21 COUNCILMAN JOHNSON: Mike, I
22 just want to wrap up on this last
23 component, going back to the actual
24 initiative that was presented by the
25 Administration. I know Commissioner

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 Kelly in New York, he used a
3 multi-pronged approach to reducing crime
4 in the City of New York, and I know one
5 of the things that they utilized -- and I
6 talked to the Mayor about this -- is when
7 they implemented the rewards program and
8 the tip program, they kind of got
9 everybody involved in that process. So
10 when the community relation officer does
11 come out in the community events, they're
12 always putting the information about the
13 rewards program inside the community
14 folks' hands while they're out and about
15 so there can be that partnership.
16 Because the cops can't do it all, to be
17 quite frank with you, and I never
18 approach crime prevention or law
19 enforcement or public safety in general
20 as one person's lane. I think it's a
21 situation that impacts all of us as a
22 whole. But I know on the community side,
23 one of the toughest things I've dealt
24 with, at least in my 20 years of
25 organizing around public safety issues,

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 is that officers can better do their job
3 with information.

4 And so, again, I know we rolled
5 out the initiative on the 26th. Just
6 moving forward, as y'all start rolling it
7 out, find a way to integrate it into the
8 actual community so people can know. I
9 know the press, but the press isn't going
10 to -- when an incident happens, they're
11 not going to always say, Oh, yeah,
12 there's a reward program that you can
13 utilize to help solve this murder. So
14 it's incumbent upon us as public servants
15 also to step to the plate and do our part
16 to get the information out there.

17 MR. RESNICK: Right.

18 COUNCILMAN JOHNSON: So that's
19 pretty much it.

20 MR. RESNICK: In addition to
21 that, Councilman, I think one of the
22 things we're also doing is running these
23 on Channel 64, the City's cable access.
24 So that information will be put out
25 publicly as well.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 COUNCILMAN JONES: Are there
3 any further questions for this panel?

4 (No response.)

5 COUNCILMAN JONES: Hearing
6 none, thank you again.

7 Listen, we understand this is a
8 tough job. This is the tough aspect of
9 our respective job.

10 I have one other question, and
11 I heard this and let you put on the
12 record. If you had to pick three police
13 districts where gun violence is at its
14 height, which ones off the top of your
15 head would you cite?

16 MR. RESNICK: 22nd, 25th and
17 39th.

18 CAPTAIN HEALY: Or the 12th.

19 MR. RESNICK: Or the 12th.

20 COUNCILMAN JOHNSON: I knew it
21 was the 12th.

22 COUNCILMAN JONES: That's
23 interesting. I heard one other different
24 one from another comment, but that's not
25 one of those distinctions you want to

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 add.

3 I had no idea you and Maria's
4 area was as problematic. You mentioned
5 it to me, but there was a statistic
6 verification the other day that says that
7 that is true.

8 I already knew, Councilman
9 Johnson, that you had a great deal of
10 those kinds of problems.

11 We are going to pay laser-beam
12 attention, this Committee, to the
13 evolution of developing solutions.

14 We have another freshman on
15 here that knows a thing or two about
16 crime and violence and has produced a
17 book at the state level, a "how to" book,
18 which we're going to take close
19 examination of and inclusion of and a
20 little license, if we would. If someone
21 has already developed some proven
22 solutions, we're not going to reinvent
23 the wheel.

24 Those cameras you talked about,
25 Councilman Henon, have a three-year life

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 cycle. So we have to evolve as a
3 municipality and utilize the partnership
4 with the business community to install
5 cameras on private property that we can
6 utilize in crime fighting.

7 So we're going to look at
8 things that work well, things that need
9 to work better and things that we can do
10 differently to combat this problem. So
11 thank you very much for your testimony.

12 MR. RESNICK: You're welcome.

13 COUNCILMAN JONES: Clerk, will
14 you read the next panel.

15 THE CLERK: First Assistant
16 District Attorney Ed McCann and Dr. John
17 Goldkamp.

18 (Witnesses approached witness
19 table.)

20 COUNCILMAN JONES: Thank you
21 very much. Would you state your name for
22 the record and proceed with your
23 testimony.

24 MR. McCANN: Thank you,
25 Councilman. Ed McCann, First Assistant

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 District Attorney in the Philadelphia
3 DA's Office.

4 Good morning, Councilman Jones,
5 other members of the Committee. I thank
6 you very much for inviting me to this
7 hearing. I appreciate the opportunity to
8 testify. I'm not going to read all my
9 testimony. I'm going to summarize it,
10 because I want to get to the points that
11 you, I think, are most interested in.

12 As Mr. Resnick said, he talked
13 about the St. Louis project, for lack of
14 a better word, that started last year in
15 St. Louis, Missouri, and I just want to
16 shed a little bit more light on that and
17 the reasoning behind the Philadelphia
18 District Attorney's Office idea to
19 perhaps pursue this in the City of
20 Philadelphia.

21 Basically what happened,
22 Councilman, is that in St. Louis in 2011,
23 they began asking for high bail on
24 virtually all gun-possession cases,
25 illegal gun-possession cases, and they

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 found that their homicide rate dropped 20
3 percent in a very short period of time.
4 It wasn't even an entire year. Basically
5 what was going on in 2011 in St. Louis is
6 they were on pace to finish at the same
7 rate that they had in 2010, which was 144
8 homicides. They ended up at 114 after
9 doing this. So they dropped -- 30 people
10 from the year before were not killed in
11 2011.

12 It's being studied. As
13 Mr. Resnick said, the University of
14 Chicago is studying this, but some key
15 facts, I think, that we need to
16 understand from this. One is that the
17 homicide numbers dropped dramatically
18 basically at the time where typically you
19 see homicide rates rise, and that would
20 be during warmer weather, in latter part
21 of June, July, August, where you really
22 have a lot of homicides, as you all know
23 in Philadelphia, at those periods of
24 time, and I think that's true throughout
25 the country. That's when they started

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 the program and that's when the homicide
3 rate started to drop in St. Louis.

4 As I said, it's being studied
5 by University of Chicago criminologists.
6 And I think -- I just want to share what
7 the preliminary data is, because I think
8 it's important for you to understand
9 this, and, that is, that as the
10 researcher stated in the St. Louis post
11 dispatch article, said that when you get
12 into the details -- speaking about
13 shootings and homicides -- these are
14 impulsive decisions, and when you've got
15 people walking around with short fuses
16 and they've got a gun in their waistband,
17 a gun makes a bad impulse socially
18 harmful. And basically what they found
19 is that once this program started and it
20 started to spread in the streets that you
21 weren't going to go home on a
22 gun-possession case, you weren't just
23 going to bail out and go home within a
24 period of 12 to 24 hours, that they feel
25 like that those changes were what's been

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 effective. Although, as I said, it's not
3 final yet.

4 And, again, let me just share
5 one other thing that the researchers have
6 stated. And he said that gun charges
7 typically carry low bail amounts that
8 offenders post and usually result in
9 probation that doesn't start for months,
10 even years. Younger defendants
11 disproportionately involved in gun crimes
12 tend to focus on short-term consequences.
13 For people who are very present oriented,
14 they will think if the cops catch me, I'm
15 not sleeping on my bed tonight, I'm
16 spending the next however many days,
17 weeks, months behind bars immediately.
18 That's a fundamentally different thing
19 from worrying about what's going to
20 happen a year from now.

21 So that was the genesis of
22 this, Councilman, why we feel like this
23 may be effective. We think that there's
24 some changes we already have to make in
25 this, but we feel that if there's some

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 swift and certain consequences, it
3 doesn't have to be draconian, a lot of
4 these cases will be guilty pleas at the
5 first available court listing for a
6 guilty plea, which may be as early as
7 three months or earlier than that into
8 the process. However, it would change
9 the dynamic in Philadelphia in terms of
10 swift and certain punishment for gun
11 crimes, because typically these crimes
12 have, particularly with those that don't
13 have a significant prior record or a very
14 small prior record, many of these cases
15 are probation cases, because they fit the
16 state sentencing guidelines for
17 probation.

18 So the idea is to make a swift
19 and certain consequence for gun
20 possession and hopefully act as a
21 deterrent effect to carrying guns on the
22 street, because, as I said, many of these
23 murders, many of these non-fatal
24 shootings occur in the heat of the moment
25 as sort of like a by-product of a prior

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 dispute, but you have a gun instead of
3 having your fist and you use the gun. So
4 that's the hope.

5 And just to talk a little bit
6 about some other issues in the bail
7 system before I finish my testimony, and,
8 that is, as Mr. Resnick said, he's
9 correct, there's over 30,000 bench
10 warrants in the court system and about
11 9,000 probation warrants in the system.
12 And, Councilman, I started in the DA's
13 Office in 1989 and I remember being an
14 intern in 1988, right at the beginning of
15 the prison cap litigation when mass
16 releases were taking place in the
17 Philadelphia Prison System, where the
18 federal court placed a cap on admissions
19 and only if you committed a very violent
20 crime could you be admitted to the
21 prison, and thousands of defendants were
22 released and thousands of defendants
23 never had any consequence for failing to
24 appear in court, and that is where we are
25 left with now 23 years later. It's the

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 same thing.

3 We have 30,000 bench warrants
4 in the inventory in terms of the trial
5 inventory, the trial and preliminary
6 hearing inventory. And while that number
7 has decreased somewhat in the last two
8 years, it's still a huge, staggering
9 number, which makes us the second city in
10 America in terms of failures to appear in
11 court, that bench warrant.

12 COUNCILMAN JONES: Can you
13 repeat that again.

14 MR. McCANN: Yes, sir.
15 According to the Philadelphia Inquirer,
16 the articles that were written, as you
17 all know, about the court system at the
18 end of 2009, we are second only to Essex
19 County, New York, which is -- New Jersey,
20 excuse me, Essex County, New Jersey,
21 which constitutes Newark and other
22 cities, for the percentage of failures to
23 appear in court. And this is really a
24 cultural issue as well that needs a lot
25 of change and funding, frankly. I mean,

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 that's really -- Pretrial Services is
3 dramatically underfunded. The FJD's
4 Warrant Unit that goes after bench
5 warrants has a lot of really good people
6 working there, but they are drastically
7 understaffed, drastically underfunded.
8 Probation and Parole is drastically
9 understaffed and drastically underfunded.

10 So you have a culture that
11 exists in the bail system on to the
12 probation system where essentially the
13 defendants are left unmonitored, and that
14 fact is what leads to the lack of respect
15 for the court subpoena and the court
16 order. And there's a lot of things that
17 can be done to change that, but most of
18 what can be done is going to involve
19 funding, because alternatives to cash
20 bail would be something that the District
21 Attorney's Office would certainly support
22 in certain circumstances. However, there
23 are no meaningful monitoring or
24 consequences or sanctions in place at
25 this point because of a lack of

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 resources. Pretrial Services is really,
3 really hurting in terms of their ability
4 to accomplish that.

5 So I thank you again very much
6 for the opportunity to testify, and I'll
7 be happy to answer any questions at the
8 appropriate time.

9 COUNCILMAN JONES: We will do
10 questions after our second panelist
11 testifies for members of the Committee.

12 Would you state your name for
13 the record, bring the mike to you, and
14 proceed with your testimony.

15 DR. GOLDKAMP: My name is --

16 COUNCILMAN JONES: Pull the
17 mike to you, please.

18 DR. GOLDKAMP: Excuse me?

19 COUNCILMAN JONES: Pull the
20 mike up.

21 DR. GOLDKAMP: How about that?
22 Is that better?

23 I'm John Goldkamp, Professor at
24 Temple University, North Philadelphia.
25 And while he was here in 1989 discovering

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 some of the miseries of the bail system,
3 I was here in 1976 looking at
4 Philadelphia's bail system. Through
5 careful experimentation and empirical
6 data collection and analysis, we
7 developed for the first time in the
8 United States bail or pretrial release
9 guidelines. So we have -- we confess,
10 we're the developers of the guidelines,
11 the bail guidelines now.

12 We then tried, last time I
13 think was about 15 years ago, to get them
14 to come together again -- this was after
15 and during the building of the Criminal
16 Justice Center -- to say these things
17 were never meant to be standing still.
18 They're supposed to adjust with changing
19 circumstances. We have crimes now that
20 we never even heard of or imagined then.
21 So they weren't supposed to be
22 stationary, the bail guidelines.

23 Talking about whether gun
24 crimes can be predicted from the
25 behaviors of gun defendants hasn't been

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 that successful. People may have tried
3 that since we've been doing things for
4 the City, but there are important ways,
5 several important ways, to get at that.

6 The bail guidelines are not
7 supposed to be all empirical, just like
8 they're not supposed to be all imaginary.
9 We go through this with discussions with
10 our friends, the commercial bondsmen.
11 What we need is an empirical background
12 where we predict the best we can the
13 violent and the gun-related charges, and
14 then we say this is such a problem and
15 they'll be some others that we -- after
16 we set them up empirically, what kind of
17 risk they pose to the community will have
18 a special box or something that we check
19 off that says, But this is a gun crime,
20 and you can further divide that any way
21 you like. And so it doesn't matter what
22 your risk is. That's a different
23 consideration. It matters now what the
24 alleged crime is.

25 So those thoughts -- that's not

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 an empirical thought. That's a policy
3 thought. That's where you decide that I
4 always want to have those pointed out to
5 me, and we'll see what's called for
6 there.

7 You talked about the
8 state-of-the-art in bail, and you guys
9 like to hold up St. Louis you said, and
10 actually there's no pretrial services --
11 first of all, I want to say I agree with
12 all your comments about Pretrial Services
13 in Philadelphia. It was at one time the
14 leading program in the country, but what
15 we're missing now, most pretrial programs
16 or approaches in the country are missing;
17 that is, an ability to directly act on
18 defendants and have special things that
19 we do, call it supervision, call it
20 monitoring, call it matching the problem
21 with the solution. If it's not
22 supervision, there's the federal model,
23 there's the DC model and there's the AVA
24 recommendations. They call for immediate
25 and direct attention. They also call for

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 not detaining people because of whether
3 they can afford release or not. And
4 other studies have shown that moving
5 dollar amounts around doesn't move around
6 the risk of danger. That has to be taken
7 care of more directly.

8 I would say with this kind of
9 crime, that we're going through those
10 steps, but we're looking at whether this
11 is something posing a danger to the
12 community or it's something much more
13 minor that can be explained using a
14 different explanation that's less
15 threatening. And so we would like to
16 perhaps sort the threats that we see to
17 the community. Then a direct decision
18 could be made. We can say, Well, you're
19 going home. The question is how? You're
20 not going home. The question is can we
21 keep our case on pace and have a way of
22 checking that this is happening? We're
23 not just accumulating cases in the jail.
24 So that the system stays moving as
25 rapidly as it can, but also people are

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 being released directly and they're not
3 using the myth that dollars is going to
4 do something about danger. Dollars just
5 makes people feel good, raising it and
6 lowering it. Oh, there's one that really
7 should be high bail. There's one that
8 really should be low bail.

9 Are bail conditions too low?
10 That, I suppose, means dollar-wise,
11 although I like the language. It's not
12 bail conditions that are too low. It's
13 what we do with the defendants who are
14 alleged to have committed gun-related
15 crimes and other serious crimes that you
16 might add to your list. Nor will --
17 studies have shown this, too. Nor will
18 moving dollars around to prevent failure
19 to appear in court. Other things will.
20 Again, other things relating to
21 supervision, drug courts, out programs
22 that allow you to be engaged and your
23 activities restricted and monitored, but
24 not necessarily dollared into detention.
25 That sometimes is appropriate.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 So there are a number of things
3 that we can do then that involve
4 developing these options. Now, that's
5 what did when we developed the drug
6 court. We pulled out the drug-related
7 defendants who seemed to repeat because
8 of their drug problems and we built the
9 court around it and certain categories of
10 defendants, according to the Philadelphia
11 guidelines, would go off in that
12 direction under supervision, reporting to
13 the judge frequently. So, again, an
14 example of how you need to develop
15 supervision and monitoring.

16 So these days with the murder
17 rate and the gun rates, the two most
18 concerning, I wouldn't think of passing a
19 law that said we get to hold gun
20 possessors without bail, like we do
21 homicide, for the first few days.
22 Instead, we would -- I would think of
23 options that would allow the possibility
24 of release but under close supervision
25 and certain options that we've tested

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 that we've experimented with empirically.

3 So that's blah, blah, blah.

4 Do you have some questions

5 where you'd like to go?

6 COUNCILMAN JONES: Yeah. Thank

7 you for your testimony.

8 Two things. DA McCann, can you

9 describe for us and those who are

10 listening the process by which an

11 assailant gets arrested and then bail or

12 the risk assessment is applied? We have

13 a chart there. Could you describe that

14 chart?

15 And then we'll get to you.

16 MR. McCANN: Sure. Councilman,

17 someone arrested for a felony, say a

18 felony gun-possession case in the City of

19 Philadelphia, the preliminary

20 arraignments usually take place somewhere

21 between 18 and 22 hours from the time of

22 arrest, usually no more than 24 hours

23 from the time of arrest, and they're done

24 by closed circuit TV. The arraignment

25 court is in the basement at the Criminal

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 Justice Center.

3 So the defendants will be taken
4 to various police districts through the
5 City, and then the closed circuit
6 arraignment will allow the defendant to
7 have his bail hearing in the basement of
8 the Criminal Justice Center. And at that
9 time, the Bail Commissioner, Bail
10 Magistrate, will hear about the charge,
11 the defendant's prior record and the
12 defendant's history of appearing for
13 court, and set a bail amount at that
14 time.

15 COUNCILMAN JONES: So all of
16 those are taken into what would, for
17 simple definition, a risk assessment of
18 the individual?

19 MR. McCANN: Right. I mean,
20 there's not -- I mean, some would say
21 that we need a better or more formal risk
22 assessment, but those pieces of the case
23 that I just stated will be considered by
24 the Bail Magistrate.

25 COUNCILMAN JONES: And those

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 guidelines were established by you in
3 what year?

4 DR. GOLDKAMP: The first
5 version was 1978. The Municipal Court
6 voted them and the First Judicial
7 District in 1981 or 3 for the new
8 Criminal Justice Center. We had a chance
9 to rip them apart again somewhere in
10 1995, and since 1995 no adjustments. And
11 you can watch the judges' use of them.
12 Every time they got fixed, they used them
13 very well, and then when they started
14 being ignored, they would plummet to the
15 low levels.

16 COUNCILMAN JONES: All right.
17 So then --

18 MR. McCANN: So, again, I mean,
19 the Bail Magistrate's word on bail is not
20 necessarily the final word. If either
21 side thinks the bail is either too high
22 or too low --

23 COUNCILMAN JONES: So the state
24 or the defense can appeal this?

25 MR. McCANN: Correct. And,

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 Councilman, before their first appearance
3 in court on a felony charge, that's
4 within 14 to 21 days. So before the
5 first appearance in court -- say for the
6 sake of argument that the Commonwealth
7 wants to appeal the bail amount right
8 there in the arraignment court, that they
9 think it's too low, can call the
10 emergency municipal court judge. That
11 judge will get on the phone and hear both
12 sides.

13 COUNCILMAN JONES: So the
14 magistrates get their first bite at the
15 apple?

16 MR. McCANN: Correct.

17 COUNCILMAN JONES: And then if
18 either side decides that's unfair --

19 DR. GOLDKAMP: Is inside or
20 outside of the guidelines, up or down.

21 COUNCILMAN JONES: Right. So
22 then they go to the judge?

23 MR. McCANN: Municipal court
24 judge, correct.

25 COUNCILMAN JONES: They are on

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 a rotating basis?

3 MR. McCANN: Yes, Councilman.

4 COUNCILMAN JONES: Okay. Go

5 ahead, proceed.

6 MR. McCANN: So then, generally
7 speaking, nothing really usually happens
8 on bail before the case comes to court
9 for the first listing, but parties can
10 ask for bail decreases or increases at
11 any time after that. They usually have
12 to cite some change in circumstance to
13 get the bail to be changed, though.

14 COUNCILMAN JONES: And what
15 typically would be those circumstances?

16 MR. McCANN: Well, it could be
17 that we could argue, the Commonwealth can
18 argue, that after the case is held for
19 trial, we've demonstrated there's
20 sufficient evidence to go to Common Pleas
21 Court, that that may be a change in
22 circumstance, or there may be information
23 about the defendant's background that we
24 did not know at the time of the
25 arraignment that comes into our knowledge

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 before the case gets to court. The
3 defense attorney may say he has ties to
4 the community that the Bail Magistrate
5 wasn't aware of, that his mom is willing
6 to put up her house, things of that
7 nature. I mean, there's a lot of
8 different things that can be cited in
9 terms of a bail reduction or a bail
10 increase.

11 COUNCILMAN JONES: So then the
12 judge's discretion is used based on
13 whatever that new information is?

14 MR. McCANN: That's correct.

15 COUNCILMAN JONES: Which may be
16 on one side or the other of the
17 guidelines set by the Magistrate?

18 MR. McCANN: Right. But,
19 again, if you look at these guidelines,
20 they're completely out of date. They
21 haven't been updated since 1995. One of
22 the things that the guidelines takes into
23 consideration is whether the defendant
24 has a land line, and this is, you know,
25 2012. We understand that that really

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 doesn't have anything to do with whether
3 a defendant is a good bail risk or not.
4 So the guidelines are woefully out of
5 date. And, frankly, would I love to see
6 a system where we did have meaningful
7 non-incarceration alternatives to cash
8 bail? Absolutely. But, Councilman,
9 you're talking about funding something
10 that will cost the City tens of millions
11 of dollars that -- I don't see tens of
12 millions of dollars sitting around unused
13 in the budget times that we've all had to
14 deal with the last four or five years. I
15 mean, Pretrial Services -- I'm not
16 casting aspersions on their employees at
17 all. They're woefully underfunded.
18 They're not capable of monitoring
19 defendants the way they need to be
20 monitored to change the culture of the
21 lack of respect for the court subpoena.
22 It's not possible with the funding that's
23 currently in existence.

24 DR. GOLDKAMP: I agree with a
25 lot of what you said. I'd like to add a

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 couple of points.

3 First, we're a university, so
4 we're used to doing research, that at a
5 tenth of what you're talking about, you
6 can look over our way.

7 A couple of other things
8 important to keep in mind. Bail is
9 "like" but it is not probation and it is
10 not parole. Interestingly, when we did a
11 study of the jail in 2005 or something
12 like that, we found that the highest rate
13 of dismissal was among gun-possession
14 charges, and the District Attorney's
15 Office was so disbelieving of that that
16 we did it over again, and it came out
17 that our work had been good and that was
18 the answer. For some reason, that -- and
19 then people started suggesting lots of
20 reasons, some of them having to do with
21 information systems and so forth.

22 COUNCILMAN JONES: Can you
23 elaborate? I'm not understanding why
24 that would be.

25 DR. GOLDKAMP: No, I can't

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 elaborate on what it might have been,
3 except we looked up the cases with Sara.
4 We just pulled cases out, and they seemed
5 to match, but something was wrong, and it
6 could be new employees, lack of training
7 and other things. So they're only a
8 small number in the jail, so it may have
9 been something that didn't occur very
10 frequently, but rate-wise,
11 percentage-wise, they had the highest
12 rate of dismissal. This was not
13 recently. This was before the last two
14 years.

15 COUNCILMAN JONES: Okay.

16 DR. GOLDKAMP: Or three years.

17 COUNCILMAN JONES: May I ask a
18 question, and I'll allow my other
19 colleague to speak on this.

20 Last year what was the average
21 bail for a gun-possession case?

22 DR. GOLDKAMP: Well --

23 MR. McCANN: I can --

24 DR. GOLDKAMP: Go ahead, if
25 you've got it memorized.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 MR. McCANN: I can get you the
3 exact figure, Councilman, but it was
4 probably around \$11,000. That's about
5 the average.

6 COUNCILMAN JONES: And the
7 needle moving post January, what is the
8 average bail for a gun-possession case?

9 MR. McCANN: It would be in
10 excess of \$25,000 since January 26th.

11 COUNCILMAN JONES: Has that
12 made a difference?

13 MR. McCANN: It has.

14 COUNCILMAN JONES: Tell us how.

15 MR. McCANN: There's about -- I
16 think the latest number since January
17 26th -- I looked at the data last
18 night -- there's been 118 gun-possession
19 arrests in the City of Philadelphia since
20 January 26th, and about 66 percent of
21 those defendants are currently in
22 custody. And I think that the numbers of
23 defendants that -- if you took the
24 numbers -- and we haven't done this yet,
25 because the data is new, and one of the

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 issues we have is with some antiquated
3 computer systems. It's hard to get some
4 of the data. But I think if you compared
5 that to last year, it would be a very
6 significant jump in the numbers of
7 defendants held in custody.

8 COUNCILMAN JONES: You used the
9 term called "swift and certain
10 consequences" --

11 MR. McCANN: Correct.

12 COUNCILMAN JONES: -- as a part
13 of this, and what I took from it was a
14 lack of respect for showing up to court
15 means a lack of respect for the
16 consequences of possession of a gun,
17 which means lack of respect for human
18 life.

19 DR. GOLDKAMP: Yes.

20 COUNCILMAN JONES: And it boils
21 down to just that. If I don't care about
22 a subpoena that says I should appear in
23 court, I probably won't care whether this
24 handgun is registered, and if I'm going
25 to get let out on a low bail, then

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 obviously we as a society don't care
3 either. And I think -- I'm not supposing
4 what hundreds of these young people are
5 thinking, but I can certainly know that
6 they are not thinking about the
7 consequences of the certainty of their
8 actions, and we need to take a hard look
9 at that.

10 I'm hearing you about the money
11 issue. We will not abdicate our
12 responsibility to adequately fund. We
13 will not ask for crops without rain. We
14 will not say go do your job, but we won't
15 give you the equipment and the resources
16 to do it. It just -- it does not make
17 sense.

18 But as we start to contemplate
19 where the few resources we do have go,
20 public safety for us and this Chamber has
21 got to be job number one, because none of
22 the other things will happen. The
23 gentleman that was going to his job, he
24 owned a business at 26th, I believe, and
25 Allegheny was shot to death by

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 individuals who did not care about any of
3 the certain and swift consequences
4 obviously.

5 So we're going to take a hard
6 look at this and look at the bail
7 guidelines and insist that the court take
8 a fresh look with fresh eyes,
9 understanding that eight-track tape
10 players no longer exist and that cell
11 phones are a part of our day-to-day
12 society and the risk factors -- again, we
13 can study it until analysis paralysis
14 sets in, but the reality is for the
15 victims of these crimes, that there is a
16 clear and present danger on the streets
17 of Philadelphia that we have to address.

18 Any other questions for the
19 panelists?

20 Thank you for your --

21 COUNCILMAN O'BRIEN: I'm just
22 afraid if I start, I won't be able to
23 stop.

24 There's just a couple issues,
25 Mr. District Attorney, that I would like

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 to ask if you can comment on or if we
3 should have perhaps a follow-up hearing.
4 There's a euphemism that we like to use,
5 fix crea (ph), and I know the
6 informational sharing systems are broken
7 in Pennsylvania. But could you possibly
8 comment -- I know this is a challenge and
9 I know it's an open-ended question. Some
10 of the practices in our judicial system I
11 think could be better tailored to a
12 response in this conversation. I know
13 Mr. Goldkamp uses terms like "special
14 condition," and I believe, Mr. Goldkamp,
15 you're opposed to monetary standards, we
16 either hold them or we let them go, but
17 in my view, you have judges -- and I'll
18 just give you an example. Maybe you can
19 comment on this scenario.

20 Let's say a judge sentenced
21 somebody to seven years. If they get a
22 25-year probationary tail and then that
23 judge were to be able to bring that
24 individual back on a violation of parole
25 and max that individual out on the first

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 sentence, try them on the next sentence,
3 and then sentence them to the max on that
4 sentence, to me, that's when you really
5 get to the appropriate level of
6 discussion here, the gun violence issues.

7 The realtime policing is a
8 wonderful solution. I just believe that
9 we have to start packing the courtrooms
10 and just watching the way the judges beat
11 out the sentence. I just submit
12 psychologically that if I were sentenced
13 to seven years, I wouldn't be as afraid
14 of that seven-year sentence as I would
15 about the 25-year probationary tail,
16 because I know I'm going to screw up, and
17 I know if I screw up, I'm going to go
18 back and I'm going to go back for the
19 rest of my life. I believe these are the
20 kind of strategies that we have to have.
21 And I don't know if you want to talk
22 about some of the challenges you have in
23 the criminal justice system, but...

24 MR. McCANN: Thank you for your
25 question. Let me say this: When

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 District Attorney Williams came into
3 office in 2010, in the wake of that
4 Inquirer series, which devastatingly and
5 accurately took the criminal justice
6 system apart, his goals and aspirations
7 were to improve what we can control. And
8 trust me, Councilman O'Brien, having been
9 a part of this Administration for the
10 last two years, there was a lot of things
11 that we could improve in-house in terms
12 of the way we handle certain things, and
13 I think that's really where our focus has
14 been.

15 However, your point is well
16 taken in that everybody that is in the
17 criminal justice system needs to be
18 accountable for their role in it. Some
19 people refer to it as a three-legged
20 stool. I think that's a really good
21 analogy. So every leg of the stool needs
22 to be held accountable. And to the
23 extent that citizens of the City are
24 involved in the system and come to court
25 to see what happens, I think that's an

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 excellent thing, I think it's a positive
3 thing, and I think that it helps the
4 system, because it makes everybody
5 accountable when the public is looking.
6 And that means not just at the courts,
7 but at us, at the police. I mean,
8 everybody needs to be accountable for the
9 money that you appropriate to us, and we
10 need to be accountable for the jobs we
11 do. And I say that as the First
12 Assistant District Attorney, and I'm sure
13 that that goes for the Police
14 Commissioner and for the courts as well.

15 DR. GOLDKAMP: Councilman, can
16 I get back to one of your last questions
17 before you close up? And it has to do
18 with consequences, and it's where he was
19 ending up, I think, as well.

20 We did an experiment to try to
21 divide people into two groups to find out
22 whether they're lost in the system, they
23 went to the wrong room, they're afraid to
24 come back, they just missed it and blew
25 it, but there is no ill will. And we

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 compared them with those who seemed to
3 get lost on purpose and it was not
4 inadvertent, and then we followed them up
5 for a number of months, and what we found
6 was, it's more correct to interpret the
7 defendants that produce warrants as
8 advertent than it was to consider them
9 inadvertent.

10 So it is by now, with the
11 training that they've had during a decade
12 ago when the crowding business was going
13 on, they have developed bad attitudes, a
14 disrespect for authority and for
15 community. And I think those different
16 parts that make that up need to be
17 addressed side by side.

18 COUNCILMAN JONES: We started
19 out by saying that this is a holistic
20 problem that will take a holistic
21 solution, but we have to start somewhere.
22 We have to dig our heels in, draw a line
23 and say this is enough. The Mayor did it
24 at the beginning of the year, and we
25 applaud him and the Administration and

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 the courts for taking it seriously.

3 Council will do its part. I
4 will not go to another funeral where I
5 can't look a mother in the eye. I will
6 not go to another funeral where I don't
7 look a widow of a fallen police officer
8 in the eye and say that this institution
9 didn't do everything it could to keep
10 both entities safe. And if bail is the
11 issue, we will evaluate it, we will draw
12 light on it until we get it right.

13 So thank you for your
14 testimony.

15 MR. McCANN: Thank you.

16 DR. GOLDKAMP: Thank you.

17 COUNCILMAN JONES: Will the
18 Clerk call the next panel, please.

19 THE CLERK: John McNesby and
20 Julie Rausch.

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN JONES: Thank you
24 for coming in and thank you for your
25 patience. Would you please state your

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 name for the record and proceed with your
3 testimony.

4 MR. MCNESBY: John McNesby,
5 President, Fraternal Order of Police,
6 Lodge No. 5.

7 Good morning, Councilman Jones
8 and members of the Committee on Public
9 Safety and staff. I will be presenting
10 testimony this morning on behalf of the
11 Fraternal Order of Police, Lodge No. 5
12 and our membership of 14,500 officers,
13 approximately 6,300 which are actively
14 serving as Philadelphia police officers.

15 And I would note that 6,300 is
16 about 400 less than we should be to
17 accurately staff and accurately protect
18 the citizens of Philadelphia.

19 The men and women we represent
20 are very unique in the criminal justice
21 system. We see the operations and
22 workings of Philadelphia's court system
23 from the moment a crime occurs right up
24 until the final disposition in court. To
25 the citizens we serve, we are the justice

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 system. Although the system has
3 prosecutors, defense attorneys, judges
4 and court staff, the public thinks of the
5 police as the face of the Philadelphia
6 justice system. We are the ones who
7 first come into contact with victims and
8 witnesses in the very communities where
9 these crimes occur. Most members of the
10 public have never seen a judge or a
11 prosecutor in person. However, they do
12 know the men and women of the
13 Philadelphia Police Department with whom
14 they interact on a daily basis while we
15 patrol their neighborhoods.

16 A successful police public
17 safety program requires this familiarity
18 and closeness with the community.
19 However, when the system fails, the
20 police often get the blame. I cannot
21 count the amount of times I've learned
22 phrases like "the cops can't do anything"
23 or "the cops will let him walk." I can
24 assure you that it's not our members who
25 are letting these guys walk, these bad

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 guys walk.

3 Since the public has the
4 tendency to hold the police accountable
5 for the entire workings of the criminal
6 justice system, we have repeatedly
7 expressed our concerns regarding the
8 operations of the entire judicial system.
9 Since we are the thin line between the
10 citizens in society and those who prey
11 upon them, we take it very seriously and
12 will participate in any endeavor or
13 effort to improve the system.

14 For some reason, there seems to
15 exist a belief that it is okay to carry
16 an illegal gun on the streets of the City
17 of Philadelphia. This perception -- and
18 this is the reality -- and it must stop.

19 On a very personal level, seven
20 Philadelphia police officers have been
21 murdered in the line of duty since 2006.
22 Six of those police officers were killed
23 in a single 18-month period. Of these
24 seven fine officers, five were killed
25 with guns by armed and dangerous felons.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 Numerous other officers were also shot
3 during this period, and I am thankful
4 that they survived their encounters.

5 The offenders who caused these
6 police officers' deaths and injuries were
7 not strangers at all to the justice
8 system. If the justice system worked,
9 most of these officers would be with
10 their families today.

11 I also bear in mind that police
12 officer shootings are not the only
13 victims of gun violence in Philadelphia
14 and that many citizens have also been
15 subjected to the scourge of gun violence
16 in all neighborhoods in our city.

17 The fact is many of these
18 criminals carrying guns on our street do
19 so knowingly, and the criminal justice
20 system in the City will do little more
21 than give them a slap on the wrist. I
22 don't have to tell this Committee about
23 the number of criminals who prowl our
24 streets and victimize our citizens while
25 out on bail for another crime or who are

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 wanted on bench warrants or simply do not
3 appear in court.

4 Other than police, the first
5 encounter a criminal will have with the
6 criminal justice system is by seeing a
7 judge or a Bail Commissioner at a bail
8 hearing. When a criminal has been
9 arrested with a gun and then is granted
10 bail to return to the streets, it must
11 leave quite an impression with the
12 criminal about how serious Philadelphia
13 is about combatting crime and gun
14 violence. I'm quite sure that a criminal
15 with a gun would not be granted bail in
16 any of the five counties that border
17 Philadelphia. While preparing for this
18 hearing, I was asked what is the
19 appropriate amount of bail for a gun
20 crime. How about no bail.

21 I've been at numerous press
22 conferences where our law enforcement
23 leaders and District Attorney have
24 declared a war on guns. I know that the
25 state and federal governments have

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 contributed resources to fund and combat
3 gun crimes and gun violence. I know that
4 we have a prisoner overcrowding problem.
5 I know that those appearing for bail are
6 not convicted, but they are only accused.
7 I also know that we cannot practically
8 put everyone in jail.

9 With the epidemic of gun
10 violence in our city, why can't we just
11 decree that if you are found guilty or
12 you are found to be carrying a gun or
13 commit a crime with a gun, you go
14 directly to jail before trial and stay
15 there.

16 Thank you.

17 COUNCILMAN JONES: State your
18 name.

19 MS. RAUSCH: Julie Rausch,
20 Executive Director of the Anti-Violence
21 Partnership of Philadelphia.

22 Good afternoon now, Councilman
23 Jones and other members of the Public
24 Safety Committee. Thank you for
25 including me in this important

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 discussion. We've heard -- I've learned
3 a lot today and have heard some very
4 interesting information from the people
5 before me, but perhaps what I can offer
6 is a little more personal information and
7 the perspective of some of the victims
8 that are involved in this.

9 The Anti-Violence Partnership
10 of Philadelphia is the only organization
11 in Philadelphia whose mission is to
12 reduce the cycle of violence by providing
13 intervention, prevention and support
14 programs. Last year our committed staff
15 assisted over 6,000 family members of
16 homicide victims and victims of other
17 violent crime. Additionally, more than
18 1,200 urban school children received
19 training in non-violent problem-solving
20 strategies.

21 After some modest declines in
22 recent years, it seems that
23 Philadelphia's rate of violent crime is
24 again increasing. Last year ended up
25 with 324 homicides, up from 306 in 2010.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 And just two months into this year,
3 there's been on average nearly one
4 homicide each day. As of March 5th, a
5 total 61 homicides for the first 65 days
6 of the new year.

7 In the past couple years,
8 Philadelphia has consistently considered
9 to have the worst homicide rate in the
10 country of the most populated cities, a
11 fact that is even used as a bragging
12 point for some local youth. Clearly, all
13 of us, whether in public or private
14 agencies or just concerned citizens, have
15 to do a better job of identifying and
16 implementing creative strategies to
17 reduce these alarming statistics.

18 Each one of these over 300 each
19 year victims of homicide often leaves 10
20 or 20 loved ones or even more who then
21 must struggle to deal with the resulting
22 emotional, financial and logistical
23 complications, thousands of co-victims
24 each year who need help. AVP's staff
25 sees this rippling effect of this problem

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 every day. Every day families of murder
3 victims court advocates provide support
4 as well as information to family members
5 throughout criminal justice proceedings.
6 Our counseling center therapists meet
7 daily with child, adolescent and adult
8 victims to help them process and move
9 forward after a traumatizing experience
10 with violence.

11 All too often it's the children
12 who do suffer most. Our senior child
13 therapist often remarks that children of
14 homicide families becomes the
15 symptom-bearers of the trauma and grief
16 that are ripping apart their families.
17 And really in a way, they're the
18 symptom-bearers for their troubled
19 communities as well. In high-crime
20 neighborhoods, it's estimated that
21 one-third of children have witnessed a
22 homicide and 70 percent have witnessed a
23 serious assault by the time they are 10.
24 Exposure to violence can have lasting
25 negative effects on all who experience

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 it. Numerous studies have found evidence
3 for the intergenerational cycle of
4 violence, which suggests that violent and
5 abusive adults learned this behavior as a
6 result of being victims of or witnesses
7 to aggressive and abusive behavior as
8 children. Without competent and
9 specialized assistance in processing the
10 violent acts and healing their emotional
11 and psychological wounds, individuals can
12 lose the ability to lead healthy,
13 productive lives.

14 AVP works with these children
15 individually and in groups, helping them
16 deal with the trauma resulting from this
17 exposure to violence. In a recent
18 therapy group for teenage co-victims of
19 homicide, one of our therapists had them
20 perform an exercise to reflect their
21 experiences. Eight young people stood in
22 line shoulder to shoulder. Then the
23 therapist asked each one of them to take
24 a step forward if they had one loved one
25 who was killed, then a second step for

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 another loved one. One of these teens
3 took ten steps that day, representing the
4 ten important people in her life who had
5 died violently.

6 Too many of the individuals who
7 took these lives violently were repeat
8 offenders who are also often fugitives,
9 cycling through the criminal justice
10 system being charged with multiple
11 serious offenses, but let out with
12 sometimes minimal bail. One example of
13 this was the highly publicized and tragic
14 killing in January of Reyna
15 Aguirre-Alonso, a potential witness in an
16 earlier homicide. One of the men
17 arrested was out on bail after being
18 arrested for firearms violations.

19 As part of an interdisciplinary
20 team that examines in great detail the
21 murders of all Philadelphia youth, I've
22 heard way too frequently the histories of
23 the young people who are charged with a
24 homicide. School reports demonstrate
25 disciplinary problems as early as first

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 grade. Some students record 20 or 30
3 disciplinary suspensions in a year, then
4 drop out at an early age. First arrests,
5 as reported by the DA's Office at the
6 meetings, are sometimes as early as 12
7 years of age. And consistently we hear
8 again and again of the youth who are
9 charged with violent crimes and firearm
10 violations, then released back into their
11 neighborhoods without proper supervision,
12 as well as all too many who have
13 outstanding bench warrants when they're
14 arrested for murder.

15 Certainly the availability of
16 bail for most of those charged with crime
17 is an essential element of our criminal
18 justice system. Our jails are already
19 overcrowded with those who are held. But
20 we need to work harder to make sure we're
21 using the best criteria to identify those
22 who can safely be released and the amount
23 of bail they are required to pay.
24 Certainly analyzing each defendant's
25 probability to appear back in court has

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 to be a major part of this. A Pew study
3 in 2010 showed that 30 percent of
4 defendants released before trial missed
5 court appearances. When defendants don't
6 show up in court, it defers and delays
7 the delivery of justice and discourages
8 witnesses, both by inconveniencing those
9 witnesses who do show up or by scaring
10 off witnesses who are afraid of
11 testifying when the defendant is still
12 visible in their communities.

13 But in setting bail for those
14 charged with violent crimes, we also need
15 to perform a realistic and clear analysis
16 of the potential danger they pose to
17 other citizens in Philadelphia. We must
18 work with increased focus and vigor to
19 make sure there is not another Reyna
20 Aguirre-Alonso or another victim who is
21 killed after a dangerous defendant is let
22 loose in the City.

23 Thank you.

24 COUNCILMAN JONES: It makes you
25 pause.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 I heard a startling statistic,
3 that one of the predictors in this
4 process -- and I've learned so much --
5 was truancy, truancy; that it goes as far
6 back as that; that puts you in a
7 different category. If we have these
8 predictors and series of red flags, if
9 you would, definitely one of them has to
10 be the possession of a firearm; that if
11 I'm walking down the street and I have a
12 slingshot, that means one thing. If I'm
13 walking down the street and I'm in
14 possession of a narcotic, that means
15 another thing. But if I'm walking down
16 with a handgun, an illegal handgun, that
17 should be a red flag for anyone with
18 common sense.

19 And, John, I'm going to ask you
20 this question: Of the officers since '07
21 that have perished, how many of them were
22 killed by a perpetrator that had a prior
23 gun charge?

24 MR. McNESBY: We have Chuck
25 Cassidy who was killed in October of '07

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 at the Dunkin' Donuts on Broad Street.
3 That guy had a lengthy record, previous
4 gun charge. Liczbinski in May of '08,
5 the same story. Then we go on to Pat
6 McDonald, who that guy should have never
7 been on the street. And we then again
8 asked for a moratorium on parole, which
9 they did for, I think, three to four
10 months, which calmed things down a little
11 bit on the state level, and then they
12 lifted that moratorium. And then we had,
13 I think, Pawlowski. I'm not sure whether
14 that suspect had a previous record or
15 not.

16 COUNCILMAN JONES: So of the
17 five --

18 MR. McNESBY: Three of those.

19 COUNCILMAN JONES: -- three of
20 them had prior gun charges.

21 MR. McNESBY: And a lot of this
22 goes back to -- and I'm not going to say
23 that you have to be a rocket scientist to
24 solve this problem here. The problem is
25 that I see on our end, on the police end,

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 and the complaints that I hear from our
3 members is that they want to go out there
4 and do the job. It's like giving the
5 Commissioner -- and I can tell you, this
6 guy came in from Washington and he's
7 doing a hell of a job, but let's replace
8 him as the Police Commissioner and make
9 him a carpenter for today. You're giving
10 him a toolbox and you're asking him to
11 construct a house, and when he opens that
12 toolbox, there's nothing in it. And
13 that's what we have today, and by far,
14 that's not any exaggeration.

15 You have a Homicide Unit that
16 can't get to homicides because they have
17 no cars. They have no cars. They just
18 put additional detectives in the Homicide
19 Unit. They made a special squad for
20 homicides for fugitives in the last
21 couple weeks. They don't have a
22 computer. We're buying them a computer
23 at the FOP.

24 We have officers out there that
25 can't get to scenes because there's no

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 cars. We have nobody -- we're 400 down,
3 400 to 500 cops down. Times that by the
4 20-some-odd police districts. That's 20
5 to 25 officers short for each district.
6 Now, you can say that you're putting a
7 class of 60 in and another class of 60,
8 but by the time those officers are able
9 to graduate from the Academy, the
10 seven-month-long process, we're already
11 down probably 70 to 80 officers between
12 injuries, firings and also retirements.

13 So we're not even treading
14 water here, Councilman. We're slowly
15 drowning. And if people want to come to
16 this City, they're not going to feel
17 safe, they're not going to come. People
18 aren't going to let their kids out to go
19 to the store. They're not going to be
20 able to play in the street because they
21 don't feel safe. And that's where we're
22 at now. We're at a dangerous level here.
23 You know, and we are trying to get the
24 classes in, but 60 at a time isn't
25 cutting it. We have to get 100, 150.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 And I'll also make one other
3 point. I came on this job in 1989, and
4 that was the end of the Goode
5 Administration, and they were pumping
6 classes out every month for two years,
7 classes of 100, 120. Now, we have those
8 officers now that are getting ready to
9 retire. So they're coming up on their
10 20, 25 years. So you're going to see a
11 lot more officers leaving in the next
12 couple years.

13 And, again, it's like giving
14 Commissioner Ramsey -- you're sending him
15 out there to do the job, but you're
16 handcuffing one handcuff behind his back
17 and telling him to solve crime, and we're
18 not going to get it done. And I think
19 we've had the best working relationship
20 between the union and the Police
21 Department and the Administration, but I
22 think we're all slowly treading and
23 starting to drown here. Something needs
24 to be done quickly. Again, people aren't
25 going to come to the City of Philadelphia

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 if they don't feel safe.

3 COUNCILMAN JONES: I believe it
4 was the officer killed by the Dunkin'
5 Donuts in 2008, Liczbinski, that there
6 was a net put out a ten square block,
7 dragnet, for lack of a better term, and
8 in that, in the first hour I was told
9 that there were five suspects stopped
10 with illegal handguns in a ten square
11 block area. Is that accurate?

12 MR. McNESBY: I know that
13 when -- that was in '07 with Chuck
14 Cassidy on Broad Street. I know that
15 there was a number of people stopped, and
16 I know -- I don't know whether it was
17 five, Councilman, but I know there was a
18 couple people that were arrested that day
19 with handguns.

20 COUNCILMAN JONES: And I
21 remember that because it struck me that
22 if you just did a random sampling and
23 almost like you were fishing, and for
24 there to be a random number of people
25 just walking around feeling confident

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 that they could walk around with a
3 firearm, it just put into perspective for
4 me how unsafe we are, how unsafe you are
5 to perform your duties, because there is
6 that lack of swift and certain
7 consequences that is not there. And so
8 this hearing is to design that.

9 I want you to understand, I
10 heard you about the cars and I also heard
11 you about the force size as problems and
12 budgetary issues that we will attempt to
13 address. It is my understanding -- I
14 can't speak for the second floor -- that
15 public safety is a priority, that there
16 will be no cuts. And, in fact, we are
17 going to take a look at what equipment,
18 whether it's from the headquarters to the
19 cars, to make it easier for you to do
20 your job.

21 MR. McNESBY: I think if we get
22 some running cars, some working radios
23 and some manpower, we'll be able to get a
24 handle on this. And, again, I think the
25 command staff and the officers out there

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 are doing a hell of a job. Commissioner
3 Ramsey is doing a great job by holding --
4 it's like putting a Band-Aid on a gunshot
5 wound, for lack of better words. But
6 we're able to hold our own now, but we're
7 not going to be able to continue to do
8 that.

9 COUNCILMAN JONES: Of the
10 perpetrators that you deal with, is there
11 a greater sense of threat based on
12 handguns today versus previous years?

13 MR. McNESBY: You know, I've
14 heard a lot about 1978 or 1995. That's
15 when they had muzzleloaders and rotary
16 phones out there. Today, times have
17 changed. We have officers getting out of
18 their cars and being fired upon with
19 automatic weapons. We have -- look, this
20 is a business to the Police Department,
21 to solve crime, and it's a business to
22 these crimes on the street to make sure
23 they commit them. So we have to stay on
24 top of that. We have to have, again, the
25 resources, but it is -- we're at a

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 dangerous level, and the lack of respect
3 not only for the Police Department but
4 for everybody in this room is
5 unbelievable.

6 I was watching the news the
7 other night where they had a guy say,
8 Give it up, old man. And he gave up to
9 the wrong -- it was a retired cop who had
10 a gun. Well, that guy, you know, luckily
11 he was trained, but we could be reading
12 the front page of the paper again where
13 we have somebody that could have been
14 dead.

15 We had another one Sunday
16 night, I believe, and I get the messages
17 over police radio, where an officer sees
18 a guy with a gun in the 24th District,
19 goes to stop him, the male runs, he runs
20 to a house, he can't get in the house, he
21 turns around with the gun and shoots and
22 kills himself. That was unheard of, you
23 know, years ago, you know.

24 COUNCILMAN JONES: I don't know
25 if it's a sign of the times economically,

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 I don't know if it's just disrespect or a
3 combination of both things, but the sense
4 that folk who have firearms do not care
5 about those consequences and the belief
6 that holding a gun has become normal, we
7 don't want it to be normal.

8 Cities like New York, cities
9 like DC have a lower tolerance for
10 firearms. You go to jail, and you're
11 going to spend a predictable amount of
12 time incarcerated.

13 So, therefore -- it was
14 previously stated that many of the
15 homicides are crimes of opportunity and
16 impulse. Well, if you have to go all the
17 way home to go get a gun, thought kicks
18 in and the consequences may kick in. But
19 at the heat of the moment, at the point
20 of the altercation, if you have the tool,
21 you make the motion, you make the move
22 that you cannot take back. And we have
23 to get a handle on this, and whether it's
24 the bail system or better equipment or
25 both, we're going to address it.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 MR. McNESBY: Thank you.

3 COUNCILMAN JONES: Councilman
4 Johnson.

5 COUNCILMAN JOHNSON: I just
6 want to -- the DA's Office, do you mind
7 coming up and just answering one
8 additional question for me too as well.
9 And I can follow up with Seth sidebar,
10 but since we're doing this officially, I
11 might as well ask this issue, because it
12 kind of correlates with what we're
13 talking about in terms of gun violence.

14 (Witness re-approached witness
15 table.)

16 COUNCILMAN JOHNSON: What's the
17 status of the Gun Task Force?

18 MR. McCANN: It's still in
19 existence, Councilman. We've gotten
20 some -- and you know because you were in
21 the State Legislature. We've gotten cuts
22 to it consistently. But the proposed
23 budget in this year's state budget is
24 only going to be a 3 percent cut. We
25 think we can absorb that without any

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 layoffs. Most of the agents are retired
3 Philadelphia police officers. I think
4 they do really good work, particularly as
5 it relates to straw purchasing
6 investigations and their profiles being a
7 little bit more widened. They're going
8 to be working with the Philadelphia
9 Police Department in conjunction with
10 GunStat in unsolved non-fatal shootings
11 and particularly in the target areas for
12 GunStat in the coming months.

13 COUNCILMAN JOHNSON: Is there
14 statistical data as relates to the level
15 of guns recovered as relates to straw
16 purchasing?

17 MR. McCANN: I can get you
18 straw purchasing data. Certainly I will
19 get that for you. In fact, I'll try to
20 get it for you this afternoon. But the
21 vast majority of the guns that are
22 recovered by the Philadelphia Police
23 Department on the street at some point
24 were owned legally by someone.

25 COUNCILMAN JOHNSON: Of course.

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 MR. McCANN: And then there's
3 the lost or stolen issue. There's people
4 that sell their guns to somebody without
5 reporting it, things of that nature.

6 Straw purchasing, the numbers
7 of straw purchasing prosecutions are
8 small. Most of them are --

9 COUNCILMAN JOHNSON: Why is
10 that? That's kind of like really what
11 I'm getting at.

12 MR. McCANN: Most of the guns
13 that are purchased by a straw purchaser
14 are purchased by a paramour of a
15 defendant. In other words, the defendant
16 that has a record that would make him
17 ineligible to possess a gun or buy a
18 gun at a gun store --

19 COUNCILMAN JOHNSON: So you get
20 the girlfriend to buy it.

21 MR. McCANN: Get the girlfriend
22 to buy it. And as I told Councilman
23 Jones in another conversation that we
24 had, most of those are not mass
25 purchases. They're not purchasing four

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 or five guns at a time. They're
3 purchasing one gun or two guns at a time.
4 So it's really labor intensive, because
5 you're talking about a real small number
6 of purchases. The Councilman was right
7 on the money, there's no truck that's
8 pulling up in an area of the City and
9 opening the back of it and people are
10 dealing guns out of the back of a truck.
11 Most of the illegal gun trafficking is
12 done at a small level. But it is a
13 priority.

14 I mean, you make a good point,
15 it's something that's important to do,
16 but the profile of the defendant is going
17 to be usually a woman, a young woman, who
18 is in a relationship with a defendant
19 with a record. A lot of time there's
20 domestic violence involved. I mean,
21 there's a lot going on in those cases all
22 the time.

23 COUNCILMAN JOHNSON: Or she can
24 just be the young lady that's in the
25 neighborhood that wants to be down with

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 the crew and this is what she does, from
3 just kind of observing it up close and
4 personal.

5 But I wanted to put that out
6 there, because the other component and
7 just growing up in South Philly and
8 getting a chance to kind of see how we're
9 still dealing with the issue of violence
10 since I've been a young man until -- now
11 I'm actually an elected official, and
12 I've watched how the levels of artillery
13 went from revolvers during the late '80s
14 and the early '90s and to now we do some
15 gun buybacks, right? And I wasn't always
16 a big fan of a gun buyback. I thought it
17 was cute, because you say, Bring me your
18 gun and I'm going to give a coupon and
19 you go get something to eat or some
20 Christmas toys, until I had hosted a gun
21 buyback in South Philly. Some of the
22 artillery, I didn't see -- some of the
23 artillery that I've seen like up close
24 and personal, like, Oh, okay, you know,
25 this is less guns that are out on the

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 street. And even if it's a .357 revolver
3 from 1988, if it's a Taurus or any other
4 type of .357 or a magnum, they still can
5 do some damage, and even the .22 can
6 that's a revolver.

7 But I do know and I clearly
8 understand, that's something I'm paying
9 attention to. I'm glad when the City
10 decides to -- House Bill 1523, which is
11 trying to strip the City from having an
12 opportunity to have to go after
13 individuals who somehow lose their gun
14 and they wind up in somebody else's
15 hands, that that stays on the radar as a
16 part of the equation. Because to me, all
17 the components need to be addressed, and
18 specifically you can't just lose a gun
19 and all of the sudden the gun -- the same
20 way even if I'm an elected official, if
21 somebody takes my car and runs somebody
22 over, the police are going to come to my
23 house. They're going to say, Well,
24 Kenyatta Johnson, it was your car, you'd
25 better come up with some type of

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 explanation as to who was driving your
3 car that committed this actual action. I
4 think the same thing applies to
5 individuals that carry -- individuals
6 somehow lose their guns. And, no, I'm
7 not infringing on anyone's right to carry
8 a gun. I mean, I get it, but at the end
9 of the day, from a realistic perspective,
10 you know, for me to see a 16- or
11 17-year-old or 12-year-old or hear about
12 them or like a six sort of like walking
13 around, how do you get that? It's kind
14 of unheard of, you know.

15 And so that's just something
16 I'll be interested in following up with
17 the Administration on, the DA's Office
18 from a supportive standpoint as a
19 Councilman to see how do we move forward
20 and making sure that that part of the
21 issue is addressed as well.

22 MR. McCANN: Very good.

23 COUNCILMAN JONES: Thank you,
24 Councilman.

25 And I just want to say you're

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 right about something, John. We need to
3 put our money where our mouth is. We've
4 closed gun court. As Councilman Johnson
5 talked about, I think the last Goods for
6 Guns in Philly is scheduled this year,
7 because they ran out of money. And the
8 Nuisance Task Force that used to be used
9 to go into these troubled bars where we
10 found these illegal guns and other
11 activities has been disbanded. We
12 really, as a body, need to take close
13 account of where we are prioritizing our
14 resources. And public safety is job one.
15 You cannot do economic development if a
16 merchant's afraid for their life.

17 And so I thank you both for
18 what you have provided, and it is food
19 for thought for us. Thank you very much.

20 MR. MCNESBY: Thank you.

21 COUNCILMAN JONES: We are going
22 to conclude this. Are there any other
23 individuals here that wish to testify?

24 (No response.)

25 COUNCILMAN JONES: I will close

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 out by saying that last year there were
3 674 shootings -- not murders,
4 shootings -- that did not result in
5 death, and many of them aren't as
6 dramatic. People go about their lives
7 after the injury, but sometimes loss of
8 job, loss of income, loss of the fear of
9 life and limb. These are serious
10 problems that we want to work in
11 partnership with the District Attorney's
12 Office, in partnership with the Police
13 Department, in partnership with the
14 courts to solve, and we are going to as
15 the Public Safety Committee take this
16 very seriously.

17 It was alluded to that Reyna
18 Alonso, the lady that was murdered by a
19 gentleman that was out on probation, low
20 bail, gun conviction before, and I can
21 name names like Keisha Palmer in my
22 district that did nothing more than drop
23 her children off after work, picking them
24 up from the daycare and was murdered by
25 an illegal handgun. I can talk about

1 3/7/12 - PUBLIC SAFETY - RES. 120072

2 Joel Blumer, who was a merchant at 26th
3 and Allegheny and was killed, shot twice
4 this weekend.

5 If you look at the weekend
6 homicides -- and I watch teenagers who
7 tell me they don't want to look at the
8 news anymore because it is depressing to
9 them. And somehow we as a society have
10 become desensitized to the violence in
11 our street. I grew up on westerns, and I
12 wanted to be a cowboy when I grew up,
13 just not in the City of Philadelphia.

14 When we look at this and its
15 impact on us and think about the people
16 who are being murdered, I want you to
17 know -- and I'll close on this -- that
18 all life is precious, whether it's in
19 Center City or in South or West
20 Philadelphia. You see, the salient count
21 in a tear is the same whether it's shed
22 in Center City, on the streets of our
23 neighborhoods, and we are going to take
24 that more seriously. If in fact over a
25 weekend six, seven people are murdered,

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 if they were visitors to the City of
3 Philadelphia, it would make national
4 news. If visitors coming to the
5 Convention Center for a conference on
6 toothpaste were gunned down in the
7 streets, the National Guard would be
8 brought in here, full attention of all
9 forms of government would be brought to
10 bear. But people die in neighborhood
11 streets each and every day. And what
12 scares me most is that we've become
13 insensitive to the loss of life. And I
14 will tell you this: We join our Mayor on
15 calling out some of these thugs that
16 think that it's okay to gun people down,
17 but we also call out those people
18 responsible in positions of authority to
19 make those decisions to make our streets
20 safe, and bail is one of those conditions
21 that do that.

22 Let me say this to you: We're
23 going to be paying attention. And, no,
24 we don't have authority to change state
25 laws. No, we don't have authority to

1 3/7/12 - PUBLIC SAFETY - RES. 120072
2 change gun laws. But we do have two
3 things: the bully pulpit, which we've
4 demonstrated today, and the budget, which
5 we will demonstrate over the next couple
6 of months.

7 The call of the Chair of this
8 Committee on Public Safety will stand at
9 recess.

10 Thank you.

11 (Committee on Public Safety
12 concluded at 1:00 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on March 7, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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A				
abdicate 74:11	78:9 80:25 99:5	analyze 37:11 38:20	arrested 42:5 63:11	automated 9:18
aberration 15:14	99:21 111:17	analyzing 93:24	63:17 86:9 92:17	automatic 33:21
ability 56:3 59:17	Administration's	and/or 4:3 117:22	92:18 93:14	102:19
91:12	19:12	Anecdotally 13:25	100:18	automatically
able 13:18 23:18	admissions 53:18	announced 7:18 9:7	arrests 72:19 93:4	21:18
35:8 36:12 75:22	admitted 53:20	9:12	article 50:11	AVA 59:23
76:23 98:8,20	adolescent 90:7	anonymous 22:15	articles 54:16	availability 93:15
101:23 102:6,7	adult 90:7	anonymously 22:11	artillery 109:12,22	available 19:25
absolute 39:24	adults 91:5	answer 10:15 13:18	109:23	29:9 52:5
Absolutely 69:8	advance 41:4	56:7 70:18	asked 16:5 19:20	average 11:19
absorb 105:25	adversarial 7:13	answering 105:7	21:14 86:18 91:23	16:15 71:20 72:5
abusive 91:5,7	advertent 80:8	answers 16:10	96:8	72:8 89:3
Academy 98:9	advise 21:15	antiquated 73:2	asking 30:22 39:2	averages 3:20
accept 22:2	Advisor 6:22	anti-crime 19:23	48:23 97:10	AVP 91:14
access 27:4 44:23	advocates 90:3	Anti-Violence	aspect 4:23 45:8	AVP's 89:24
accessible 28:9	Affairs 38:4,5	87:20 88:9	aspects 4:25	awaiting 8:13 32:13
accomplish 56:4	afford 60:3	anxiously 32:13	aspersions 69:16	aware 7:9 68:5
account 112:13	aforementioned	anybody 38:22	aspirations 78:6	a.m 1:7 2:4
accountable 78:18	15:3	anymore 114:8	assailant 16:15	
78:22 79:5,8,10	afraid 5:20 75:22	anyone's 111:7	63:11	B
84:4	77:13 79:23 94:10	apart 65:9 78:6	assault 90:23	B 1:13
accumulating 60:23	112:16	90:16	assaults 4:2	back 16:23 26:13
accurate 100:11	African 17:20,25	appeal 65:24 66:7	assessment 63:12	40:8 42:23 76:24
accurately 78:5	afternoon 87:22	appear 6:23 41:22	64:17,22	77:18,18 79:16,24
82:17,17 117:5	106:20	53:24 54:10,23	assigned 25:14	93:10,25 95:6
accused 87:6	age 16:15,21 93:4,7	61:19 73:22 86:3	33:10	96:22 99:16
act 23:21 52:20	agencies 89:14	93:25	assist 39:4	104:22 108:9,10
59:17	agents 106:2	appearance 66:2,5	assistance 91:9	background 58:11
action 111:3	aggressive 91:7	appearances 94:5	Assistant 47:15,25	67:23
actions 74:8	ago 24:16 28:6	appearing 64:12	79:12	backup 34:3
actively 35:9,13	57:13 80:12	87:5	assisted 88:15	bad 50:17 80:13
82:13	103:23	applaud 80:25	assure 83:24	83:25
activities 61:23	agree 59:11 69:24	apple 66:15	assures 8:11	bail 1:15 2:15 5:3
112:11	Aguirre-Alonso	applied 63:12	attempt 101:12	7:6,11,12,19,21
activity 36:24	92:15 94:20	applies 111:4	attended 3:6	8:7,10,21 9:2 11:4
acts 23:19 91:10	ahead 67:5 71:24	apply 31:12 117:20	attending 2:23	11:9,20,25 12:15
actual 42:23 44:8	alarming 89:17	appreciate 8:3	attention 27:9	40:9,10,15 41:9
111:3	alleged 58:24 61:14	39:22 48:7	46:12 59:25 110:9	48:23 50:23 51:7
add 31:4 38:4 46:2	Allegheny 74:25	approach 43:3,18	115:8,23	53:6 55:11,20
61:16 69:25	114:3	approached 6:13	attitudes 80:13	57:2,4,8,11,22
addition 8:24 41:3	allocation 37:2	47:18 81:21	attorney 7:15,17	58:6 59:8 61:7,8,9
41:9 44:20	allow 9:19 10:12	approaches 59:16	10:5 12:10 47:16	61:12 62:20 63:11
additional 97:18	18:25 22:10 61:22	appropriate 16:11	48:2 68:3 75:25	64:7,9,9,13,24
105:8	62:23 64:6 71:18	56:8 61:25 77:5	78:2 79:12 86:23	65:19,19,21 66:7
Additionally 88:17	alluded 113:17	79:9 86:19	attorneys 25:14	67:8,10,13 68:4,9
address 22:13 75:17	Alonso 113:18	approximately	83:3	68:9 69:3,8 70:8
101:13 104:25	altercation 104:20	34:23 41:19 82:13	Attorney's 8:4,25	71:21 72:8 73:25
addressed 80:17	alternatives 55:19	area 30:6,13 37:21	12:3,7 48:18	75:6 81:10 85:25
110:17 111:21	69:7	46:4 100:11 108:8	55:21 70:14	86:7,7,10,15,19
adequately 16:6	America 54:10	areas 10:9 25:15	113:11	86:20 87:5 92:12
74:12	American 17:21,25	106:11	August 49:21	92:17 93:16,23
adjust 57:18	amount 6:9 20:15	argue 67:17,18	authorities 4:13	94:13 104:24
adjustments 16:11	40:9,10,25 64:13	argument 66:6	authority 80:14	113:20 115:20
65:10	66:7 83:21 86:19	armed 84:25	115:18,24,25	ball 34:20
Administration	93:22 104:11	arraignment 63:24	authorize 21:13	Band-Aid 102:4
6:25 7:23 8:6 12:6	amounts 51:7 60:5	64:6 66:8 67:25	authorizes 7:4	bar 27:20 28:14
23:10 42:13,25	analogy 78:21	arraignments 63:20	authorizing 1:14	barber 26:10
	analysis 25:4 57:6	arrest 9:15 21:21	2:13	bars 8:14 12:19,19
	75:13 94:15	63:22,23	auto 17:23	27:18 28:7 51:17

112:9 based 68:12 102:11 basement 63:25 64:7 basically 16:20 23:2 40:19 41:12 48:21 49:4,18 50:18 basis 67:2 83:14 bear 85:11 115:10 beat 77:10 bed 51:15 began 48:23 beginning 5:17 53:14 80:24 begun 8:19 11:4,13 behalf 6:24 82:10 behavior 91:5,7 behaviors 57:25 belief 26:10 84:15 104:5 believe 4:6 14:2,9 22:9,16 24:15 28:2 31:8 39:2 74:24 76:14 77:8 77:19 100:3 103:16 believed 5:13 bench 41:19 53:9 54:3,11 55:4 86:2 93:13 benefit 31:21 best 5:16 38:9 58:12 93:21 99:19 better 34:19 44:2 47:9 48:14 56:22 64:21 76:11 89:15 100:7 102:5 104:24 110:25 big 109:16 Bill 110:10 bit 48:16 53:5 96:11 106:7 bite 66:14 black 3:2,3 Blackwell 1:10 28:21,23 blah 63:3,3,3 blame 83:20 blew 79:24 block 100:6,11 Blumer 114:2 blunt-force 14:15 BOBBY 1:11 body 112:12 boils 73:20 bondsman 58:10 bones 23:2 book 46:17,17 border 86:16	bounds 8:2 box 58:18 bragging 89:11 briefed 12:9 bring 4:11 56:13 76:23 109:17 Broad 96:2 100:14 broken 4:21,21 76:6 brought 115:8,9 budget 13:15 16:12 41:4 69:13 105:23 105:23 116:4 budgetary 101:12 budgeted 21:2 build 24:11 building 23:10 30:21 57:15 built 62:8 bully 116:3 business 9:23 22:20 24:3 39:13,18 47:4 74:24 80:12 102:20,21 businesses 22:23 buy 23:16 107:17 107:20,22 buyback 109:16,21 buybacks 109:15 buying 97:22 by-product 52:25	33:13 34:15,24 37:4 39:10 40:11 45:18 capture 35:16,18 car 41:25 110:21,24 111:3 care 60:7 73:21,23 74:2 75:2 104:4 careful 57:5 carpenter 97:9 carry 15:7 51:7 84:15 111:5,7 carrying 52:21 85:18 87:12 cars 33:23 97:17,17 98:2 101:10,19,22 102:18 case 7:12 50:22 60:21 63:18 64:22 67:8,18 68:2 71:21 72:8 cases 1:16 2:16 7:7 7:11 8:11 11:25 14:3 15:11 27:22 28:14,17 48:24,25 52:4,14,15 60:23 71:3,4 108:21 cash 55:19 69:7 cash-only 8:10 Cassidy 95:25 100:14 casting 69:16 catch 51:14 categories 62:9 category 95:7 cause 17:20,25 caused 85:5 cell 75:10 census 12:15 center 33:11,25 37:16,17 57:16 64:2,8 65:8 90:6 114:19,22 115:5 centered 16:20 central 34:7 centralized 30:6 certain 8:11,12 22:23 25:10,11 26:7 30:12 34:25 40:17 52:2,10,19 55:22 62:9,25 73:9 75:3 78:12 101:6 certainly 19:16 24:25 32:22 36:3 39:2 55:21 74:5 93:15,24 106:18 certainty 74:7 CERTIFICATE	117:2 certification 117:19 CERTIFY 117:3 certifying 117:23 chair 1:10 25:16 32:5 42:19 116:7 chaired 10:4 24:14 Chairman 40:7 challenge 76:8 challenges 77:22 Chamber 74:20 Chambers 2:20 chance 65:8 109:8 change 40:14 52:8 54:25 55:17 67:12 67:21 69:20 115:24 116:2 changed 67:13 102:17 changes 30:21 50:25 51:24 changing 57:18 Channel 44:23 charge 12:23 17:7 18:16 64:10 66:3 95:23 96:4 charged 7:20 8:12 41:8 92:10,23 93:9,16 94:14 charges 42:5 51:6 58:13 70:14 96:20 chart 63:13,14 check 58:18 checking 60:22 Chicago 8:19 49:14 50:5 child 3:10,15 90:7 90:12 children 88:18 90:11,13,21 91:8 91:14 113:23 chosen 42:11 Christmas 109:20 Chuck 95:24 100:13 circuit 63:24 64:5 circumstance 67:12 67:22 circumstances 55:22 57:19 67:15 cite 11:8 45:15 67:12 cited 68:8 cities 54:22 89:10 104:8,8 citizens 9:19 32:21 39:2 78:23 82:18 82:25 84:10 85:14 85:24 89:14 94:17	city 1:2,6,15 2:13 3:14,22 4:8,13,14 5:6,12,23 7:9 8:16 9:2 12:21 14:7 15:19 17:21 19:24 23:7 29:11 31:14 33:23 34:13 41:20 43:4 48:19 54:9 58:4 63:18 64:5 69:10 72:19 78:23 84:16 85:16,20 87:10 94:22 98:16 99:25 108:8 110:9 110:11 114:13,19 114:22 115:2 City's 44:23 City-sponsored 33:14 class 98:7,7 classes 98:24 99:6,7 clear 29:23 75:16 94:15 clearly 89:12 110:7 Clerk 2:2,10,12 5:25 6:10,11 47:13,15 81:18,19 close 41:19 46:18 62:24 79:17 109:3 109:23 112:12,25 114:17 closed 63:24 64:5 112:4 closeness 83:18 closer 3:25 Code 9:14 collaboration 9:11 38:5 collaboratively 10:10 colleague 71:19 colleagues 18:25 32:12 collection 57:6 combat 9:3 47:10 87:2 combatting 86:13 combination 37:16 104:3 come 2:8 4:9 21:9 25:12 26:2 27:9 28:15 43:11 57:14 78:24 79:24 83:7 98:15,17 99:25 110:22,25 comes 67:8,25 comfortable 20:23 coming 13:5 22:9 31:9,22 32:9 41:11 81:24 99:9
--	--	---	---	---

105:7 106:12 115:4 command 101:25 commanders 25:12 comment 45:24 76:2,8,19 comments 6:2 59:12 Commerce 22:21 24:5,9 commercial 22:24 58:10 Commissioner 6:22 10:5 21:5 24:14 25:16 34:21 42:25 64:9 79:14 86:7 97:5,8 99:14 102:2 Commissioner's 21:12 commit 17:11 87:13 102:23 commits 9:16 16:15 committed 7:22 13:22 15:6,17,23 53:19 61:14 88:14 111:3 committee 1:3,15 2:2,8,14,19 4:24 6:3,4,17 7:5,9 10:16 11:24 13:3 14:5 32:10 46:12 48:5 56:11 82:8 85:22 87:24 113:15 116:8,11 committing 21:22 27:5 common 67:20 95:18 Commonwealth 66:6 67:17 communities 83:8 90:19 94:12 community 39:18 39:19 43:10,11,13 43:22 44:8 47:4 58:17 60:12,17 68:4 80:15 83:18 compared 73:4 80:2 competent 91:8 complaint 37:3 complaints 97:2 completely 41:10 68:20 complications 89:23 component 42:23 109:6 components 110:17	CompStat 25:3,5 computer 39:21 73:3 97:22,22 computerized 25:3 concern 32:21,22 concerned 32:15 89:14 concerning 7:2 62:18 concerns 84:7 conclude 112:22 concluded 116:12 condition 76:14 conditions 61:9,12 115:20 conduit 33:24 conference 19:23 20:16 115:5 conferences 86:22 confess 57:9 confident 100:25 conjunction 106:9 consequence 52:19 53:23 consequences 51:12 52:2 55:24 73:10 73:16 74:7 75:3 79:18 101:7 104:5 104:18 consider 80:8 consideration 58:23 68:23 considered 64:23 89:8 consistent 40:14 consistently 89:8 93:7 105:22 constitutes 54:21 construct 97:11 contact 83:7 contained 117:5 contemplate 74:18 continue 24:17 102:7 contributed 87:2 control 78:7 117:22 controlling 5:22 Convention 115:5 conversation 76:12 107:23 convicted 87:6 conviction 9:16 21:21 113:20 convince 5:8 cooperation 8:4 cooperatively 10:11 coordinate 10:6 coordinating 25:20 26:3	coordination 24:18 cop 103:9 cops 43:16 51:14 83:22,23 98:3 correct 11:5 15:20 16:2,3 17:18 18:22 26:25 27:25 28:16 33:9 53:9 65:25 66:16,24 68:14 73:11 80:6 117:8 correctly 5:18 correlates 105:12 correlation 1:16 2:16 5:2,4 8:21 corridors 22:24 cost 69:10 Council 1:2 18:24 31:3 81:3 Councilman 1:10 1:11,11,12,12 2:7 2:18,21,21,22,22 6:6,8,16 10:17,21 10:25 11:6,7,11 11:12,16,22 12:20 13:4,11,17 14:6 14:12,17,22 15:2 15:12,16,21 16:2 16:4,9,14,18,22 17:13,19 18:4,7 18:10,13 19:3,6,9 19:17 20:22 24:22 26:4,5 27:2,8,17 28:2,11,18,25 29:3,3,5,11,24 30:16 31:8,23 32:3,5,6,7,8 34:10 34:23 35:20 36:2 36:18,21 38:25 40:5,13,16 41:2 41:14,15 42:6,9 42:17,18,19,21 44:18,21 45:2,5 45:20,22 46:8,25 47:13,20,25 48:4 48:22 51:22 53:12 54:12 56:9,16,19 63:6,16 64:15,25 65:16,23 66:2,13 66:17,21,25 67:3 67:4,14 68:11,15 69:8 70:22 71:15 71:17 72:3,6,11 72:14 73:8,12,20 75:21 78:8 79:15 80:18 81:17,23 82:7 87:17,22 94:24 96:16,19 98:14 100:3,17,20	102:9 103:24 105:3,3,5,16,19 106:13,25 107:9 107:19,22 108:6 108:23 111:19,23 111:24 112:4,21 112:25 Councilmanic 3:5 Councilmembers 7:3 28:12 41:6 Councilwoman 1:10,13 2:20 28:21,23 Council's 1:15 2:13 counsel 7:15 counseling 90:6 count 83:21 114:20 counties 86:16 country 49:25 59:14,16 89:10 County 54:19,20 couple 34:16 40:7 70:2,7 75:24 89:7 97:21 99:12 100:18 116:5 coupon 109:18 course 16:13 106:25 court 52:5 53:10,18 53:24 54:11,17,23 55:15,15 61:19 62:6,9 63:25 64:13 65:5 66:3,5 66:8,10,23 67:8 67:21 68:2 69:21 73:14,23 75:7 78:24 82:22,24 83:4 86:3 90:3 93:25 94:5,6 112:4 courtrooms 77:9 courts 61:21 79:6 79:14 81:2 113:14 cowboy 114:12 co-victims 89:23 91:18 crea 76:5 create 5:5,11 creates 18:21 creating 5:11 creative 89:16 crew 109:2 crime 9:3,10 18:17 25:6 26:23 33:11 33:25 35:15,17 37:12,15,17 38:23 39:14 40:10 41:8 43:3,18 46:16 47:6 53:20 58:19 58:24 60:9 82:23	85:25 86:13,20 87:13 88:17,23 93:16 99:17 102:21 crimes 1:16 2:17 7:20 8:13 9:14 10:13 17:8,9,12 17:15 18:19 20:13 21:22 25:18 27:5 34:5 40:4 51:11 52:11,11 57:19,24 61:15,15 75:15 83:9 87:3 93:9 94:14 102:22 104:15 crime-fighting 9:7 9:8 12:9 19:14 criminal 7:12,24 25:24 57:15 63:25 64:8 65:8 77:23 78:5,17 82:20 84:5 85:19 86:5,6 86:8,12,14 90:5 92:9 93:17 criminals 85:18,23 criminologists 50:5 criteria 40:17 93:21 critical 33:16,18 crops 74:13 crowding 80:12 cultural 54:24 culture 55:10 69:20 cumulative 37:19 currently 21:25 22:3,22 24:12 31:15 33:5 69:23 72:21 CURTIS 1:10 custody 12:14 72:22 73:7 cut 105:24 cute 109:17 cuts 101:16 105:21 cutting 98:25 cycle 47:2 88:12 91:3 cycling 92:9
---	--	--	---	--

72:17,25 73:4 106:14,18 date 68:20 69:5 daughter 3:16 day 3:21 46:6 89:4 90:2,2 92:3 100:18 111:9 115:11 daycare 113:24 days 51:16 62:16,21 66:4 89:5 day-to-day 75:11 DA's 48:3 53:12 93:5 105:6 111:17 DC 59:23 104:9 dead 103:14 deal 12:17 42:2 46:9 69:14 89:21 91:16 102:10 dealing 27:7 108:10 109:9 deals 19:19 dealt 39:14 43:23 death 17:20,25 74:25 113:5 deaths 85:6 decade 80:11 decide 59:3 decides 66:18 110:10 decision 60:17 decisions 50:14 115:19 declared 86:24 declines 88:21 decreased 54:7 decreases 67:10 decree 87:11 dedicated 20:16 defendant 64:6 68:23 69:3 94:11 94:21 107:15,15 108:16,18 defendants 51:10 53:21,22 55:13 57:25 59:18 61:13 62:7,10 64:3 69:19 72:21,23 73:7 80:7 94:4,5 defendant's 64:11 64:12 67:23 93:24 defense 7:15 65:24 68:3 83:3 defers 94:6 definite 29:8,11 definitely 95:9 definition 64:17 definitions 15:3 degree 38:12	delays 94:6 delivery 94:7 demographic 17:16 18:2,17,22 demonstrate 92:24 116:5 demonstrated 67:19 116:4 DENNIS 1:12 department 6:21 9:20 10:2,20 22:22 23:5 24:5 29:21 30:2 38:10 38:16 39:6 83:13 99:21 102:20 103:3 106:9,23 113:13 Department's 21:25 deploy 32:18 33:2 deployment 35:24 Depot 26:12 depressing 114:8 Deputy 34:20 describe 24:23 63:9 63:13 description 38:2 desensitized 114:10 deserve 16:10 design 101:8 detail 92:20 details 39:8 50:12 detaining 60:2 detective 30:8 detectives 21:7 23:22 30:13,14 97:18 detention 61:24 determine 8:20 40:18 determining 40:24 deterrent 23:19,21 52:21 devastatingly 78:4 develop 23:25 24:18 24:20 31:18 62:14 developed 22:7 46:21 57:7 62:5 80:13 developers 22:7 30:20 57:10 developing 46:13 62:4 development 9:18 112:15 die 115:10 died 92:5 difference 36:25 72:12	different 26:17,21 45:23 51:18 58:22 60:14 68:8 80:15 95:7 differently 47:10 dig 80:22 digital 23:13 direct 59:25 60:17 117:22 direction 5:19 11:14,18 62:12 directly 30:3 42:2 59:17 60:7 61:2 87:14 Director 6:18 87:20 disbanded 112:11 disbelieving 70:15 disciplinary 92:25 93:3 discourages 94:7 discovering 56:25 discretion 68:12 discuss 12:8 discussion 77:6 88:2 discussions 58:9 diseases 17:24 dismissal 70:13 71:12 dispatch 34:2 50:11 dispatched 37:14 dispel 26:8 disposition 82:24 disproportionately 51:11 dispute 53:2 disrespect 80:14 104:2 distinctions 45:25 district 3:5 7:15,17 8:3,24 10:5 12:2,7 12:10 19:21 25:13 47:16 48:2,18 55:20 65:7 70:14 75:25 78:2 79:12 86:23 98:5 103:18 113:11,22 districts 25:13 45:13 64:4 98:4 disturbing 28:13,19 divide 58:20 79:21 Division 30:11 divisions 30:8 Doctor 40:20 documenting 34:5 doing 4:19 19:7 44:22 49:9 58:3 70:4 97:7 102:2,3 105:10	dollar 40:9 60:5 dollared 61:24 dollars 61:3,4,18 69:11,12 dollar-wise 61:10 domestic 108:20 Donuts 96:2 100:5 Dr 47:16 56:15,18 56:21 65:4 66:19 69:24 70:25 71:16 71:22,24 73:19 79:15 81:16 draconian 52:3 dragnet 100:7 dramatic 113:6 dramatically 49:17 55:3 drastically 55:6,7,8 55:9 draw 80:22 81:11 driving 111:2 drop 50:3 93:4 113:22 dropped 49:2,9,17 drown 99:23 drowning 98:15 drug 61:21 62:5,8 drugs 28:8 drug-related 62:6 Dunkin 96:2 100:4 duties 101:5 duty 84:21 dynamic 52:9	Eighty 3:21 eight-track 75:9 either 14:23 65:20 65:21 66:18 74:3 76:16 elaborate 70:23 71:2 elaborates 17:3 elected 109:11 110:20 element 93:17 else's 110:14 emergency 36:8,9 37:8 66:10 emergent 36:17 emotional 89:22 91:10 empirical 57:5 58:7 58:11 59:2 empirically 58:16 63:2 employees 69:16 71:6 encounter 86:5 encountered 39:13 encounters 85:4 encourage 38:22 endeavor 84:12 ended 49:8 88:24 enforcement 9:13 24:19 25:20 43:19 86:22 engaged 61:22 enhance 38:11 enhancement 38:6 ensuring 12:18 entire 49:4 84:5,8 entities 81:10 epidemic 87:9 equation 110:16 equipment 74:15 101:17 104:24 essential 93:17 essentially 25:9 55:12 Essex 54:18,20 establish 23:3 established 65:2 establishing 9:22 estimated 90:20 euphemism 76:4 evaluate 81:11 events 43:11 everybody 39:5 43:9 78:16 79:4,8 103:4 evidence 23:23 35:17 36:11 67:20 91:2 117:4
--	--	--	---	---

evolution 46:13 evolve 47:2 exact 72:3 exaggeration 97:14 examination 46:19 examine 1:15 2:15 4:22 5:2 7:6 examines 92:20 example 8:8 62:14 76:18 92:12 excellent 79:2 excess 72:10 excuse 24:22 54:20 56:18 Executive 87:20 exercise 91:20 exist 41:20 75:10 84:15 existence 69:23 105:19 exists 55:11 experience 90:9,25 experienced 8:16 experiences 91:21 experiment 79:20 experimentation 57:5 experimented 63:2 explain 12:4 40:21 explained 60:13 explanation 60:14 111:2 exposure 90:24 91:17 expressed 84:7 extent 78:23 extreme 15:13 eye 81:5,8 eyes 32:17 33:2 75:8 e-mail 22:2,5,12,12	families 4:21 85:10 90:2,14,16 family 3:17 88:15 90:4 fan 109:16 far 36:3 95:5 97:13 fashion 26:20 32:20 fatalities 17:23 FBI 38:6,10 fear 113:8 federal 9:6 53:18 59:22 86:25 feel 31:2 50:24 51:22,25 61:5 98:16,21 100:2 feeling 100:25 felons 7:25 84:25 felony 63:17,18 66:3 field 35:14,15,18 fighting 47:6 figure 14:10 16:6 42:7 72:3 figures 16:18 figuring 37:2 final 51:3 65:20 82:24 financial 89:22 find 3:25 11:23 13:2 13:9 27:22 28:8 44:7 79:21 finding 26:14 fine 84:24 finger 4:16,20 fingers 4:10 finish 49:6 53:7 firearm 42:10 93:9 95:10 101:3 firearms 92:18 104:4,10 fired 102:18 firings 98:12 first 5:13 32:8 47:15,25 52:5 57:7 59:11 62:21 65:4,6 66:2,5,14 67:9 70:3 76:25 79:11 83:7 86:4 89:5 92:25 93:4 100:8 Fiscal 21:2 fishing 100:23 fist 53:3 fit 52:15 five 13:20 69:14 84:24 86:16 96:17 100:9,17 108:2 fix 76:5 fixed 34:18 35:3	65:12 FJD's 55:3 flag 95:17 flags 95:8 floor 101:14 focus 25:17 51:12 78:13 94:18 focuses 9:9 focusing 25:5 folk 104:4 folks 21:15 22:10 43:14 follow 105:9 followed 40:23 80:4 following 111:16 follow-up 76:3 food 112:18 FOP 97:23 force 101:11 105:17 112:8 foregoing 117:7,19 forget 29:13 formal 64:21 forms 115:9 formulate 23:11 forth 70:21 forward 20:6,11 21:10 39:7 44:6 90:9 91:24 111:19 found 27:23 49:2 50:18 70:12 80:5 87:11,12 91:2 112:10 four 69:14 96:9 107:25 Fran 6:12,19 19:7 Francis 10:19 frank 43:17 frankly 54:25 69:5 Fraternal 82:5,11 frequently 62:13 71:10 92:22 fresh 75:8,8 freshman 46:14 Freshmen 27:11 friends 58:10 front 32:10 39:15 103:12 fugitives 92:8 97:20 fulfilling 41:23 full 33:12 115:8 fully 117:5 fund 16:7 74:12 87:2 fundamentally 51:18 funding 9:21 22:23 54:25 55:19 69:9 69:22	funeral 81:4,6 funerals 3:4,6,8 further 17:3 42:14 45:3 58:20 fuses 50:15 future 1:16 2:17 4:25 17:12	36:6,20 38:15,17 38:17,19 42:23 44:9,11 46:11,18 46:22 47:7 48:8,9 49:5 50:21,23 51:19 55:18 60:9 60:19,20 61:3 73:24 74:23 75:5 77:16,17,18 80:12 95:19 96:22 98:16 98:17,18,19 99:10 99:18,25 101:17 102:7 104:11,25 105:24 106:7 108:16,21 109:18 110:22,23 112:21 113:14 114:23 115:23 Goldkamp 47:17 56:15,18,21,23 65:4 66:19 69:24 70:25 71:16,22,24 73:19 76:13,14 79:15 81:16 good 6:15 19:3,5,8 19:10 37:15 48:4 55:5 61:5 69:3 70:17 78:20 82:7 87:22 106:4 108:14 111:22 Goode 99:4 Goods 112:5 gotten 105:19,21 government 115:9 governments 86:25 grade 93:2 graduate 98:9 granted 86:9,15 great 39:11 46:9 92:20 102:3 greater 17:8 102:11 grew 114:11,12 grid 40:19 grief 90:15 group 16:21 91:18 groups 79:21 91:15 growing 109:7 Guard 115:7 guess 15:10 guidelines 40:16,22 52:16 57:9,10,11 57:22 58:6 62:11 65:2 66:20 68:17 68:19,22 69:4 75:7 guilty 52:4,6 87:11 gun 3:14 4:7 5:3 7:11,20 8:5,11,13 9:9,17 10:9 11:20
F				
face 83:5 facial 38:13 facilitate 33:25 fact 55:14 85:17 89:11 101:16 106:19 114:24 factors 40:24 75:12 facts 49:15 failing 41:22 53:23 fails 83:19 failure 61:18 failures 54:10,22 fall 17:15 fallen 3:7,13 81:7 familiar 20:4 25:2 familiarity 83:17				

11:25 12:23 13:23 17:7 18:6,7 20:13 27:5 28:15 41:8 45:13 50:16,17 51:6,11 52:10,19 53:2,3 57:23,25 58:19 62:17,19 73:16 77:6 84:16 85:13,15 86:9,13 86:15,19 87:3,3,9 87:12,13 95:23 96:4,20 103:10,18 103:21 104:6,17 105:13,17 107:17 107:18,18 108:3 108:11 109:15,16 109:18,20 110:13 110:18,19 111:8 112:4 113:20 115:16 116:2 gunned 115:6 guns 3:25 7:22 11:5 18:20 26:12,14,20 27:3,4,6 28:8 52:21 84:25 85:18 86:24 106:15,21 107:4,12 108:2,3 108:10 109:25 111:6 112:6,10 gunshot 102:4 GunStat 10:4,6 20:4 24:13,24 25:2,4 26:7 106:10,12 gun-possession 1:16 2:16 7:6 48:24,25 50:22 63:18 70:13 71:21 72:8,18 gun-related 1:16 2:17 10:13 25:6 58:13 61:14 guy 96:3,6 97:6 103:7,10,18 guys 42:7 59:8 83:25 84:2	handle 78:12 101:24 104:23 hands 14:15 43:14 110:15 happen 17:15 36:10 36:11 51:20 74:22 happened 48:21 happening 60:22 happens 44:10 67:7 78:25 happy 10:15 56:7 hard 42:4 73:3 74:8 75:5 harder 93:20 harmful 50:18 Harrisburg 4:11 5:22 havoc 5:5,5,11 head 12:25 45:15 headquarters 101:18 healing 91:10 healthy 91:12 Healy 6:12,20,21 10:14,19,20,23 19:7,8 21:4 33:6,9 34:15 37:4 39:10 40:11 45:18 hear 2:25 28:13 64:10 66:11 93:7 97:2 111:11 heard 45:11,23 57:20 88:2,3 92:22 95:2 101:10 101:10 102:14 hearing 2:23 3:9 7:14 13:13 39:7 45:5 48:7 54:6 64:7 74:10 76:3 86:8,18 101:8 hearings 1:15 2:15 7:5 41:5 heat 52:24 104:19 heels 80:22 height 45:14 held 67:18 73:7 78:22 93:19 hell 97:7 102:2 help 21:9 23:3 36:17 39:3 44:13 89:24 90:8 helping 91:15 helps 23:18 79:3 Henon 1:11 2:22 32:6,8 34:10 35:20 36:2,18,21 38:25 40:5,13 41:2,15 42:6,9 46:25	high 7:19 9:5 41:16 48:23 61:7 65:21 higher 7:21 highest 70:12 71:11 highly 92:13 high-crime 90:19 histories 92:22 history 64:12 hit 28:8 hold 1:15 2:14 7:5 59:9 62:19 76:16 84:4 102:6 holding 102:3 104:6 holistic 80:19,20 home 26:12 50:21 50:23 60:19,20 104:17 homicide 8:17,23 9:17 18:3,4,5 21:6 30:10,11 49:2,17 49:19 50:2 62:21 88:16 89:4,9,19 90:14,22 91:19 92:16,24 97:15,18 homicides 12:21 14:7 20:14 49:8 49:22 50:13 88:25 89:5 97:16,20 104:15 114:6 hope 4:4 53:4 hopefully 23:20 52:20 host 9:2 40:23 hosted 109:20 hotline 35:23 36:23 hour 100:8 hours 50:24 63:21 63:22 house 68:6 97:11 103:20,20 110:10 110:23 houses 30:21 huge 54:8 human 73:17 hundred 34:16 hundreds 74:4 hurting 56:3	27:3,23 36:24 48:25 84:16 95:16 100:10 108:11 112:10 113:25 illegally 14:24,24 imaginary 58:8 imagine 31:25 imagined 57:20 immediate 34:2 59:24 immediately 36:9 37:14 51:17 impact 114:15 impacts 43:21 implement 20:2 implemented 43:7 implementing 10:3 89:16 implication 12:13 importance 3:17 important 13:23 26:8 37:5 38:3 50:8 58:4,5 70:8 87:25 92:4 108:15 importantly 20:10 impose 7:21 impression 86:11 improve 78:7,11 84:13 impulse 50:17 104:16 impulsive 50:14 inadvertent 80:4,9 incarcerated 104:12 incentivization 22:19 incentivizes 9:22 incidences 21:17 incident 44:10 incidents 34:5 include 17:22,23,23 25:21 including 87:25 inclusion 46:19 income 113:8 inconvenience 39:23,25 inconveniencing 94:8 increase 9:20 11:25 68:10 increased 11:4 94:18 increases 12:15,16 67:10 increasing 9:24 88:24 incredible 38:12	incumbent 44:14 indication 17:11 individual 14:25 20:2 64:18 76:24 76:25 individually 91:15 individuals 15:22 21:21 24:20 25:11 25:17,25 26:16 27:3 28:10 75:2 91:11 92:6 110:13 111:5,5 112:23 ineligible 107:17 infectious 17:24 inferior 23:16 information 9:15 11:22 20:9,12,13 21:10,20 24:23 25:8 30:3 31:6 33:24 34:7 35:6 37:7,23 38:23 43:12 44:3,16,24 67:22 68:13 70:21 88:4,6 90:4 informational 76:6 Infrastructure 33:17 infrastructures 33:18 infringing 111:7 initially 7:13 initiative 20:8,17 42:24 44:5 initiatives 9:3,12 19:24 injuries 85:6 98:12 injury 113:7 Inquirer 54:15 78:4 insensitive 115:13 inside 26:6 43:13 66:19 insist 75:7 install 9:24 22:20 22:24 30:22 47:4 instance 26:23 institution 81:8 instructed 21:6 integrate 44:7 intensive 108:4 intentionally 3:2,2 interact 83:14 interdisciplinary 92:19 interested 48:11 111:16 interesting 45:23 88:4 Interestingly 70:10 intergenerational
--	---	--	--	---

91:3 intern 53:14 interpret 80:6 intervention 9:11 88:13 introduced 7:3 19:15 inventory 54:4,5,6 investigations 106:6 investigative 10:7 23:22 34:4 36:15 inviting 48:6 involve 55:18 62:3 involved 42:10 43:9 51:11 78:24 88:8 108:20 involvement 7:10 in-depth 33:7 40:22 in-house 78:11 issue 36:3 54:24 74:11 81:11 105:11 107:3 109:9 111:21 issues 23:7 43:25 53:6 73:2 75:24 77:6 101:12 J jail 25:23 60:23 70:11 71:8 87:8 87:14 104:10 jails 93:18 JANNIE 1:10 January 9:3 19:18 72:7,10,16,20 92:14 Jersey 54:19,20 job 3:12 39:6 44:2 45:8,9 74:14,21 74:23 89:15 97:4 97:7 99:3,15 101:20 102:2,3 112:14 113:8 jobs 79:10 Joel 114:2 John 47:16 56:23 81:19 82:4 95:19 112:2 Johnson 1:11 2:21 7:4 19:3,6,9,17 20:22 32:7 42:20 42:21 44:18 45:20 46:9 105:4,5,16 106:13,25 107:9 107:19 108:23 110:24 112:4 join 115:14 joined 28:21	Jones 1:10 2:7,18 6:6,8,16 7:4 10:17 10:21,25 11:7,12 11:16 12:20 13:4 13:11,17 14:6,12 14:17,22 15:2,12 15:16,21 16:2,4,9 16:14,22 17:13,19 18:4,7,10,13,24 24:22 26:4 27:8 27:17 28:11,18 29:3 32:5 42:17 45:2,5,22 47:13 47:20 48:4 54:12 56:9,16,19 63:6 64:15,25 65:16,23 66:13,17,21,25 67:4,14 68:11,15 70:22 71:15,17 72:6,11,14 73:8 73:12,20 80:18 81:17,23 82:7 87:17,23 94:24 96:16,19 100:3,20 102:9 103:24 105:3 107:23 111:23 112:21,25 JR 1:10 judge 8:9 62:13 66:10,11,22,24 76:20,23 83:10 86:7 judges 7:21 65:11 76:17 77:10 83:3 judge's 68:12 judicial 7:14 65:6 76:10 84:8 Julie 81:20 87:19 July 49:21 jump 73:6 June 49:21 jurisdictions 8:8 justice 7:24 10:11 25:24 57:16 64:2 64:8 65:8 77:23 78:5,17 82:20,25 83:6 84:6 85:7,8 85:19 86:6 90:5 92:9 93:18 94:7 K keep 60:21 70:8 81:9 Keisha 113:21 Kelly 43:2 Kenyatta 1:11 110:24 key 49:14 kick 104:18	kicks 104:17 kids 98:18 killed 3:10 49:10 84:22,24 91:25 94:21 95:22,25 100:4 114:3 killing 92:14 kills 103:22 kind 38:21 43:8 58:16 60:8 77:20 105:12 107:10 109:3,8 111:13 kinds 46:10 knew 27:14 45:20 46:8 know 12:3 14:21 15:22 21:5,7 22:14 24:12 30:19 32:18 39:22 42:25 43:4,22 44:4,8,9 49:22 54:17 67:24 68:24 74:5 76:5,8 76:9,12 77:16,17 77:21 83:12 86:24 87:3,5,7 98:23 100:12,14,16,16 100:17 102:13 103:10,23,23,24 104:2 105:20 109:24 110:7 111:10,14 114:17 knowingly 85:19 knowledge 40:12 67:25 knows 46:15 L L 117:14 labor 108:4 lack 48:13 55:14,25 69:21 71:6 73:14 73:15,17 100:7 101:6 102:5 103:2 lady 108:24 113:18 lamb 41:12 land 68:24 lane 43:20 language 61:11 laser-beam 46:11 lasting 90:24 late 109:13 latest 72:16 law 8:3 43:18 62:19 86:22 lawful 15:7 laws 115:25 116:2 layer 3:24 layers 27:21 layoffs 106:2	lead 91:12 leaders 86:23 leading 9:15 17:20 21:20 59:14 leads 55:14 learn 27:13 learned 83:21 88:2 91:5 95:4 leave 86:11 leaves 89:19 leaving 99:11 left 53:25 55:13 leg 78:21 legally 106:24 legislate 4:14 Legislature 105:21 lengthy 96:3 lent 27:6 letting 83:25 let's 15:4 76:20 97:7 level 46:17 77:5 84:19 96:11 98:22 103:2 106:14 108:12 levels 65:15 109:12 license 46:20 Liczbinski 96:4 100:5 life 46:25 73:18 77:19 92:4 112:16 113:9 114:18 115:13 lifted 96:12 light 48:16 81:12 limb 113:9 limits 4:12,12 line 37:10 68:24 80:22 84:9,21 91:22 list 20:21 61:16 listen 26:9 45:7 listening 63:10 listing 52:5 67:9 lists 24:20 literally 5:5 litigation 53:15 little 3:24 24:24 31:10 33:6 46:20 48:16 53:5 85:20 88:6 96:10 106:7 live 5:23 lives 91:13 92:7 113:6 lobbies 4:17 local 4:12 9:6 25:22 89:12 location 35:3 locations 24:21 25:18 28:7	Lodge 82:6,11 log 22:3 logistical 89:22 logistics 31:11 longer 31:10 75:10 look 4:5,24 5:14 14:4 23:12 39:7 47:7 68:19 70:6 74:8 75:6,6,8 81:5 81:7 101:17 102:19 114:5,7,14 looked 71:3 72:17 looking 5:20 57:3 60:10 79:5 loose 94:22 lose 91:12 110:13 110:18 111:6 loss 113:7,8,8 115:13 lost 79:22 80:3 107:3 lot 26:9,12,12 37:23 38:7,15,16 40:3 49:22 52:3 54:24 55:5,16 68:7 69:25 78:10 88:3 96:21 99:11 102:14 108:19,21 lots 42:4 70:19 Louis 8:9,16 48:13 48:15,22 49:5 50:3,10 59:9 love 69:5 loved 89:20 91:24 92:2 low 11:8 51:7 61:8,9 61:12 65:15,22 66:9 73:25 113:19 lower 104:9 lowering 61:6 luckily 103:10 M Magistrate 64:10 64:24 68:4,17 magistrates 66:14 Magistrate's 65:19 magnum 110:4 major 94:2 majority 15:17 106:21 making 111:20 male 103:19 males 18:2 man 103:8 109:10 manned 33:12 34:8 manner 33:3 manpower 101:23 Mansion 9:5
---	--	--	---	---

March 1:7 2:4 89:4 117:7 MARIAN 1:13 Maria's 46:3 MARK 1:12 mass 53:15 107:24 match 71:5 matching 59:20 matter 58:21 117:7 matters 58:23 max 76:25 77:3 Mayor 9:4 11:8 21:14 43:6 80:23 115:14 Mayor's 9:8 12:8 McCann 12:3 40:21 47:16,24,25 54:14 63:8,16 64:19 65:18,25 66:16,23 67:3,6,16 68:14 68:18 71:23 72:2 72:9,13,15 73:11 77:24 81:15 105:18 106:17 107:2,12,21 111:22 McDonald 96:6 McNesby 81:19 82:4,4 95:24 96:18,21 100:12 101:21 102:13 105:2 112:20 mean 38:22 54:25 64:19,20 65:18 68:7 69:15 79:7 108:14,20 111:8 meaningful 55:23 69:6 means 17:4,4 36:15 61:10 73:15,17 79:6 95:12,14 117:21 meant 57:17 measures 9:8 12:9 mechanism 35:2 meet 24:17 90:6 meeting 10:4,6 24:15 25:5 30:19 meetings 20:5 24:18 25:16 93:6 member 3:18 members 2:19 6:2 6:16 7:8 10:15 21:15 26:21 48:5 56:11 82:8 83:9 83:24 87:23 88:15 90:4 97:3 membership 82:12 memorized 71:25	men 17:21 82:19 83:12 92:16 mention 20:7 mentioned 11:2,13 20:15 30:17 46:4 merchant 114:2 merchant's 112:16 messages 103:16 Michael 6:11,18 19:4 MICHELE 117:14 mike 42:21 56:13 56:17,20 millions 69:10,12 mind 70:8 85:11 105:6 mine 32:22 minimal 92:12 minimum 31:19 minor 60:13 minority 15:10,13 miseries 57:2 misfortune 3:8 missed 79:24 94:4 missing 59:15,16 mission 88:11 Missouri 8:9 48:15 model 24:6,9 59:22 59:23 modest 88:21 mom 68:5 moment 36:17 52:24 82:23 104:19 Monday 5:8 24:16 24:16 monetary 76:15 money 20:15,25 21:8 74:10 79:9 108:7 112:3,7 monitor 23:6,15 24:4 31:15 monitored 23:9 33:19 37:22 61:23 69:20 monitoring 35:10 35:13 37:17 55:23 59:20 62:15 69:18 month 22:10,17 29:7 31:24 99:6 monthly 25:12 months 51:9,17 52:7 80:5 89:2 96:10 106:12 116:6 moratorium 96:8 96:12 morning 6:15 19:4 19:5 48:4 82:7,10	mother 81:5 motion 104:21 mouth 112:3 move 11:14 35:11 60:5 90:8 104:21 111:19 moved 35:8 movements 26:6 moving 20:5,11 44:6 60:4,24 61:18 72:7 multiple 4:2 42:5 92:10 multi-pronged 43:3 municipal 65:5 66:10,23 municipalities 4:18 municipality 47:3 murder 3:21 5:12 16:16 17:9 44:13 62:16 90:2 93:14 murdered 13:21 84:21 113:18,24 114:16,25 murders 3:20,22 4:3 13:22 15:23 52:23 92:21 113:3 MURPHY 117:14 muzzleloaders 102:15 myth 26:8 61:3	neighborhood 108:25 115:10 neighborhoods 8:2 20:3 83:15 85:16 90:20 93:11 114:23 net 100:6 never 27:13 34:18 43:17 53:23 57:17 57:20 83:10 96:6 new 3:20 8:21,25 9:2 11:9 43:2,4 54:19,19,20 65:7 68:13 71:6 72:25 89:6 104:8 Newark 54:21 news 103:6 114:8 115:4 nexus 18:21 night 72:18 103:7 103:16 non-fatal 52:23 106:10 non-incarceration 69:7 non-violent 88:19 normal 104:6,7 North 56:24 note 8:7 32:15 82:15 notes 117:6 NRA 4:17 Nuisance 112:8 number 2:11 10:13 17:24 29:13,20 34:18,19,20 36:16 54:6,9 62:2 71:8 72:16 74:21 80:5 85:23 100:15,24 108:5 numbers 9:25 16:17 34:16 49:17 72:22 72:24 73:6 107:6 numerous 85:2 86:21 91:2 Nutter 6:24 9:4	82:23 October 95:25 offender 12:22 offenders 5:4 7:19 10:8 51:8 85:5 92:8 offense 40:10 offenses 7:22 13:23 92:11 offer 6:25 88:5 office 7:18 12:3,8 21:12 30:24 48:3 48:18 53:13 55:21 70:15 78:3 93:5 105:6 111:17 113:12 officer 7:14 43:10 81:7 85:12 100:4 103:17 officers 3:7 9:25 13:20 32:18 33:2 33:4,8,10,22 34:3 34:9 37:14,20 39:4 41:25 44:2 82:12,14 84:20,22 84:24 85:2,6,9 95:20 97:24 98:5 98:8,11 99:8,11 101:25 102:17 106:3 official 109:11 110:20 officially 105:10 offline 34:17 Oh 3:9 44:11 61:6 109:24 okay 36:18 67:4 71:15 84:15 109:24 115:16 old 103:8 once 50:19 ones 45:14 83:6 89:20 one's 26:18 one-third 90:21 onion 3:24 27:21 online 22:4 opening 108:9 opens 97:11 open-ended 76:9 operate 35:11 operation 10:2 28:4 34:11,14 operational 35:5 operations 82:21 84:8 opportunity 6:23 48:7 56:6 104:15 110:12
---	--	--	---	---

opposed 76:15 options 37:6 62:4 62:23,25 order 2:9 20:20,21 55:16 82:5,11 organization 88:10 organizing 43:25 oriented 51:13 originated 12:2 origins 4:9 outside 35:17 66:20 outstanding 93:13 overcrowding 93:19 oversee 87:4 oversee 33:14 owned 14:24 74:24 106:24 owners 9:23,23 22:19,20 24:3,4 39:13 owns 31:14 O'Brien 1:12 2:21 75:21 78:8 P PA 9:14 PAB 31:15 pace 49:6 60:21 package 19:14 packing 77:9 page 25:19 103:12 Palmer 113:21 panel 2:25 6:12 45:3 47:14 81:18 panelist 56:10 panelists 75:19 panning 35:2 paper 103:12 paralysis 75:13 paramour 107:14 park 34:20 parole 55:8 70:10 76:24 96:8 part 26:22 28:3 29:25 33:15 42:11 44:15 49:20 73:12 75:11 78:9 81:3 92:19 94:2 110:16 111:20 participate 28:22 84:12 particular 20:20 28:6 30:12 particularly 52:12 106:4,11 parties 7:16 67:9 partner 40:3 partnered 38:11 partners 7:24 9:6	10:11 39:3 partnership 39:18 43:15 47:3 87:21 88:9 113:11,12,13 parts 3:11 80:16 pass 26:20 passed 13:13 passing 62:18 Pat 96:5 patience 81:25 patrol 83:15 pause 94:25 Pawlowski 96:13 pay 46:11 93:23 paying 110:8 115:23 peel 3:24 27:20 Pennsylvania 1:6 76:7 people 12:13,18 13:22 15:7 19:21 20:8 22:2 23:12 23:16,19 26:10 29:16 30:20 31:4 31:11,19 39:12 41:7,21 42:5 44:8 49:9 50:15 51:13 55:5 58:2 60:2,25 61:5 70:19 74:4 78:19 79:21 88:4 91:21 92:4,23 98:15,17 99:24 100:15,18,24 107:3 108:9 113:6 114:15,25 115:10 115:16,17 percent 3:21 8:17 14:10,11,13,18 15:14 49:3 72:20 90:22 94:3 105:24 percentage 12:21 41:16 42:2 54:22 percentage-wise 71:11 perception 84:17 perform 91:20 94:15 101:5 period 49:3 50:24 84:23 85:3 periods 49:23 perished 95:21 permits 15:7 perpetrator 95:22 perpetrators 11:5 102:10 person 16:24 27:5 37:24 83:11 personal 84:19 88:6 109:4,24	personnel 33:13 person's 43:20 perspective 88:7 101:3 111:9 Pew 94:2 ph 76:5 Philadelphia 1:2,6 3:15,23 4:8,13,15 4:18 5:6,12,24 6:20 7:10 9:20,25 10:20 12:22 14:7 15:19 17:5,21 26:15 32:21 33:16 39:3 41:21 48:2 48:17,20 49:23 52:9 53:17 54:15 56:24 59:13 62:10 63:19 72:19 75:17 82:14,18 83:5,13 84:17,20 85:13 86:12,17 87:21 88:10,11 89:8 92:21 94:17 99:25 106:3,8,22 114:13 114:20 115:3 Philadelphia's 57:4 82:22 88:23 Philly 109:7,21 112:6 phone 29:18 66:11 phones 75:11 102:16 phrases 83:22 pick 37:22 45:12 picking 113:23 picture 29:19 36:13 pictures 35:7 38:12 pieces 64:22 place 21:13 53:16 55:24 63:20 placed 34:12 53:18 places 25:11,25 27:2 plans 12:11 plate 44:15 play 27:19 98:20 players 75:10 plea 52:6 pleas 52:4 67:20 please 2:10 10:22 20:18 56:17 81:18 81:25 plummet 65:14 point 4:10,11,16,20 10:3 24:23 28:5 34:11 55:25 78:15 89:12 99:3 104:19 106:23 108:14 pointed 59:4	pointing 5:18 points 48:10 70:2 police 3:7 6:20,22 9:20 10:2,4,20 21:24 23:5,10 25:15 29:21,25 32:17 33:19,20,22 34:2,3,8 37:18 38:10 39:17 45:12 64:4 79:7,13 81:7 82:5,11,14 83:5 83:13,16,20 84:4 84:20,22 85:6,11 86:4 96:25 97:8 98:4 99:20 102:20 103:3,17 106:3,9 106:22 110:22 113:12 policing 77:7 policy 59:2 populated 89:10 population 12:16 portion 21:23 30:2 pose 58:17 94:16 posed 13:15 posing 60:11 positions 115:18 positive 79:2 possess 107:17 possessed 14:24 possesses 9:17 possession 11:20 15:24 16:25 18:16 52:20 73:16 95:10 95:14 possessors 62:20 possibility 62:23 possible 40:2 69:22 possibly 76:7 post 50:10 51:8 72:7 potential 17:11 92:15 94:16 PPD 22:4 29:14 PPD-911 29:14 practically 87:7 practice 8:11,15,22 practices 1:15 2:15 5:16 7:6 8:7 76:10 precious 114:18 predict 58:12 predictable 104:11 predicted 57:24 predictors 95:3,8 predominantly 18:8 preliminary 34:16 50:7 54:5 63:19 preparing 86:17	present 1:9 51:13 75:16 presentation 19:22 presented 42:24 presenting 82:9 President 82:5 press 19:23 20:16 21:15,16 44:9,9 86:21 Pressure 10:3 28:4 pretrial 55:2 56:2 57:8 59:10,12,15 69:15 pretty 44:19 prevalent 10:9 prevent 61:18 prevention 9:10 43:18 88:13 previous 11:9 96:3 96:14 102:12 previously 104:14 prey 84:10 prior 11:17 12:23 13:23 15:23 52:13 52:14,25 64:11 95:22 96:20 prioritizing 112:13 priority 22:18 101:15 108:13 prison 12:15,16 53:15,17,21 prisoner 87:4 private 47:5 89:13 probability 93:25 probable 18:15 probably 12:4 14:2 17:8 72:4 73:23 98:11 probation 41:10,24 41:25 51:9 52:15 52:17 53:11 55:8 55:12 70:9 113:19 probationary 76:22 77:15 probation/parole 25:22,23 problem 4:5,23 5:20 47:10 58:14 59:20 80:20 87:4 89:25 96:24,24 problematic 46:4 problems 4:7 27:7 34:25 46:10 62:8 92:25 101:11 113:10 problem-solving 88:19 proceed 10:21 47:22 56:14 67:5
---	---	---	---	--

82:2 proceedings 90:5 117:4 process 7:11 21:11 25:3 27:10,13 36:15 43:9 52:8 63:10 90:8 95:4 98:10 processing 91:9 procured 29:12 produce 80:7 produced 46:16 productive 91:13 products 23:17,17 Professor 56:23 profile 108:16 profiles 106:6 program 9:22 19:18 20:11 22:21 23:3 23:4 24:6,6,11 29:17 31:11 32:23 33:7,17 35:23 38:7,10 43:7,8,13 44:12 50:2,19 59:14 83:17 programs 9:21 19:25 59:15 61:21 88:14 progress 37:12 38:24 project 48:13 prompted 11:8 proper 32:19 93:11 properties 31:5 property 9:23 22:19 24:3 47:5 proposed 105:22 prosecution 10:7 24:19 25:21 prosecutions 107:7 prosecutor 83:11 prosecutors 83:3 protect 82:17 protocol 8:25 11:24 21:8 proven 46:21 provide 11:23 13:2 14:5 21:10 90:3 provided 112:18 providers 22:6 provides 22:22 providing 20:12 88:12 prowl 85:23 psychological 91:11 psychologically 77:12 public 1:3,15,15 2:3 2:8,14,14 3:1 4:1	4:24 5:1 6:1,2,17 6:19 7:1,5 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1,7 17:1 18:1 19:1 20:1 21:1,19 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1,6 38:1,4,5 39:1,5 40:1 41:1 42:1 43:1,19,25 44:1,14 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1,20 75:1 76:1 77:1 78:1 79:1,5 80:1 81:1 82:1,8 83:1,4,10,16 84:1 84:3 85:1 86:1 87:1,23 88:1 89:1 89:13 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1,15 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1,14 113:1,15 114:1 115:1 116:1 116:8,11 117:15 publicized 29:15 92:13 publicly 25:8 44:25 Pull 56:16,19 pulled 62:6 71:4 pulling 108:8 pulls 26:11 pulpit 116:3 pumping 99:5 punishment 52:10 purchase 31:20 purchased 24:2 107:13,14 purchaser 107:13 purchases 26:18 107:25 108:6 purchasing 106:5 106:16,18 107:6,7	107:25 108:3 purpose 80:3 purposes 34:4 pursue 48:19 put 15:4 41:24 44:24 45:11 68:6 87:8 97:18 100:6 101:3 109:5 112:3 puts 95:6 putting 43:12 98:6 102:4 p.m 116:12 Q quality 38:9 question 11:11,12 29:2 35:22 45:10 60:19,20 71:18 76:9 77:25 95:20 105:8 questions 10:15,24 13:8,14,19,24 16:10 19:2 39:8 40:8 41:5 42:15 45:3 56:7,10 63:4 75:18 79:16 quick 33:3 40:7 quickly 99:24 quite 43:17 86:11 86:14 R radar 110:15 radio 33:20 34:2 37:18 103:17 radios 101:22 rain 74:13 raising 61:5 ramble 40:6 Ramsey 6:22 99:14 102:3 ran 112:7 random 100:22,24 range 16:20 rapidly 60:25 rate 8:18,23 49:2,7 50:3 62:17 70:12 71:12 88:23 89:9 rates 49:19 62:17 rate-wise 71:10 rationale 12:5 Rausch 81:20 87:19 87:19 reaction 35:21,23 read 2:10 47:14 48:8 readers 33:22 readily 28:9 reading 103:11	ready 33:2 99:8 real 108:5 realistic 94:15 111:9 reality 26:9 75:14 84:18 realize 13:5,7 reallocated 37:13 really 49:21 54:23 55:2,5 56:2,3 61:6 61:8 67:7 68:25 77:4 78:13,20 90:17 106:4 107:10 108:4 112:12 realtime 33:10,24 37:15,17 38:23 77:7 reason 13:12 28:3 70:18 84:14 reasonable 6:9 reasoning 12:5 48:17 reasons 28:3 70:20 received 29:20 37:9 37:10 88:18 receptive 39:16 recess 2:3,6 116:9 recognition 38:14 recognize 28:20 recognizes 32:6 42:19 recommendations 59:24 record 10:18 18:11 45:12 47:22 52:13 52:14 56:13 64:11 82:2 93:2 96:3,14 107:16 108:19 recovered 106:15 106:22 red 95:8,17 rededicated 37:13 reduce 8:5 88:12 89:17 reducing 9:9 43:3 reduction 8:17,22 68:9 reductions 10:12 refer 78:19 reflect 91:20 regarding 20:13 84:7 registered 73:24 reinvent 46:22 relates 106:5,14,15 relating 61:20 relation 43:10 relationship 99:19	108:18 relaunch 28:4 relaunching 10:2 release 39:9 57:8 60:3 62:24 released 32:24 53:22 61:2 93:10 93:22 94:4 releases 53:16 relevant 30:15 remain 22:15 remaining 12:14 remarks 90:13 remember 53:13 100:21 remind 13:12 21:18 remove 7:25 rent 28:15 rented 27:6 rent-a-center 26:20 repeat 54:13 62:7 92:7 repeatedly 84:6 rephrase 15:5 replace 97:7 report 21:16 reported 93:5 reporter 117:23 reporting 36:23 62:12 107:5 reports 92:24 repository 34:7 represent 82:19 representing 7:16 92:3 reproduction 117:20 required 93:23 requirements 23:14 requires 83:17 RES 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1
---	--	---	--	---

62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 research 8:19 70:4 researcher 50:10 researchers 8:18 51:5 Resnick 6:11,15,18 11:6,10,15,21 12:24 13:6,16,25 14:9,14,20,23 15:9,15,20,25 16:3,8,13,17 17:10,17 18:3,6,9 18:12,23 19:5,16 20:19,24 24:25 26:25 27:16,25 28:17 29:6,10 30:5 31:7,25 32:4 33:4 34:22 35:25 36:5,19 40:15 41:13,18 42:8,16 44:17,20 45:16,19 47:12 48:12 49:13 53:8 resolution 1:14,14 2:11,12,13 7:2,3 13:13 resources 10:8 26:3 32:19 56:2 74:15 74:19 87:2 102:25 112:14 respect 8:25 55:14 69:21 73:14,15,17 103:2 respective 45:9 responders 36:9 responding 37:20 response 6:5,7 35:24 37:2 45:4 76:12 112:24 responsibility 27:15 74:12	responsible 115:18 rest 77:19 restricted 61:23 result 51:8 91:6 113:4 resulting 89:21 91:16 retire 99:9 retired 103:9 106:2 retirements 98:12 return 86:10 reverses 18:18 reviewed 30:7 reviews 30:2 revolver 110:2,6 revolvers 109:13 reward 21:8,19,23 44:12 rewards 9:14 20:10 20:25 43:7,13 Reyna 92:14 94:19 113:17 re-approached 105:14 re-dispatch 38:21 right 5:19 10:25 11:14,15,18 15:15 16:8 18:24 31:6 34:8 35:25 44:17 53:14 64:19 65:16 66:7,21 68:18 81:12 82:23 108:6 109:15 111:7 112:2 rip 65:9 ripping 90:16 rippling 89:25 rise 49:19 risk 58:17,22 60:6 63:12 64:17,21 69:3 75:12 rocket 96:23 role 27:19 78:18 roll 22:8 rolled 22:16 44:4 rolling 44:6 roll-down 22:24 24:7,10 room 1:6 79:23 103:4 rotary 102:15 rotating 67:2 RPR-Notary 117:15 running 33:11 37:24 44:22 101:22 runs 103:19,19 110:21	runway 13:18 S safe 33:3 81:10 98:17,21 100:2 115:20 safely 18:14 93:22 safety 1:3,15 2:3,8 2:14 3:1 4:1,24 5:1 6:1,3,17,19 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1,7 17:1,4 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1,4 37:1 38:1 39:1,5 40:1 41:1 42:1 43:1,19 43:25 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1,20 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1,9 83:1,17 84:1 85:1 86:1 87:1,24 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 101:15 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1,14 113:1,15 114:1 115:1 116:1 116:8,11 sake 39:4 66:6 salient 114:20 sampling 100:22 sanctions 55:24 Sara 71:3 saying 80:19 113:2 says 17:6 46:6 58:19 73:22 scares 115:12 scaring 94:9	scary 17:15 scenario 76:19 scene 37:25 scenes 97:25 scheduled 112:6 school 4:21 9:5 88:18 92:24 scientist 96:23 score 40:19 scourge 85:15 screw 77:16,17 second 24:14 54:9 54:18 56:10 91:25 101:14 Sections 9:13 security 22:25,25 24:8,10 see 10:12 23:18,20 29:18 36:10,22 37:4,24 38:13,20 49:19 59:5 60:16 69:5,11 78:25 82:21 96:25 99:10 109:8,22 111:10 111:19 114:20 seeing 7:21 86:6 seek 7:19 seen 16:18,19 83:10 109:23 sees 89:25 103:17 sell 107:4 sending 99:14 senior 90:12 sense 74:17 95:18 102:11 104:3 sent 22:14 30:7,14 sentence 77:2,2,3,4 77:11,14 sentenced 76:20 77:12 sentencing 52:16 sentiment 27:15 series 9:7 78:4 95:8 serious 27:10 61:15 86:12 90:23 92:11 113:9 seriously 81:2 84:11 113:16 114:24 servants 44:14 serve 82:25 serves 10:6 service 37:8 services 55:2 56:2 59:10,12 69:15 serving 82:14 set 5:3 7:13 11:20 23:6 40:9 58:16 64:13 68:17 Seth 105:9	sets 75:14 setting 7:11 8:10 94:13 seven 76:21 77:13 84:19,24 114:25 seven-month-long 98:10 seven-year 77:14 share 27:14 50:6 51:4 sharing 76:6 shed 48:16 114:21 shootings 50:13 52:24 85:12 106:10 113:3,4 shoots 103:21 shop 26:10 short 49:3 50:15 98:5 short-term 51:12 shot 74:25 85:2 114:3 shoulder 91:22,22 show 94:6,9 showed 94:3 showing 73:14 shout 60:4 61:17 shut 39:20 side 43:22 65:21 66:18 68:16 80:17 80:17 sidebar 105:9 sides 66:12 sign 103:25 significant 20:14 52:13 73:6 simple 64:17 simply 86:2 single 84:23 sir 13:6,16 17:10,17 18:9,12 19:8 20:19 54:14 sitting 69:12 situation 43:21 six 84:22 111:12 114:25 size 101:11 skipped 41:9,10 slap 85:21 sleeping 51:15 slice 4:5 slightly 26:17 slingshot 95:12 slowly 98:14 99:22 small 52:14 71:8 107:8 108:5,12 socially 50:17 society 74:2 75:12 84:10 114:9
---	--	---	---	---

solution 59:21 77:8 80:21 solutions 46:13,22 solve 4:7 44:13 96:24 99:17 102:21 113:14 solving 40:3 somebody 35:9 36:23 37:11 38:19 76:21 103:13 107:4 110:14,21 110:21 someone's 3:15,16 3:16 somewhat 54:7 son 3:16 soon 31:9,22 sort 52:25 60:16 111:12 sounds 41:15 sources 4:9 South 109:7,21 114:19 Southwest 30:14 space 5:22 22:4 speak 41:12 71:19 101:14 speaking 50:12 67:7 special 6:21 58:18 59:18 76:13 97:19 specialized 91:9 specific 29:25 specifically 19:18 110:18 specification 23:11 24:2 specifications 30:18 31:2,8 32:14 specifics 32:24 spend 8:13 104:11 spending 51:16 spread 50:20 squad 97:19 square 100:6,10 Squilla 1:12 2:22 28:25 29:4,5,24 30:16 31:23 32:3 St 8:9,16 48:13,15 48:22 49:5 50:3 50:10 59:9 Stabbings 14:14 staff 33:13 82:9,17 83:4 88:14 89:24 101:25 staggering 54:8 stakeholders 25:24 stand 40:18 116:8 standards 31:19 76:15	standing 9:4 57:17 standpoint 19:12 111:18 start 2:24 44:6 51:9 74:18 75:22 77:9 80:21 started 48:14 49:25 50:3,19,20 53:12 65:13 70:19 80:18 starting 99:23 startling 95:2 stashed 27:3 state 9:6 10:17 25:22 31:17 46:17 47:21 52:16 56:12 65:23 81:25 86:25 87:17 96:11 105:21,23 115:24 stated 34:24 50:10 51:6 64:23 104:14 States 57:8 state-of-the-art 59:8 static 34:19 stationary 57:22 statistic 17:3,6 42:12 46:5 95:2 statistical 25:4 106:14 statistics 41:4,7 89:17 status 19:13 105:17 stay 12:19 87:14 102:23 stays 60:24 110:15 stenographic 117:6 step 44:15 91:24,25 steps 60:10 92:3 stolen 107:3 stood 91:21 stool 78:20,21 stop 4:17 41:9 75:23 84:18 103:19 stopped 41:11 100:9,15 store 39:15 98:19 107:18 story 26:6 96:5 strangers 85:7 strategies 77:20 88:20 89:16 strategy 9:9 straw 26:17 106:5 106:15,18 107:6,7 107:13 Strawberry 9:5 street 52:22 85:18 95:11,13 96:2,7	98:20 100:14 102:22 106:23 110:2 114:11 streets 8:14 15:18 26:14 50:20 75:16 84:16 85:24 86:10 114:22 115:7,11 115:19 stress 36:6 strip 110:11 struck 100:21 struggle 89:21 students 93:2 studied 49:12 50:4 studies 60:4 61:17 91:2 study 8:19 70:11 75:13 94:2 studying 49:14 stuff 38:14 subjected 85:15 submit 77:11 subpoena 55:15 69:21 73:22 subsidies 31:12 substitute 29:22 successes 39:11 successful 58:2 83:16 sudden 110:19 suffer 90:12 sufficient 67:20 suggesting 70:19 suggests 11:17 91:4 suit 3:4 summarize 48:9 summers 28:6 Sunday 103:15 supervision 59:19 59:22 61:21 62:12 62:15,24 93:11 117:22 supplant 36:7 support 8:4 55:21 88:13 90:3 supportive 111:18 supports 7:23 suppose 61:10 supposed 57:18,21 58:7,8 supposing 74:3 sure 7:8 11:22 13:2 25:2,18 26:2 27:14 31:16,18 32:16,20 37:11 40:20 63:16 79:12 86:14 93:20 94:19 96:13 102:22 111:20	surveillance 19:19 19:25 survived 85:4 suspect 96:14 suspects 100:9 suspensions 93:3 swift 32:19 52:2,10 52:18 73:9 75:3 101:6 symptom-bearers 90:15,18 system 9:18 22:8 25:23 39:21 53:7 53:10,11,17 54:17 55:11,12 57:2,4 60:24 69:6 76:10 77:23 78:6,17,24 79:4,22 82:21,22 83:2,2,6,19 84:6,8 84:13 85:8,8,20 86:6 92:10 93:18 104:24 systems 4:21 70:21 73:3 76:6	technology 31:17 teenage 91:18 teenagers 114:6 teens 92:2 tell 23:12 26:16 41:13 72:14 85:22 97:5 114:7 115:14 telling 99:17 Temple 56:24 ten 92:3,4 100:6,10 tend 26:19 51:12 tendency 84:4 tens 69:10,11 tenth 70:5 term 73:9 100:7 terms 52:9 54:4,10 56:3 68:9 76:13 78:11 105:13 tested 62:25 testifies 56:11 testify 48:8 56:6 112:23 testifying 32:9 94:11 testimony 6:25 10:22 11:2 12:6 17:2 47:11,23 48:9 53:7 56:14 63:7 81:14 82:3 82:10 text 9:19 20:9 22:10 22:13 29:14,19 35:23 36:13,16 38:20 texted 21:24 29:6 36:5,22 texting 20:8 37:10 38:17,19 thank 2:5,18,23 6:23 28:23 32:3,8 42:14,16,17 45:6 47:11,20,24 48:5 56:5 63:6 75:20 77:24 81:13,15,16 81:23,24 87:16,24 94:23 105:2 111:23 112:17,19 112:20 116:10 thankful 85:3 therapist 90:13 91:23 therapists 90:6 91:19 therapy 91:18 thin 84:9 thing 37:5,15 38:3 46:15 51:5,18 54:2 79:2,3 95:12 95:15 111:4
---	---	--	--	--

things 5:17 14:15 27:12 28:13 31:17 43:5,23 44:22 47:8,8,9 55:16 57:16 58:3 59:18 61:19,20 62:2 63:8 68:6,8,22 70:7 71:7 74:22 78:10,12 96:10 104:3 107:5 116:3 think 11:3,8 14:3,22 15:12 21:3 26:18 29:11 32:20 35:20 42:3,6,12 43:20 44:21 48:11 49:15 49:24 50:6,7 51:14,23 57:13 62:18,22 66:9 72:16,22 73:4 74:3 76:11 78:13 78:20,25 79:2,3 79:19 80:15 96:9 96:13 99:18,22 101:21,24 105:25 106:3 111:4 112:5 114:15 115:16 thinking 74:5,6 thinks 65:21 83:4 thought 59:2,3 104:17 109:16 112:19 thoughts 58:25 thousands 53:21,22 89:23 threat 102:11 threatening 60:15 threats 60:16 three 45:12 52:7 71:16 96:9,18,19 three-legged 78:19 three-year 46:25 thugs 115:15 Thursday 5:11 tied 33:20,21 ties 68:3 time 4:6 5:13 6:9 8:13 13:15 33:12 35:21,24,24 37:18 49:3,18,24 56:8 57:7,12 59:13 63:21,23 64:9,14 65:12 67:11,24 90:23 98:8,24 104:12 108:2,3,19 108:22 timeline 30:25 times 34:24 37:23 69:13 83:21 98:3 102:16 103:25	tip 21:24 22:5,14,14 29:7 30:9,9 35:23 36:5,22 37:10 43:8 tips 9:19 22:2 30:6 title 2:11 today 2:4 3:3 4:4,10 4:23 5:2 6:24 13:5 13:13 32:9 85:10 88:3 97:9,13 102:12,16 116:4 told 100:8 107:22 tolerance 104:9 tonight 51:15 tool 23:22 104:20 toolbox 97:10,12 toothpaste 115:6 top 12:25 45:14 102:24 total 89:5 touch 25:25 touched 35:21 tough 45:8,8 tougher 9:12 toughest 43:23 toys 109:20 trafficking 108:11 tragic 92:13 trained 32:17,25 103:11 training 71:6 80:11 88:19 transcript 117:8,20 trauma 14:15 90:15 91:16 traumatizing 90:9 treading 98:13 99:22 trial 8:13 54:4,5 67:19 87:14 94:4 tried 57:12 58:2 tries 5:8 troubled 27:20 90:18 112:9 truancy 95:5,5 truck 26:11 108:7 108:10 true 17:14 26:7,24 27:16,18 39:17 46:7 49:24 117:8 truly 17:4 28:19,19 trust 78:8 try 16:6 39:24 77:2 79:20 106:19 trying 23:11 36:22 37:5 98:23 110:11 Tuesday 5:10 turns 103:21 TV 63:24	twice 114:3 two 23:18 46:15 54:7 62:17 63:8 71:13 78:10 79:21 89:2 99:6 108:3 116:2 two's 26:18 type 110:4,25 typically 49:18 51:7 52:11 67:15 U unbelievable 103:5 underfunded 55:3,7 55:9 69:17 understaffed 55:7,9 understand 17:2 45:7 49:16 50:8 68:25 101:9 110:8 understanding 70:23 75:9 101:13 unfair 66:18 unfortunately 21:16 35:7 unheard 103:22 111:14 union 99:20 unique 82:20 Unit 21:6 38:5 55:4 97:15,19 United 57:8 university 8:18 49:13 50:5 56:24 70:3 unmonitored 55:13 unsafe 101:4,4 unsolved 106:10 unused 69:12 unveiled 9:2 update 19:13 20:18 updated 68:21 upwards 14:10 urban 88:18 use 9:14 20:24 23:2 23:23 31:3,21 36:14 53:3 65:11 76:4 uses 76:13 usually 51:8 63:20 63:22 67:7,11 108:17 utilize 44:13 47:3,6 utilized 43:5 V valuable 21:10 vanity 29:13 various 4:25 64:4 vast 15:16 106:21	venture 15:9 verification 46:6 version 65:5 versus 102:12 veteran 37:7 victim 9:21 18:20 94:20 victimize 85:24 victims 3:13 17:14 18:18 75:15 83:7 85:13 88:7,16,16 89:19 90:3,8 91:6 video 9:24 38:6,16 videos 38:8 39:11 view 35:14,15,18 76:17 vigor 94:18 violation 76:24 violations 92:18 93:10 violence 3:14 4:7 8:5 9:9 10:9 45:13 46:16 77:6 85:13 85:15 86:14 87:3 87:10 88:12 90:10 90:24 91:4,17 105:13 108:20 109:9 114:10 violent 7:22 10:8,13 17:12 53:19 58:13 88:17,23 91:4,10 93:9 94:14 violently 92:5,7 virtually 48:24 visible 94:12 visitors 115:2,4 voted 65:6 W waistband 50:16 wake 78:3 walk 83:23,25 84:2 101:2 walking 50:15 95:11,13,15 100:25 111:12 want 19:11 23:15 25:7 28:20 29:22 30:18 31:16,18 32:11,15,16 42:22 45:25 48:10,15 50:6 59:4,11 77:21 97:3 98:15 101:9 104:7 105:6 111:25 113:10 114:7,16 wanted 41:21 86:2 109:5 114:12 wants 66:7 108:25	war 86:24 warmer 49:20 warned 27:10 warrant 54:11 55:4 warrants 41:20 53:10,11 54:3 55:5 80:7 86:2 93:13 Washington 5:21 97:6 wasn't 49:4 68:5 109:15 watch 65:11 114:6 watched 109:12 watchful 32:16,25 watching 33:5 35:9 77:10 103:6 water 98:14 way 3:4,5,7 15:5 26:14 31:17 44:7 58:20 60:21 69:19 70:6 77:10 78:12 90:17 92:22 104:17 110:20 ways 23:19 58:4,5 weapons 27:23 102:19 wear 3:4 weather 49:20 website 21:25 22:4 22:8 Wednesday 1:7 week 24:16 weekend 114:4,5,25 weekly 24:17 weeks 51:17 97:21 welcome 6:3 32:4 47:12 went 79:23 109:13 weren't 50:21,22 57:21 West 114:19 westerns 114:11 we'll 59:5 63:15 101:23 we're 5:14,15,16 12:18 22:6 23:2,8 23:11 26:2,3 27:7 28:3 30:21 36:6 37:5 44:22 46:18 46:22 47:7 57:10 59:15 60:9,10,22 70:3,4 75:5 93:20 97:22 98:2,10,13 98:14,21,22 99:17 99:22 102:6,6,25 104:25 105:10,12 109:8 115:22 we've 3:19 11:13
--	---	---	---	---

25:6,10 39:10,12 39:14 58:3 62:25 63:2 67:19 69:13 88:2 99:19 105:19 105:21 112:3 115:12 116:3 wheel 46:23 widened 106:7 widow 81:7 Williams 78:2 willing 68:5 wind 110:14 windows 22:25 wish 27:13 112:23 wishing 5:21,21 witness 6:13 9:21 47:18 81:21 92:15 105:14,14 witnessed 90:21,22 witnesses 6:13 21:9 47:18 81:21 83:8 91:6 94:8,9,10 woefully 69:4,17 woman 108:17,17 women 82:19 83:12 wonderful 3:11 77:8 word 11:3 48:14 65:19,20 words 3:9 102:5 107:15 wore 3:2,3 work 24:17 31:10 35:2 39:17 47:8,9 70:17 93:20 94:18 106:4 113:10,23 worked 24:8,12 85:8 working 10:10 22:6 23:8 35:5 39:19 55:6 99:19 101:22 106:8 workings 25:9 82:22 84:5 works 33:7 91:14 worrying 51:19 worst 89:9 wouldn't 62:18 77:13 wound 102:5 wounds 91:11 wrap 42:22 wrist 85:21 written 54:16 wrong 71:5 79:23 103:9 Y yeah 42:8 44:11	63:6 year 3:20 11:19 14:8 21:2 48:14 49:4,10 51:20 65:3 71:20 73:5 80:24 88:14,24 89:2,6,19,24 93:3 112:6 113:2 years 43:24 51:10 53:25 54:8 57:13 69:14 71:14,16 76:21 77:13 78:10 88:22 89:7 93:7 99:6,10,12 102:12 103:23 year's 105:23 York 43:2,4 54:19 104:8 young 74:4 91:21 92:23 108:17,24 109:10 Younger 51:10 youth 89:12 92:21 93:8 y'all 44:6 Z zoning 30:20 zoom 35:3,11,12 \$ \$11,000 72:4 \$25,000 72:10 \$30,000 8:10 \$500,000 21:3 0 07 95:20,25 100:13 08 96:4 1 1 6:12 15:14 1,200 88:18 1:00 116:12 10 89:19 90:23 10:00 1:7 100 98:25 99:7 11:00 2:3 114 49:8 118 72:18 12 21:2 50:24 93:6 12th 45:18,19,21 12-year-old 111:11 120 99:7 120072 1:14 2:12 3:1 4:1 5:1 6:1 7:1 7:2 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1	17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 14 66:4 14,500 82:12 144 49:7 15 57:13 150 98:25 1523 4:12 110:10 16 111:10 17-year-old 111:11 18 16:19,24 17:6,16 18:2,14,19 63:21 18-month 84:23 1976 57:3 1978 65:5 102:14 1981 65:7 1988 53:14 110:3 1989 53:13 56:25 99:3 1995 65:10,10 68:21 102:14 2 20 8:17 14:13 43:24 49:2 89:20 93:2 98:4 99:10 20-some-odd 98:4	2005 70:11 2006 84:21 2007 13:21 2008 100:5 2009 54:18 2010 49:7 78:3 88:25 94:3 2011 8:9 48:22 49:5 49:11 2012 1:7 9:4 68:25 117:7 21 66:4 22 63:21 110:5 22nd 45:16 23 53:25 24 16:22,24 17:6,16 18:2,14,19 50:24 63:22 24th 103:18 24-year-old 16:19 24/7 33:12 25 98:5 99:10 25th 45:16 25-year 76:22 77:15 26 9:4 26th 19:18 44:5 72:10,17,20 74:24 114:2 3 3 65:7 105:24 3-1-1 36:25 3/7/12 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1	85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 30 16:23 49:9 93:2 94:3 30,000 53:9 54:3 300 89:18 306 88:25 324 88:25 357 110:2,4 39th 45:17 4 4th 3:5 40,000 41:19 400 1:6 34:23 82:16 98:2,3 5 5 82:6,11 5th 89:4 500 98:3 6 6,000 88:15 6,300 82:13,15 60 3:19 98:7,7,24 61 89:5 6106 9:13 6108 9:13 64 44:23 65 89:5 66 72:20 674 113:3 7 7 1:7 117:7 7th 2:4 70 90:22 98:11 8 80 14:10,17 98:11 80s 109:13 81 14:10 82 14:11 9 9,000 53:11 9-1-1 29:22 36:7,10 36:19 37:9,13 38:19,21,24
---	---	--	--	---

90s 109:14