

Committee on Law and Government
June 12, 2020

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Virtual Hearing, City Hall
Philadelphia, Pennsylvania
Friday, June 12, 2020
2:36 p.m.

PRESENT:

COUNCILWOMAN CHERELLE L. PARKER - CHAIR
COUNCILMAN DEREK S. GREEN - VICE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN HELEN GYM
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA

ALSO PRESENT:

COUNCILMAN KENYATTA JOHNSON

BILLS: 200076, 200208, 200328

RESOLUTIONS: 200080, 200216

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2 COUNCILWOMAN PARKER: I understand that
3 State Law currently requires that the following
4 announcement be made at the beginning of every
5 remote public hearing as follows.

6 Due to the current public health
7 emergency, City Council committees are currently
8 meeting remotely. We are using Microsoft Teams
9 to make these remote hearings possible.

10 Instructions for how the public may view and
11 offer public testimony at public hearings of
12 Council Committees are included in the Public
13 Hearing Notices that are published in the Daily
14 News, Inquirer, and Legal Intelligencer prior to
15 the hearings and can also be found on
16 PhlCouncil.com.

17 I now note that the hour has come.
18 Rachel, will you please call the role to take
19 attendance? Members that are in attendance,
20 will please indicate that you are present when
21 your name is called. Also, please say a few
22 brief words when responding so that your image
23 will be displayed on the screen when you speak.

24 THE CLERK: Councilmember Derek Green?

25 COUNCILMAN GREEN: I'm present. Looking

1 forward for today's hearing today.

2 THE CLERK: Councilmember David Oh?

3 COUNCILMAN OH: Yes, I'm here. Having
4 technical difficulties. I hope everybody can
5 hear me. Thank you.

6 COUNCILWOMAN PARKER: We can hear you
7 Councilman.

8 THE CLERK: Councilmember Helen Gym?

9 COUNCILWOMAN GYM: Present. And thank
10 you very much, Madam Chair, for all the hard
11 work and to your team for the hard work you put
12 into this.

13 COUNCILWOMAN PARKER: Thank you.

14 THE CLERK: Councilmember Curtis Jones,
15 Jr?

16 COUNCILMAN JONES: Good afternoon,
17 everyone. If you hear a little background
18 laughter, in spite of pandemics and uprisings,
19 young grandkids graduates. So, they're in the
20 background.

21 COUNCILWOMAN PARKER: We understand,
22 Councilman.

23 THE CLERK: Councilmember Brian O'Neill?

24 COUNCILMAN O'NEILL: Congratulations,
25 Grandpop. Present.

1 THE CLERK: Councilmember Cindy Bass?

2 COUNCILWOMAN BASS: Good afternoon.

3 Thank you so much. I am present. And
4 congratulations, Councilman Jones.

5 THE CLERK: Councilmember Maria Sanchez?

6 COUNCILWOMAN QUINONES-SANCHEZ: Good
7 afternoon, everyone. I am here.

8 THE CLERK: Councilmember Mark Squilla?

9 COUNCILMAN SQUILLA: Hello, I'm here.
10 Present. Looking forward to the hearing.

11 THE CLERK: And Councilmember Kenyatta
12 Johnson may be joining since his bill is being
13 heard; although, he is not a Member of the
14 Committee.

15 COUNCILMAN JOHNSON: I'm here.

16 COUNCILWOMAN PARKER: Thank you,
17 Councilmember Jones.

18 Rachel, have you completed the roll
19 call.

20 COUNCILMAN JOHNSON: Excuse me, Madam
21 Chair, Councilman Johnson. You called me Jones.

22 COUNCILWOMAN PARKER: This is the second
23 time I have done that, Councilman Johnson.

24 COUNCILMAN JOHNSON: You did.

25 COUNCILWOMAN PARKER: (Laughter) Thank

1 you.

2 COUNCILMAN JOHNSON: It's okay, Madam
3 Chair.

4 COUNCILWOMAN PARKER: Thank you.

5 This is the Public Hearing on the
6 Committee on Law and Government regarding Bills
7 No. 200076, 200208 and 200328 and Resolution
8 Nos. 200080 and 200216.

9 Will you, please, read the titles of the
10 Bills and Resolutions, Rachel.

11 THE CLERK: 200076: An Ordinance
12 providing for the submission to the qualified
13 electors of the City of Philadelphia of an
14 amendment to The Philadelphia Home Rule Charter
15 calling on the Police Department to eliminate
16 the practice of unconstitutional stop and frisk,
17 as approved by Resolution of City Council;
18 fixing the date of a special election for such
19 purpose; prescribing the form of ballot question
20 to be voted on; and, authorizing the appropriate
21 officers to publish notice and to make
22 arrangements for the special election.

23 200208: An Ordinance providing for the
24 submission to the qualified electors of the City
25 of Philadelphia of an amendment to The

1 Philadelphia Home Rule Charter providing for the
2 creation of the Office of the Victim Advocate as
3 approved, by Resolution of the City Council;
4 fixing the date of a special election for such
5 purpose; prescribing the form of ballot question
6 to be voted on; and, authorizing the appropriate
7 officers to publish notice and to make
8 arrangements for the special election.

9 200328: An Ordinance amending The
10 Philadelphia Code to add a new Chapter, entitled
11 "Employee Protections in Connection with
12 COVID-19 Emergency Health Order," to provide
13 workplace protections in emergency health orders
14 in regulations, provide protections for
15 employees against retaliatory actions both for
16 the disclosure of information related to
17 employer non-compliance with such orders and for
18 the refusal to work under unsafe conditions
19 caused by non-compliance with such orders, all
20 under certain terms and conditions.

21 200080: A Resolution proposing an
22 amendment to The Philadelphia Home Rule Charter
23 calling on the Police Department to eliminate
24 the practice of unconstitutional stop and frisk;
25 and providing for the submission of the proposed

1 amendment to the electors of Philadelphia.

2 And 200216: Resolution proposing an
3 amendment to The Philadelphia Home Rule Charter
4 providing for the creation of the Office of
5 Victim Advocate, and providing for the
6 submission of the amendment to the electors of
7 Philadelphia.

8 COUNCILWOMAN PARKER: Thank you, Rachel.

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

18 Additionally, prior to recognizing
19 members for questions or comments they have for
20 witnesses, I will note for the record at this
21 time that we will use the Chat feature available
22 in Microsoft Teams to allow Members to signify
23 that they wish to be recognized in order to
24 comply fully with the Sunshine Act. The Chat
25 feature must only be used for this purpose.

1 Before I ask Rachel to call the first
2 panel for the Bill No. 200076 and Resolution No.
3 200080, I would like to make some opening
4 comments.

5 Because authenticity matters to me, let
6 me note for the record that I am the mother of a
7 seven-year-old Black boy who between the ages of
8 five and six asked if he could get his hair
9 locked, not as any kind of political or cultural
10 statement, but simply because he wanted his hair
11 to be like his father's hair. A seven-year-old
12 Black boy who when he becomes of age to travel
13 and live on his own, he won't have the luxury or
14 privilege of being able to wear his race and
15 ethnicity during times of convenience or when it
16 suits a particular audience or environment.

17 You see, his skin like mine has been
18 what my grandmother says "kissed by the sun,"
19 referring to the melanin in our skin and our
20 dark hues. Knowing that the aforementioned is
21 an undeniable truth and that because of it,
22 Black people -- Black men in particular and
23 other people of color -- are almost certain to
24 be stopped and frisked by police without a
25 reasonable suspicion, is more than unnerving.

1 In fact, it is unconstitutional.

2 I provide this context because I want my
3 colleagues, all of them, for whom I have a great
4 deal of respect to know that when I proposed
5 this ballot question, it was done before the
6 COVID-19 global pandemic and before the global
7 movement against police brutality and systemic
8 racism began permeating through communities
9 across the world. As a matter of fact, it was
10 on January the 30th that I introduced
11 legislation that will put the following question
12 on the ballot.

13 Shall The Philadelphia Home Rule Charter
14 be amended to call on the Police Department to
15 eliminate the practice of unconstitutional stop
16 and frisk consistent with judicial precedent.
17 Meaning, an officer must have reasonable
18 suspicion that a person is engaged in criminal
19 activity in order to stop that person; and
20 therefore, an officer cannot stop someone
21 unlawfully because of their race, ethnicity,
22 gender, sexuality, religious affiliation or
23 expression or other protected characteristic.

24 Considering what has happened between
25 now and January 30, it feels like I introduced

1 this legislation a lifetime ago. As we all
2 know, the recent inhumane killing of George
3 Floyd at the hands of the police have shown a
4 glaring light on our modern day police tactics,
5 and the overwhelmingly negative impact they have
6 on Black people and other people of color.

7 Now for the record and the benefit of
8 the public, I want to clarify what I mean when
9 you hear me describe "stop and frisk." I want
10 to clarify that when we refer to stop and frisk
11 throughout the course of this hearing, we are
12 predominantly referring to its legal definition
13 as determined by legislation and subsequent case
14 law. The term "stop and frisk" can mean so many
15 different things to different people. And for
16 many, it has effectively lost its legal meaning.
17 And I am going to give you what I learned in
18 efforts to research the matter.

19 Back in 1968, the U.S. Supreme Court
20 ruled in Terry v. Ohio that stop and frisk is
21 constitutional so long as a police officer has
22 reasonable suspicion. Meaning, they have
23 specific and articulable reasons to believe a
24 crime has been, is being or immediately will be
25 committed by the person and that person might be

1 armed.

2 For example, imagine that someone just
3 robbed your house and you called the police.
4 And when the police arrived to your home, a
5 neighbor says, I saw someone in a green shirt
6 running down the street in a suspicious manner
7 with a television in their hand. Then it would
8 be constitutional for those officers to stop
9 that person. And you probably want the police
10 to stop them if that means that you get a chance
11 to get your things back.

12 The problem is that for decades, really
13 since its inception, the way stop and frisk has
14 been implemented is, in many cases,
15 unconstitutional. Either police officers have
16 not had reasonable suspicion; or while police
17 officers may have had reasonable suspicion, they
18 are only stopping individuals of a certain race
19 and gender. And again, this is usually Black
20 men.

21 Additionally, many people do not know
22 that on November 4, 2010, the ACLU of
23 Pennsylvania and the law firm of -- and I'm
24 going to chop this up. And Dave Rudovsky is on,
25 and he is going to correct it when he speak --

1 speaks of Kairys, Rodovsky, Messing and Feinberg
2 filed a federal class action on behalf of eight
3 African-American and Latino men who were stopped
4 by Philadelphia Police Officers solely on the
5 basis of their race or ethnicity. The suit,
6 Bailey v. The City of Philadelphia, alleged that
7 thousands of people each year are illegally
8 stopped, frisked, searched and detained by the
9 Philadelphia Police Department as part of the
10 Stop and Frisk Policy.

11 On June 21, 2011, the City of
12 Philadelphia and the ACLU announced that they
13 had reached a settlement agreement. As part of
14 the settlement, the Philadelphia Police
15 Department now collects data on all stop and
16 frisk and stores this information in an
17 electronic database. It, also, provides
18 officers with some training and supervision with
19 respect to stop and frisk practices.
20 Additionally, the agreement establishes a
21 monitoring system in which the Police
22 Department, the Plaintiff's Counsel and an
23 independent court appointed monitor who reviews
24 and analyzes the data.

25 The settlement agreement which resulted

1 in what is referred to as the Bailey Consent
2 Decree means that the City could be sanctioned
3 if they ignored the problem of unconstitutional
4 stop and frisk. Also it should be noted, and we
5 will hear testimony today, that the Consent
6 Decree has helped to reduce the number of stops.
7 And we hope when we hear data, that it has
8 improve the quality of stops. But -- and this
9 is an important "but", we still have a long way
10 to go. We are not where we should be.

11 For example, on November 20, 2018, the
12 ACLU of Pennsylvania published a press release
13 entitled: "After Seven Years, Report Shows
14 Philadelphia Police Continue To Illegally Stop
15 and Frisk Pedestrians."

16 And just a year and a half ago on
17 January 11, 2019, WHYY published an extensively
18 researched article entitled: "In Racially
19 Diverse 14th Police District, Philly Police
20 Target Black Drivers Three Times More Than
21 Whites Analysis Shows." I know Councilwoman
22 Bass and I share the 14th Police district.

23 More recently on April 27, the ACLU put
24 out a press release entitled: "Latest Reports
25 on Stop and Frisk in Philadelphia show a need

1 for continued action by city and police
2 leadership. So like I said, while the Consent
3 Decree may be moving us in the right direction,
4 we still have a long way to go.

5 Why a ballot question, Cherelle Parker?
6 From the research that my staff has done, no
7 other big city in America has allowed their
8 citizens to formally weigh in on stop and frisk
9 via a ballot question. In my opinion right now,
10 we have the perfect opportunity to hear the
11 collective voice of our citizens on this
12 important issue. It is my hope that the
13 residents of Philadelphia will feel empowered by
14 this ballot question. It is my hope that the
15 residents of Philadelphia collectively and
16 formally share their opinion. And to be quite
17 frank, I hope they will vote yes to call on the
18 Police Department to eliminate the practice of
19 unconstitutional stop and frisk. And it is my
20 hope that our Police Department and our new
21 Commissioner Danielle Outlaw, that she can use
22 the collective voice of our residents as a
23 mandate to continue her efforts to rue out all
24 instances of unconstitutional stop and frisk.

25 I want to now thank a few people who

1 have served not only as my sounding board, but
2 they provided sound legal advice to me when we
3 were working on this question. That's Dave
4 Rodovsky whose firm, along with the ACLU, sued
5 Philadelphia back in 2020; Michael Coard, who
6 has been working on social, economic and legal
7 justice issues for over 25 years in this
8 community and speaking out for black and brown
9 people long before it became a very popular
10 thing to do. And District Attorney Krasner
11 along with Mike Lee from his office, I want to
12 say thank you all in advance for your
13 assistance. We invited them all here to
14 testify. And I very much look forward to
15 hearing what they have to say.

16 In conclusion, let me note this for the
17 record. I saw an article in the National
18 Review, of all places, that hit the nail on the
19 head. The article was written by a gentleman
20 named Theodore or Ted R. Johnson. He is a
21 senior fellow at the Brennan Center for Justice,
22 a retired commander in the U.S. Navy and an
23 African-American man. The article is titled
24 "American Begins to See More Clearly Now What
25 Its Black Citizens Always Knew." In this

1 article, the author details his own experience
2 with being stopped by the police and spending
3 the night in jail for a minor infraction, an
4 experience that far too many Black men can
5 relate to.

6 He goes on to analyze the current
7 protest movement. He talks about how this time
8 may be different in bringing about real lasting
9 change, and how racism remains a national
10 Achilles heel, potentially even undermining the
11 very security of our country. At one point, he
12 concludes by saying this: "The protests in
13 response to the killing of George Floyd are not
14 just expressions of outrage at his death or at
15 the long history of the use of excessive force
16 in Black communities. They are also a people's
17 rejection of the State's violence and
18 infringement on the rights, liberties and
19 autonomy of its citizens. The rallying cry
20 Black Lives Matters is an assertion that given
21 our nation's history on race, America can
22 realize its potential only if it recognizes the
23 inherent value of a group it once enslaved and
24 accepts the right of that group to hold the
25 state and its agents into account."

1 And with that, I would like to hear from
2 our testifiers. And before we begin with the
3 first panel, I want to hear from Councilman
4 Derek Green.

5 COUNCILMAN GREEN: Thank you, Madam
6 Chair. Thank you for this piece of legislation
7 which gives citizens in the City of Philadelphia
8 an opportunity to voice their perspective on
9 this issue. You have laid out a lot of
10 information in reference to the history of Terry
11 v. Ohio and Terry Scott. And what's key is that
12 we give police officers the discretion to stop
13 criminal activity if they have a reasonable
14 articulable suspicion that criminal activity is
15 occurring.

16 Too often in this country, that
17 reasonable suspicion is a person being of color
18 or being African-American. And I can talk to
19 this personally when -- I think some people on
20 this call have heard me say this story -- that I
21 was one time leaving the District Attorney's
22 Office as an ADA, and I was pulled over by
23 police. And the -- as I was going -- the DA's
24 Office was on 14th and Arch, and I was going up
25 the ramp to the parking lot, the police pulled

1 me over and they said I fit the description.

2 So my question is, what was the criminal
3 activity I was engaging in? Because, one, I'm a
4 lawyer. Two, I'm leaving the assistant -- I'm
5 Assistant District Attorney leaving the DA's
6 Office. And to stop someone, you have to have a
7 reasonable articulable suspicion of criminal
8 activity. So, what can be that reasonable
9 suspicion of criminal activity other than me as
10 a Black man leaving the DA's Office, walking up
11 a ramp to my car and I fit the description?

12 So, the reason why this piece of
13 legislation is important to give citizens in the
14 City of Philadelphia an opportunity to voice
15 their perspective, we know what should occur and
16 what should not occur. But too often, that
17 reasonable articulable suspicion is being
18 African-American.

19 Thank you, Madam Chair.

20 COUNCILWOMAN PARKER: Thank you,
21 Councilmember Green. I really wholeheartedly
22 thank you for your willingness to share that
23 very personal experience.

24 The chair recognizes Councilmember David
25 Oh.

1 COUNCILMAN OH: Thank you very much,
2 Chairwoman. And I want to thank you for your
3 resolution and through your work doing this. We
4 have several lawyers in this group, as well as
5 the District Attorney and others, Criminal
6 Defense Attorney Michael Coard.

7 And you know, it's very well known --
8 it's shocking, unfortunately, that we have to do
9 this because it's constitutional law that you
10 cannot go around just stopping people on a
11 hunch, a suspicion or they fit a profile. And
12 it almost is as though we have no control over
13 our police because it's been said many times,
14 it's unconstitutional. You can't do it. And
15 there are a lot of consequences to -- to this
16 type of action. But I think the reason it
17 continues, and it's something that we are all
18 dealing with right now.

19 Once you have convinced a young person
20 who wants to do good that doing good is stopping
21 people, you say, oh, we're going to stop murder,
22 stop and frisk for weapons. After years of
23 that, try and get them to change their mind.
24 And so, it's so important that we stop now. It
25 won't stop until we go through this, but it

1 really must stop.

2 Thank you very much.

3 COUNCILWOMAN PARKER: Thank you. Thank
4 you, Councilman Oh for sharing your legal
5 perspective with us. You, Derek and the other
6 Councilman O'Neill, you guys bring a very
7 important added information to us to this
8 hearing, and we appreciate you for that.

9 Chair recognizes Councilwoman Cindy
10 Bass.

11 COUNCILWOMAN BASS: Well, good
12 afternoon, Madam Chair. And I want to thank
13 you, also, for bringing this -- this bill
14 forward. This is really, really important.

15 As the mother of a eleven-year-old girl,
16 but I've, also, raised and African-American
17 male. I am not going to say how old he is right
18 now, because I'm going to put him on blast. But
19 it's really important to have this conversation.

20 You know, a lot has happened in the last
21 couple of weeks. It seems like all of a sudden,
22 people are starting to "get it", so to speak.
23 And so, this conversation is very, very timely.
24 I really wanted to thank you for that. I think
25 it's important that we are having this

1 conversation as a body. And I am glad that
2 other people are a part of the conversation.

3 I, also, wonder, though, why when so
4 many African-American men say it, "I am in pain,
5 something is wrong, this shouldn't be
6 happening," you know, our voices weren't heard.
7 And I get it. We needed the collective to be
8 able to be heard, but there is pain in that, as
9 well.

10 And so, I thank you for bringing this
11 forward, Madam Chair.

12 COUNCILWOMAN PARKER: Thank you. Thank
13 you, Councilwoman Bass. And again, you --
14 Councilwoman, I know you remember when that
15 article came out regarding the 14th Police
16 District. And all eyes were on both of us as we
17 both shared that district.

18 COUNCILWOMAN BASS: Absolutely.
19 Absolutely.

20 COUNCILWOMAN PARKER: Thank you.
21 Rachel, will you, please, call the first
22 panel we have to testify this afternoon on
23 Bill --

24 COUNCILMAN JONES: Madam Chair?

25 COUNCILWOMAN PARKER: Yes.

1 COUNCILMAN JONES: Before you do that,
2 since this Committee is almost like group
3 therapy, I'm going to share.

4 And so, growing up in West Philly as a
5 young man, not -- not the best of them, but not
6 the worst of them that were out there. I had a
7 summer job, Madam Chair. During that summer
8 job, I saved my coins and I bought what a lot of
9 young men know as a hooptie. A hooptie is a car
10 that barely rides, you know, it's on a wing and
11 a prayer and a lot of duck tape.

12 COUNCILWOMAN QUINONES-SANCHEZ: You were
13 cool. You were cool in it, Jones. I am sure
14 you were the coolest hooptie person I know.

15 COUNCILMAN JONES: So, I was picking up
16 a young lady on a date, first time ever driving
17 a car. So back then, you had these paper
18 license plates that were temporary plates if you
19 remember those.

20 And so, I had to go from my end of West
21 Philly to a nicer end of West Philly where, you
22 know, the houses were semi-detached, you know,
23 big lawns and good stuff like that. So, my
24 hooptie stood out. I guess I stood out.

25 I managed to pick her up. And not more

1 than a block or two from her house, we were
2 pulled over. When we were pulled over, I was
3 taught at the time to be very polite, you know.
4 My father gave me "the talk." The talk that I
5 hope you never, ever have to give your son, you
6 know, how to be extra polite, no sudden moves,
7 you know -- you know -- you know, look them in
8 the eye blah, blah. The more I said "yes, sir"
9 the madder that police officer got because -- I
10 don't know why.

11 And so, by the end of him running those
12 paper tags through, him looking at my license,
13 him asking me why I was up there, him, you know,
14 not believing half of it, not double-checking
15 everything I said -- maybe 40 minutes into it,
16 he gave me back my paperwork. And he said, the
17 next time you say "yes, sir" I'm going to throw
18 you in this wagon. So much so that the young
19 lady beside me had to put her hand on my leg
20 just to calm me down.

21 Needless to say, we didn't go on that
22 date that night. Needless to say, we pulled
23 back around not out of fear but out of anger
24 like I just -- it ruined my day.

25 Now, this is a guilty confession. When

1 I first got elected, I couldn't wait to get
2 pulled over. (claps back) Could not wait to get
3 pulled over because that would have been some
4 vindication of that experience. Nobody should
5 have that kind of feeling as a young man or a
6 grown man in their life.

7 We should have the same experience that
8 other kids in other parts of Pennsylvania have.
9 When they see the police, they see their
10 protector and helper. They see their friend and
11 people they grew up with and know care deeply
12 about them. I want that for me and I want that
13 for mine. And we, as taxpayers, deserve it.

14 So, thank you for moving this issue,
15 it's an uncomfortable conversation, forward,
16 Madam Chair. Thank you.

17 COUNCILWOMAN PARKER: Thank you,
18 Councilmember Jones, for sharing that very
19 personal experience. The testimony -- your
20 personal testimony is what will affirm for other
21 people that they are not alone when people think
22 they are crazy.

23 With that being said, Rachel, please
24 call the first panel we have to testify this
25 afternoon on Bill Nos. 200076 and Resolution No.

1 200080.

2 THE CLERK: Vanessa Garrett-Harley who
3 is joined by Craig Straw and Marcel Pratt and
4 Hans Menos.

5 (Panel appears via video.)

6 MS. GARRET-HARLEY: Good afternoon.

7 COUNCILWOMAN PARKER: Hello, hello.

8 Good afternoon. We wanted to make sure that you
9 are all connected and ready to proceed. Just a
10 sound check from each of you?

11 (Collective "yes.")

12 COUNCILWOMAN PARKER: Okay. Please,
13 state your name for the record and proceed with
14 your testimony.

15 MS. GARRET-HARLEY: My name is --

16 COUNCILWOMAN PARKER: Vanessa?

17 MS. GARRET-HARLEY: My name is Vanessa
18 Garrett-Harley.

19 Good afternoon, Chairperson Parker and
20 Members of the Committee on Law and Government.
21 I'm sorry, little technical difficulties. Can
22 you see me now?

23 COUNCILWOMAN PARKER: Yes, ma'am, we
24 can.

25 MS. GARRET-HARLEY: Good afternoon,

1 Chairperson Parker and Members of the Committee
2 on Law and Government. I am Vanessa
3 Garrett-Harley, Deputy Managing Director for
4 Criminal Justice and Public Safety for the City
5 of Philadelphia. And joining me today are
6 Marcel Pratt, the City Solicitor; and Craig
7 Straw, First Deputy City Solicitor. I'm here to
8 testify in support of Bill No. 200076 and
9 Resolution No. 200080 introduced by Chairperson
10 Parker which calls on the Philadelphia Police
11 Department to eliminate the practice of
12 unconstitutional stop and frisk by providing a
13 proposed amendment to The Home Rule Charter.

14 If this measure is approved by City
15 Council, a ballot question will be presented for
16 the City's voters in November 2020 election.
17 Thank you for the opportunity to speak with you
18 this afternoon.

19 By way of brief background, pedestrian
20 investigations, often referred to as stop and
21 frisk, allow police officers to stop any person
22 without making an arrest and potentially frisk
23 them based on a reasonable suspicion that the
24 person has committed or is about to commit a
25 crime. That rule of law, as you heard

1 Chairperson say, stem from the U.S. Supreme
2 Court decision, Terry v. Ohio in 1968.

3 In 2019, Philadelphia Police Officers
4 conducted fewer pedestrian stops and frisks of
5 individuals in the City of Philadelphia than
6 doing any prior year. Even more importantly,
7 the percentage of stops lacking in reasonable
8 suspicion or unconstitutional stops already down
9 well over 60 percent since 2015. Was lower in
10 2019 than in any other year to date. These
11 dramatic changes are the result of the Police
12 Department's extensive proactive efforts and
13 measures to educate -- reeducate and retrain
14 police officers on the applicable constitutional
15 standards for conducting pedestrian stops and
16 properly documenting those stops on the 7548A
17 Form.

18 But despite these improvements, the
19 Philadelphia Police Department strives to do
20 even more. And in the past year, has devoted
21 more resources to the issue than ever before.
22 Since 2016, the Philadelphia Police Department
23 has implemented proactive measures to reduce all
24 unconstitutional stop and frisk in the City of
25 Philadelphia. To date, the Police Department

1 has made significant progress. In 2015, there
2 were 213,870 total stops. And approximately,
3 110 of those were deemed to lack the reasonable
4 suspicion necessary to meet constitutional
5 standards. By contrast in 2019, police officers
6 conducted 76,937 stops while approximately 9,200
7 of them were deemed to lack the reasonable
8 suspicion necessary to meet constitutional
9 standards.

10 This reduction represents a 92 percent
11 decrease in pedestrian stops lacking the
12 reasonable suspicion necessary to meet
13 constitutional standards from 2015 --
14 approximately 110,000; to 2019, down to
15 approximately 9,200. And a 64 percent decrease
16 in the total number of pedestrian stops from
17 2015 -- 213,870; to 2019 -- 76,937, which
18 represents the time periods since Mayor Kenney
19 took off in January 2016.

20 While the City and the Police Department
21 are certainly not satisfied with these numbers
22 and we certainly recognize that additional work
23 is definitely necessary, the numbers reflect
24 significant progress in reduce and eliminated
25 unconstitutional stop and frisk in the City of

1 Philadelphia. Starting with the fourth quarter
2 of 2019, the Police Department began
3 implementing a new progressive discipline system
4 which entails a much wider review of the 7548A
5 Forms. Police reassigned and trained several
6 police officers and supervisors from other roles
7 so they could focus on this project exclusively.

8 A description of the system is as
9 follows: In order to implement the progressive
10 discipline process, a Police Department Audits
11 and Inspection Unit not only conducts its own
12 review, but randomly selected forms and
13 implements discipline on that basis, but they
14 also review a significant number of forms
15 submitted by counsel for the plaintiffs in the
16 Bailey litigation, which is the 2020 federal
17 class action lawsuit that Council Chairperson
18 referred to involving claims of unconstitutional
19 stops and frisk. Any noncompliant officer
20 and/or supervisors will be subject to
21 progressive discipline performed, submitted and
22 approved without the necessary showing of
23 reasonable suspicion.

24 Cities are at the forefront of the
25 change, and should be the driving force of

1 reform. We will continue to make the fair
2 treatment of all Philadelphia residents and
3 visitors a priority by enhancing our progress
4 and eliminating all stops which do not meet the
5 threshold of reasonable suspicion; and thus, may
6 be deemed unconstitutional. That is definitely
7 our goal.

8 This concludes my testimony. I, along
9 with Craig Straw and Marcel Pratt, will be happy
10 to respond to any questions you may have at this
11 time. Thank you.

12 COUNCILWOMAN PARKER: Thank you,
13 Vanessa, for your testimony. And since you just
14 mentioned Marcel Pratt, I also have to say a
15 special thank you to you, Marcel, and your
16 entire team. Because obviously, when we were
17 work on getting this drafted, we would not have
18 had anything to send to Rudovsky and Coard and
19 Krasner had your team over in the Law Department
20 not assisted in assisting us. I want to say
21 thank you on the record for that.

22 Hnas, if you can, proceed with your
23 testimony and just state your name for the
24 record.

25 MR. MENOS: Absolutely. Hello. My name

1 is Hans Menos. I'm the Executive Director of
2 the Philadelphia Police Advisory Commission.
3 And I am here. And I want to thank you for the
4 opportunity to testify in support of the Bill
5 No. 200076, which of course calls for the
6 Philadelphia Police Department to eliminate the
7 practice of unconstitutional stop and frisk.

8 Councilwoman Parker, I want to thank you
9 very much for introducing this in such a deeply
10 personal way. And I want to thank you for
11 affirmatively mentioning George Floyd's name and
12 for mentioning the fact that this is about
13 racism and about anti-Black racism in
14 particular. I think it takes a great deal of
15 courage to do all of those things and to keep us
16 all focused on what is at stake here. I
17 appreciate that. I appreciate the other Council
18 folks for also sharing their personal stories.
19 I think that the residents of the City are
20 inspired when we are able to speak so personally
21 about the issues before us.

22 As you are aware, the Philadelphia
23 Police Department by policy forbids the use of
24 unconstitutional car or pedestrian
25 investigations, searching and frisks. Despite

1 this, as been mentioned, the ACLU and
2 Plaintiff's Counsel has found that nearly 40
3 percent of the stops were not legally justified
4 in their last audit. Further, they highlight
5 that the stops of Black Philadelphians are
6 disproportionate and not legally justified stops
7 of Black Philadelphians are even more
8 disproportionate.

9 I would like to begin this testimony --
10 and you have my long form testimony, which I
11 encourage you to review -- by highlighting some
12 of the case studies that we have received here
13 at the PAC, some complaints that we have
14 including one yesterday that I just learned of
15 this morning.

16 And that one is a man who was stopped by
17 police because he had pulled into a gas station
18 that was closed. He was not aware of it. The
19 police officers exited their vehicle and pointed
20 their guns at him and his -- and his -- and his
21 passenger. Both of them were incredibly
22 frightened. And the officers explained to them
23 that they thought it was suspicious that they
24 were at a closed gas station, and approached
25 them as a result. Did not -- did not explain

1 why they were stopping them and did not explain
2 why they needed to remove their firearms and
3 point it at them. That stop will see how -- we
4 will see how it's investigated. And I am happy
5 to update you all on the status of that.

6 I have some other cases where a man, for
7 instance, was -- the policeman -- was recently
8 profiled and stopped by the police. He
9 complained. And the investigation was
10 undergone. And the officers received training
11 and counseling for this -- for their stop, but
12 because they did not document the stop. That
13 was the training and counseling issue there.

14 Another -- another case, a man was
15 investigated and pulled over and stopped because
16 he supposedly had an inoperable taillight. The
17 investigation showed that the taillights of the
18 vehicle were both operating. There was no issue
19 there. Despite this, this pre-textual stop, the
20 officers were found not guilty at the PBI, the
21 Police Board of Inquiry.

22 A man reports he was stopped for about
23 two hours. During that time, his items were
24 searched. He was taken and he was referred to
25 as "the one." The investigation revealed that

1 the officers were searching for somebody, but
2 they failed to document that they frisked him.
3 And they were referred for training and
4 counseling.

5 Another case -- and I promise this will
6 be my last one. A man was stopped by the
7 police, and they began to question him about
8 whether or not he was drinking and were accusing
9 him of drinking. He final -- he luckily
10 happened to have his deaf and hard-of-hearing
11 card on him and presented it to the Police
12 Department. So they could -- so they could
13 recognize he was deaf and not intoxicated.

14 These officers, after an investigation,
15 were sustained[sic] for, again, not documenting
16 the stop. And so, I think you know where I am
17 going here. But I think there is some issues
18 that are related to this -- certainly, the stops
19 that we don't know about.

20 But I think also as Councilman Jones
21 very personally highlighted, that the quality of
22 stops is the secondary conversation that we will
23 need to have. Are -- are officers engaging in
24 pre-textual stops? That's very possible, but
25 that would not make it illegal. Does that

1 change the way that folks feel when they are
2 engaging with police officers? And are we doing
3 enough as a City, as a Police Department to
4 ensure that the quality of the stops, the
5 professionalism, the language that is utilized
6 does not alienate folks, does not create a
7 negativity relationship between the police and
8 the community.

9 So what I am saying here is, that even
10 though the resolution calls for the Police
11 Department to eliminate the unconstitutional
12 practice, there also needs to be a company
13 directive and disciplinary code that mandates
14 what disciplined officers will receive and some
15 guidance about how they -- how they interact
16 with residents.

17 So, I will make some other
18 recommendations here. Again, these are in my
19 long form which I encourage you to review. I am
20 happy to answer any questions about them. I am
21 happy to talk about them. But I will say that
22 the audit program that I am aware of, and I
23 could be -- I could be incorrect here, does not
24 mandate any reference to -- for discipline. If
25 I am incorrect about that, I am happy to circle

1 back. My understanding is that the audit
2 program that exist, is that it is a separate and
3 distinct process from the disciplinary process.
4 So if I am correct, and I again will
5 double-check this, that means that in order for
6 an officer to receive discipline, there must be
7 an accompanying complaint. You must complain
8 about what occurs. To me that is an issue.

9 A secondary recommendation -- and this
10 is in my long form, a sample of this -- the NYPD
11 and Chicago use is a Stop Receipt Program. When
12 someone is stopped by those -- by entities in
13 those jurisdictions, they are given a receipt.
14 It's very easy to fill out. The officer says
15 their name, will check one of the prewritten
16 reasons why they were stopped. And if that's
17 not available, there is another reason that they
18 can write. There is "other" they can write in.

19 That will help folks understand who they
20 encountered because so many of our residents if
21 they are stopped are too nervous, maybe a gun
22 was pointed at them or maybe they are nervous
23 because they are nervous around police, to take
24 note of what has occurred. And this would help
25 facilitate contacting officers. It will also

1 remember -- remind them that they need to fill
2 out the paperwork that is required of them.

3 A body-worn camera art program. This to
4 me can be helpful in two distinct ways. One of
5 these is to find stops and assess those that
6 have not been documented. But also again, to
7 run back to my conversation on the quality of
8 stops, to identify those that are called "lawful
9 but awful." That is what it sounds like. Those
10 that may not be illegal, but that the quality
11 of, maybe there are some curse words, maybe
12 there are some stuff that can be trained away or
13 pointed out. And so, I think identifying lawful
14 but awful is an important next step or next
15 hurdle to improving the relationship between the
16 police and the community. Because again, I
17 can't say it enough. The quality of the stops
18 is often called in question if not the legality
19 of them.

20 To build on this point, I would embed
21 effective communications through training. I
22 think stops are problematic, again, because of
23 the quality. We can utilize reality-based
24 training to assess how officers interact with
25 folks, and also, utilize the existing body-worn

1 camera footage to highlight exceptional
2 officers -- and there are many of them; and some
3 other problematic officers, and really show that
4 to our recruits and to our current officers
5 about what we expect and how they can improve.

6 I think that the Mayor -- I applaud the
7 efforts -- for my next recommendation, I applaud
8 the efforts of reconciliation in the City. The
9 Police Department should lead on this. It
10 should be involved in this because the
11 reconciliation and the acknowledgment of past
12 harms is incredibly important. For those of you
13 who are with us on this meeting, it's also very
14 Biblical. The idea that you atone for what you
15 have done wrong as an entity, that is possible.
16 And I think the acknowledgment of that starts
17 with the overuse of stop and frisk. And
18 admitting, that that was -- had deleterious
19 effect on the community and owning that mistake,
20 that they led on that.

21 The Police Department, in my opinion --
22 I have noted this before -- is reluctant to
23 admit that they -- own the lion share of the
24 responsibility for the relationship between them
25 and the community having been broken down. And

1 then I will say, you know, we can -- we can
2 proactively measure racism.

3 I think that what Plaintiff's Counsel
4 has effectively done here is highlight systemic
5 racism. They have measured it. We continue to
6 do that in other areas of the Police Department.
7 And there are scores of examples of other
8 jurisdictions that hate things like language
9 use, that disproportionate towards people of
10 color and those who are -- and other members of
11 the City. And literally drove down to the
12 procedural justice that different folks are
13 experiencing. And we can do that here in
14 Philadelphia. We are capable.

15 Finally, in terms of recommendations,
16 independent investigations. I want to thank the
17 City Council for your support of the Police
18 Advisory Commission as an entity over the last
19 few weeks. Many of you have reached out
20 personally. Many of you have come to our town
21 hall or have otherwise indicated your support of
22 us and we appreciate it. We want to make you
23 proud.

24 The independent investigations that
25 exist in other cities are led by their oversight

1 committee. I think that Philadelphia is on the
2 precipice of that now. I look forward to
3 working with you all to move that forward. But
4 I think now more than ever, we are understanding
5 the importance to the residents of an
6 independent investigation into these types of
7 issues and independent response.

8 Councilwoman --

9 COUNCILWOMAN PARKER: So, Hans -- Hans.

10 MR. MENOS: Yes.

11 COUNCILWOMAN PARKER: Because we have
12 three bills, I am going -- and I appreciate you
13 sending that --

14 MR. MENOS: I'm done.

15 COUNCILWOMAN PARKER: -- the written
16 testimony. We got to wrap up. Yeah.

17 MR. MENOS: Okay. Okay. No problem. I
18 will finish just to say this. That I understand
19 that there's been more murders than days this
20 year, and that the Police Department has to do
21 something. All I suggest is that we do that
22 reasonably within the law.

23 Thank you very much.

24 COUNCILWOMAN PARKER: And, Hans, thank
25 you.

1 And listen, I am going to ask you,
2 Vanessa, and the first panel to please stay on.
3 Because we have to get the testimony of our next
4 panel in, I have Councilwoman Maria
5 Quinones-Sanchez and Councilwoman Gym in queue.
6 But we are not going to call on members until we
7 hear testimony from our next panel.

8 So, Rachel, can you please call up the
9 next panel. Once we hear their testimony, then
10 we will just take all questions.

11 THE CLERK: The next panel is David
12 Rudovsky, Larry Krasner and Michael Coard.

13 (Panel joins via video.)

14 COUNCILWOMAN PARKER: Thank you all for
15 being here. Please, state your name for the
16 record and proceed with your testimony.

17 Mr. Rudovsky.

18 MR. RUDOVSKY: Good afternoon,
19 everybody. David Rudovsky. I'm glad to be
20 here. I support the measure that is before City
21 Council.

22 As has been mentioned, I am one of the
23 lawyers that brought the Bailey v. City of
24 Philadelphia lawsuit that was brought in 2010 to
25 address two very serious problems with respect

1 to stop and frisk, and they've been touched
2 upon.

3 First at that point, there were 260,000
4 stops in the City of Philadelphia. At that
5 time, almost 50 percent of them by our reading
6 of them and the Police Department's reading of
7 them, were without reasonable suspicion. Fifty
8 percent, that meant 130,000 people had been
9 stopped illegally. And with respect to frisks,
10 which is a separate part of stop and frisk,
11 almost 60 percent of the frisks were without
12 reasonable suspicion.

13 The City agreed to establish that
14 database. And at the same time, not only did we
15 find what we call Fourth Amendment violations,
16 stops without reasonable suspicion, frisk
17 without reasonable suspicion, but enormous
18 racial disparities. In a City back in 2010,
19 which was about 50 percent White and about 50
20 percent minority, close to 85 to 90 percent of
21 all stop and frisk were of minorities --
22 80 percent of Blacks and 20 percent were
23 Latinos. And when we did the analysis, the
24 regression analyst and took into account crime
25 rates, economic conditions in certain

1 communities, age, police deployment, none of
2 that explained the racial disparities that
3 remained after that.

4 To the City's credit, they agreed to the
5 Consent Decree. They agreed to retraining of
6 the police. But here we are ten years later.
7 And I will, also, give credit to Mayor Kenney
8 because in the first four or five years, we saw
9 very little progress in reforming stop and
10 frisk. Mayor Kenney and Commissioner Ross have
11 done a better job. But it's another situation
12 of the glass maybe half full, but it's really
13 half empty.

14 And I can tell you from our most recent
15 reports to the Courts, we looked at stops and
16 frisks in 2019. Let me just give you some data
17 which will show where there has been some
18 improvement, but where we still have serious
19 problems and why this legislation is needed.

20 So in 2019, we did a complete analysis
21 of the stops and frisks in the City of
22 Philadelphia. As you've been told, there were
23 about 77,000 stops. The one area in which we
24 have seen improvement, about 84 percent of those
25 stops were with reasonable suspicion. That's a

1 large improvement. Still means 16 percent were
2 not. That's thousands of people who continue to
3 be stopped without reasonable suspicion. More
4 troubling, as you know, a frisk can follow a
5 stop. It's not just a stop. A person can be
6 frisked, which is even more invasive of their
7 privacy. And what we found was that only
8 62 percent of the frisks were being done with
9 reasonable suspicion. That is close to 40
10 percent of the frisks by what the officer wrote
11 down was without reasonable suspicion.

12 Even more startling is how ineffective
13 this program has been in its main purpose,
14 taking guns off the street. Of all the stops
15 that were made in 2019, it was less than 1
16 percent of those stops that produced any
17 contraband, and less than one half of 1 percent
18 that produced a weapon. So in other words, 99
19 percent of those stops produced no contraband.
20 And it is fair to say that some stops you make,
21 you don't expect to find contraband. So, let's
22 look at the data with respect to frisks.
23 Because when an officer frisks, an officer is
24 saying under the law, I have reasonable
25 suspicion this person is armed and dangerous.

1 They can only frisk in that kind of situation.

2 We looked at a sample of frisks. We
3 looked at it. The Police Department looked at
4 it. 485 frisks in one of the quarters, 7
5 firearms. Again, 99 percent of the those frisks
6 did not find what the officers said they had
7 reasonable suspicion to find. That, certainly,
8 calls into question both the standards they are
9 looking at and -- and perhaps the truthfulness
10 of their allegations. Let me just give you two
11 examples.

12 We often see officers say, I frisked
13 this person because I saw a bulge, right, in his
14 back pocket around his waistband. We looked at
15 88 cases in which an officer said I saw a bulge.
16 And therefore, I believed he had a weapon -- 1
17 firearm. One firearm out of 88 bulges. Where
18 police stopped somebody and frisked them because
19 they said it was a report of violent crime or a
20 weapon, this is hard to believe. We looked at
21 164 frisks that were conducted in that
22 situation, 1 firearm out of 164 where the police
23 were attesting to a complaint about a violent
24 crime or a weapon.

25 Maybe even more disturbing is a large of

1 number stops that are for quality of life. I
2 think the people in the City of Philadelphia
3 think, well, people are stopped because it's a
4 serious crime that's being investigated --
5 robbery, a murder, assault, a theft, something
6 like that. It turns out that over 40 percent
7 and close to 45 percent of all stops, almost
8 half of all stops being made by the police this
9 year and last year, are what I call quality of
10 life. Somebody with an open liquor container,
11 littering, truancy, small amounts of marijuana.
12 Now you know, we want to take care of that
13 problem, but there is no reason for stopping and
14 frisking some of those people.

15 An officer sees somebody with an open
16 liquor container, why doesn't he just say, hey,
17 buddy, put it away, right? You know, same thing
18 for littering or whatever it might be.

19 But what's going on here is that
20 enormous numbers of people are being stopped.
21 My suspicion is they are only being stopped in
22 that situation so the officer can check to see
23 if there is an outstanding warrant. It often
24 never happens. But if we are concerned about
25 the number of stops -- and we should be -- there

1 is an easy answer. Stop making stops for
2 quality of life incidents. There are other ways
3 of handling that. In fact, you know, people in
4 the community ought to be dealing with that.
5 But the police, are -- you know, you invite
6 problems, right? You have antagonism. And we
7 wonder why people in the community, therefore,
8 are not helpful with the police. So, that's
9 the -- that's the Fourth Amendment picture.

10 We still have a long way to go. We
11 still a number of significant stops and frisks
12 without reasonable suspicion. We are making
13 stops in lots of cases that don't make sense.
14 And we have an incredibly low hit rate.
15 Incredibly low hit rate with what we are trying
16 to do with respect to getting weapons off the
17 street.

18 Equally troubling is the lack of
19 progress -- and here we have seen no progress at
20 all despite the reduction on number of stops --
21 on racial disparities. The City now by the most
22 recent census figures is about 35 percent White.
23 It's about 42 percent African-American. And
24 about 14 percent Latino. So, about 7 percent
25 Asian. So, 35 percent White, 65 percent

1 minorities, right? In 2019 in the data we
2 looked at in the Police Department, the stops
3 were 78 percent of minorities. The number of
4 minorities are only 65 percent. They were 78
5 percent of the persons stopped. Frisks, it was
6 even higher. It was 89 percent of everybody who
7 was frisked were minorities including 80 percent
8 African-Americans.

9 But beyond that, when we dug a little
10 bit deeper, the statistics became even more
11 troubling. When we looked at stop and frisks
12 that were made without reasonable suspicion,
13 right, those situations where everybody agrees
14 they shouldn't have been made in the first
15 place, the rates of stops of Blacks was
16 significantly higher than Whites and Latinos.

17 That is, so for example, with stops on
18 race and reasonable suspicion where there was no
19 reasonable suspicion, with respect to Blacks,
20 that was 18 percent of the stops of Blacks; but
21 only 11 percent of Whites. Same data as to
22 frisks, close to 40 percent of the frisks of
23 Blacks were without reasonable suspicion. And
24 only about 25 percent of the frisks of Whites
25 were without reasonable suspicion.

1 What does that mean? It means police
2 are stopping minorities far more often with no
3 evidence. That is, there is a higher threshold
4 before you stop a White person then when you
5 stop a Black person in the City of Philadelphia.
6 A lot of people say that's correct just because
7 you have the racial disparities in Philadelphia.

8 For example, 65 percent minority in
9 close to 80, 85, 90 percent of the stops. That
10 doesn't prove racial discrimination.

11 Our statistical expert for the past ten
12 years has been analyzing that data. As I said
13 before through regression analysis, plugging in
14 factors of crime rates, of police deployment, of
15 economic conditions in certain areas of the
16 City, so on and so forth. And for ten years,
17 has reported those factors don't explain the
18 racial disparities. And if we go further, we
19 know that's not true. And this is our windup
20 with this data, as well. Because I think all
21 this data informs the kind of discussion that
22 we're having and where we have to go.

23 When we look at the frisk rate in
24 Philadelphia, it turns out -- this would be some
25 of the data I said before. Blacks are 40

1 percent more likely to be frisked without
2 reasonable suspicion. And with respect to
3 stops, Blacks are 50 percent more likely to be
4 stopped without reasonable suspicion. And
5 again, this isn't our data, this is the City's
6 data. This is the data that's given to us.
7 It's quite remarkable. Our audits and the City
8 audits have been fairly consistent. We are both
9 finding these patterns.

10 The City has tried to explain these
11 racial disparities saying there is more crime in
12 Black communities. There is more serious crime
13 in Black communities, and that's why we have
14 more stops. That could be an explanation. But
15 as I said, all the statistical work that we have
16 done doesn't demonstrate that.

17 So, I say two things. One, I give
18 credit to the Police Department and to Mayor
19 Kenney for some of the improvements. I am
20 hopeful this new disciplinary system will bring
21 down the problems that we have and improve the
22 system. Some stop and frisks are necessary and
23 they are important. We continue to stop too
24 many people. We continue to frisk too many
25 people. We continue to do that without

1 reasonable suspicion. And we continue to see
2 the kind of racial disparities that fuel the
3 despair that we are starting to see in this
4 country. Unfortunately, I think we are starting
5 to get a response to that.

6 Philadelphia has been somewhat at the
7 forefront in dealing with these issues. We
8 should continue. But we can't let up at this
9 point and just say, well, we made all these
10 improvements. We don't have a problem anymore.

11 COUNCILWOMAN PARKER: Thank you,
12 Mr. Rudovsky.

13 District Attorney Krasner -- and listen,
14 we going to ask all of you to stay because my
15 colleagues have a whole lot of questions. And
16 we need to ask you some questions based on
17 policies that are in front of Council now that
18 are being considered. So, we need to get
19 everything that you have to say on the record.
20 So, thank you, District Attorney Krasner.
21 Please, proceed with your testimony.

22 MR. KRASNER: Thank you, Chairperson
23 Cherelle Parker and the Committee on Law and
24 Government for allowing the DAO to testify on
25 today's Public Hearing about Bill No. 2, lots of

1 zeros, 76 and corresponding Resolution No. 2,
2 lots of zeros, 80. I will just call them 76 and
3 80.

4 The DAO is a committed partner in public
5 safety as we seek fair and equal justice in
6 Philadelphia and in the Commonwealth. I have
7 prepared remarks that, frankly, most have been
8 covered. So, I would like to switch to some of
9 my thoughts on this, the ways that I believe I
10 can contribute.

11 First of all, I think it is really
12 important to realize that consideration of this
13 resolution is an opportunity to hear as,
14 Chairperson Parker said, the collective voice of
15 citizens at a crucial time in the country's
16 history. It is a crucial time when people who
17 might not otherwise be inclined to vote are
18 being told you matter, your lives matter. And
19 you -- in Chairperson Parker's words -- weigh
20 in. It is an opportunity, as Chairperson Parker
21 said, to shine a glaring light on modern police
22 tactics.

23 And all of that means an increase in
24 voter turnout. It means greater participation
25 by people who feel empowered at this time that

1 they can make a difference and they can do
2 things whether it's marching in the street or
3 it's marching to a polling place, which we all
4 fervently hope that they will do. The problem
5 with illegal stop and frisk, the problem with
6 "walking while black, driving while black," the
7 problem is it breaks trust. And breaking trust
8 between communities and the officers who serve
9 them results in reductions of safety.

10 What do I mean by that?

11 Well, first of all, the experience of
12 many young me, especially African-American men,
13 is an experience of repeated humiliation over
14 nothing. Over having been at a bus stop or
15 coming out of a fast food place and having
16 sometimes the same officer stop them repeatedly.
17 What does that do to a young person who is full
18 of all kinds of, you know, issues that relate to
19 being a teenager, figuring out your future,
20 concerns? What does it do when you are
21 humiliated time and time again especially as a
22 young man?

23 What are the results? Does that make
24 you want to be a police officer? Because we
25 could really use some young folks who are coming

1 from communities that are marginalized. We
2 could really use them as police officers. But
3 if you humiliate them often enough, they're not
4 going to do it.

5 What does it mean in terms of the
6 ability to get witnesses? Well, let me tell you
7 straight up, it is very difficult for us to get
8 witnesses to come forward on the most violent
9 and most serious cases we have, including
10 shootings. It's very difficult for us to get
11 people to come forward and say, look, something
12 terrible is about to happen. Go intervene.
13 That is in many ways due to the trust that has
14 been broken and broken for decades. Rudy
15 Giuliani did not have it right then or now. He
16 had it completely wrong. When you break trust
17 between people and the officers who serve them,
18 we are less safe. We are not safer.

19 But let me talk about something else,
20 another form of safety that we are losing
21 because it's a real issue. Look at what
22 happened to George Floyd. Look at what happened
23 to Eric Garner. And think about this for a
24 moment. When you have an illegal police
25 encounter over something minor, it often becomes

1 overheated. And it becomes overheated in part
2 because of the injustice that is being served on
3 the person stopped, the person searched, the
4 person arrested.

5 Let's remember what George Floyd
6 supposedly did. He goes into a store with
7 20-dollar bill that turns out to be counterfeit.
8 It is extremely likely he had no idea it was
9 counterfeit because he came back outside and sat
10 in the car with the door open for a long period
11 of time. Store employees came out and told him
12 something to the effect, your bill is
13 counterfeit. He talked to them. They walked
14 away. He stayed right there in that car. There
15 is every indication he had no knowledge that
16 that 20-dollar bill was counterfeit. And yet,
17 over a 20-dollar bill he ends up dead in a
18 super-heated encounter with police.

19 How is that any different than Eric
20 Garner? Eric Garner is selling loosey
21 cigarettes. That's what he is doing and ends up
22 dead. It is a very, very serious problem when
23 you take a minor encounter that did not have to
24 be and it's rooted in injustice and you create
25 the potential for a disaster.

1 So every one of these stops where the
2 turn signal was working and the police said it
3 didn't, every one of these stops where they say
4 you fit the description and there's no
5 description, every one of these becomes a
6 potentially dangerous situation for police
7 officers who frequently are forced to do this
8 tactic, don't want to do this tactic. And it
9 becomes a very dangerous situation for what are
10 often young people. But regardless, they are
11 people and that's with matters. So, I kid you
12 not when I say, this nonsense needs to end. It
13 makes us less safe. We are supposed to be about
14 public safety. We are supposed to be about
15 justice. This tactic has been a disaster.

16 It is part of my hope that as Council
17 considers budget and various agencies, that
18 there is support for the Police Advisory
19 Commission, that there is support for Mr. Menos
20 and his organization, that there is support for
21 the Public Defenders Office who need to be fully
22 funded if we are to address the issues that are
23 becoming the civil rights issues of our time.
24 And we can see them in the streets. It also
25 means, of course, funding the District

1 Attorney's Office so our Special Investigations
2 Unit can hold police accountable. You know, I
3 hope I am not bragging when I saw in the entire
4 Commonwealth of Pennsylvania, the one
5 jurisdiction where it is clear that the DA's
6 Office is trying to evenhandedly and
7 appropriately hold police accountable is
8 Philadelphia. And our SI Unit, Special
9 Investigations, is doing a remarkable job. It
10 is not beyond us to be able to do more with
11 civil rights enforcement.

12 Because as Mr. Rudovsky indicated, what
13 is written on these papers does show more
14 justification for the stops. That can mean one
15 of two things, though. It can mean that there
16 really is more justification for these stops as
17 we (audio cuts out) -- while black turning into
18 driving while black, which is what's really
19 happening; or it can mean that they are learning
20 to tell better stories. And the only way to
21 really get behind that, to get behind the words
22 on the page to find out the truth to reward the
23 officers who are doing the best and to call out
24 the officers who are doing things that are
25 actually illegal, like filling out police

1 paperwork that is untrue. The only way to get
2 that is to do more investigation, which is
3 within the ability of a properly supported DA's
4 Office to do.

5 Thank you very much, Chairperson Parker.

6 COUNCILWOMAN PARKER: Thank you, again.
7 Please don't leave. Our colleagues are going to
8 use a whole lot of what you say as we are
9 deliberating on issues that are in front of
10 Council.

11 Now, we will hear from Attorney Michael
12 Coard. Thank you so much for joining us.
13 Please, state your name for the record and
14 proceed with your testimony.

15 MR. COARD: My name is Michael Coard.
16 And I want to start by thanking Mr. Rudovsky and
17 Mr. Krasner for breaking it down as well as they
18 did. I, certainly, want to thank the impressive
19 panelist that spoke before those two gentleman.
20 I definitely, no doubt about it, want to thank
21 the Councilpersons who are part of this, and
22 especially you, Councilperson Cherelle Parker,
23 for pulling all this together.

24 What I decided to do in terms of my
25 brief presentation, maybe five to seven minutes,

1 normally, I don't speak from notes. But when I
2 deal with issues like this, I need notes or
3 teleprompter. Because if I don't, I will say
4 something that I will regret. I will go off. I
5 will yell, and I will scream. And I'm serious
6 about that. You know, I am known as the
7 self-described angriest Black man. And I wear
8 that moniker on my sleeve.

9 James Baldwin said: To be Black and
10 conscious in America is to be in a constant
11 state of rage.

12 It's not a destructive rage, but it's
13 still enraged. Let me just slightly go off the
14 script for about 30 seconds before I go to my
15 point. And I rehearsed what I am about to say
16 so that I don't go too crazy.

17 I am a lawyer today because of "Retarded
18 Roger". And I use that phrase "Retarded Roger"
19 because as a kid who didn't know about improper
20 terms, there was a man who had to be 35, 40
21 years old, but had the mental capacity of maybe
22 a 5 or 6 year old. So we as kids would see as
23 we would now call him Mr. Roger, we would tease
24 Mr. Roger by calling him "Retarded Roger." He
25 was mentally disabled. It's a long story, but

1 I'm not going to go into detail.

2 Bottom line is, I'm born and raised in
3 North Philly at 20th and York. And one block up
4 and one block across is 19th and Cumberland.
5 And "Retarded Roger" was given a job by a store
6 owner who felt sorry for this man because of his
7 mental incapacity and gave him a job, completely
8 harmless. Long story short, for whatever
9 reason, police are driving north on -- and this
10 had to be in the mid '70s. The police are
11 driving up 19th Street, they see somebody in the
12 store after hours. Not realizing that
13 Mr. Rogers is working there moving boxes around.

14 The cops are coming blazing. Fire 12 to
15 13 shots killing "Retarded Roger" instantly. No
16 news reports. No media coverage. Nothing.
17 Just a poor Black guy from the hood, shot and
18 killed. That is my experience with police.

19 Police for me were never "officer
20 friendly." They were always an occupying army
21 in the neighborhood. So when I see people like
22 you all, the Councilpeople and learned scholars
23 like Mr. Rudovksy trying to fight this fight, I
24 applaud you. Having said that, let me jump into
25 this.

1 As a criminal defense trial and public
2 attorney for more than 25 years an a public
3 policy and a Black community adjunct professor
4 at Temple, I enthusiastically support the ballot
5 question proposed by the Honorable Councilwoman
6 Cherelle Parker that necessarily seeks to end
7 unconstitutional stop and frisk in Philadelphia.
8 And I'm going to cut through some of this stuff.

9 In particular, I wholeheartedly support
10 it because it seeks to amend the Home Rule
11 Charter to: "Call on the Police Department to
12 eliminate the practice of unconstitutional stop
13 and frisk consistent with judicial precedent."
14 Thereby prohibiting police officers from
15 stopping, someone unlawful -- "someone
16 unlawfully" because of his or her race or
17 protected characteristics.

18 There is no way that anybody could
19 reasonably oppose this ballot question because
20 the question is, we stopped doing
21 unconstitutional "s***" -- unconstitutional
22 stuff, pardon my language. So the question is,
23 should we stop doing unconstitutional stuff?
24 The answer is obvious. We should. And that's
25 what this ballot question proposes. I love the

1 fact that it uses the word "unconstitutional" in
2 the ballot question and "unlawful." So again,
3 we are asking the public should we stop doing
4 unconstitutional stuff and should we stop doing
5 unlawful stuff.

6 I, also, love the fact that the language
7 of the proposed ballot question talks about
8 judicial precedent. And I'm not going to bore
9 anybody like some law school professor. But I
10 love the fact that that was included because
11 there is incredible amount of judicial precedent
12 supporting what we are trying to do here or what
13 City Council is trying to do here to stop
14 unconstitutional stop and frisk.

15 There is a case, Commonwealth v. Hicks,
16 a Pennsylvania Supreme Court decision from 2018.
17 And it starts out by saying the following. I am
18 going to read just a bit of it. Again, this is
19 a Supreme Court of Pennsylvania, Commonwealth v.
20 Hicks decided -- it was argued in 2018, decided
21 May 31 of 2019. And here is the relevant
22 portion: The Supreme Court of the United States
23 has adopted -- has approved of stop and frisk
24 practices as a limited departure from the
25 requirement of probable cause. Stop and frisk

1 deals with maintaining a balance between a
2 constitutionally protected privacy interest of
3 the individual and the needs and safety of law
4 enforcement. But this to me is really key. It
5 makes it clear, remember, we're not just talking
6 about Terry from 1968. We're talking about
7 Hicks from Pennsylvania here in 2019.

8 First, the investigatory stop must
9 lawful. That's key. The underlying stop must
10 be lawful. And second, to proceed from a stop
11 to a frisk, the police officer must reasonably
12 expect that the person stopped is armed and
13 dangerous. Armed and dangers, not just armed.

14 Because the Hicks' case involved a man
15 in Allentown who had a gun. And he was at a gas
16 station. And he saw a friend. And he shows the
17 friend his gun. And I guess somebody, store
18 must have called the police. The police
19 arrived. But you can lawfully carry a gun if
20 you have a license. That's why the police can't
21 just say, that we thought -- well, in
22 Philadelphia they can because it's a different
23 thing. In Philadelphia, we have rules. We have
24 6106 and 61 -- Crimes Code. But to make a long
25 story short, the case involving Hicks involved a

1 man who, in fact, had a gun, but a gun is not
2 enough.

3 Then it goes onto the Robinson case.

4 And this is important before I get back to my
5 prepared statement. The Hicks' decision by the
6 Pennsylvania Supreme Court in 2019 references
7 Commonwealth v. Robinson, a Supreme Court
8 decision from 1991, which makes it clear that
9 possession of a concealed weapon in public is
10 sufficient to create a reasonable suspicion that
11 the individual may be dangerous. That's what
12 Robinson says. Once again, possession of a
13 concealed firearm in public is sufficient to
14 create a reasonable suspicion that the
15 individual may be dangerous. That's Robinson by
16 Superior Court in 1991.

17 Robinson was overruled by the
18 Pennsylvania Supreme Court in 2019. So you
19 can't just say in most counties that the person
20 had a gun. They have to be armed and believed
21 to be dangerous.

22 Let me continue here. I go beyond
23 simply talking about the law to talk about
24 history. And in my prepared statement I point
25 out that municipal police departments as they

1 are now known began as slave patrols. The first
2 one started in 1704 in the colony of Carolina
3 and then spread throughout the south until 1865.
4 What these slave codes did was deputize civilian
5 White men to engage in "the monitoring of rigid
6 past requirements for Blacks, breaking up large
7 gatherings of Blacks, searching slave quarters
8 randomly and inflicting impromptu punishments."

9 That's what the slave code required in the
10 Colony of Carolina in 1704 to deputize White men
11 to do to Black people. That is 1704.

12 That could be 2020, the very same thing.
13 Deputize civilian White men to engage in the
14 monitoring of rigid past requirements for
15 Blacks, breaking up large gatherings of Blacks,
16 searching slave quarters randomly and inflicting
17 impromptu punishment. 1704, it was true in the
18 Colony of Carolina. It is still true today in
19 2020.

20 I will wrap this up in two minutes.

21 I go on to point out that when we talk
22 about the slave patrols and what happened in
23 1704 and the Colony of Carolina, I don't want
24 anybody to get it twisted and think it's just a
25 matter of something that happened in the South.

1 It happened in the North. In fact, slavery
2 existed here in Pennsylvania beginning in 1684
3 and right here in Philadelphia even before 1790.
4 And why do I mention 1790? Because that's when
5 we know George Washington, the father of this
6 country in America's first White House at 6th
7 and Market held nine Black men, women and
8 children in bondage as enslaved human beings.
9 And it was that same location in 1793 that he
10 signed the notorious Fugitive Slave Act.

11 Let me go from 1704 to what happened in
12 1790 to more modern relevant information.
13 People will be surprised to know that
14 Philadelphia was the first city to be prosecuted
15 by the Federal Government for police brutality.
16 I'm not talking about a city in Alabama, in
17 Georgia, in Mississippi. Philadelphia,
18 Pennsylvania 1979 became the first city in the
19 country to be prosecuted by the Federal
20 Government.

21 And let me just -- I was going to go
22 into the statistics, but Rudovsky handled it
23 perfectly, so it's no need for me to go into
24 anything more than beyond saying, Black men are
25 being targeted by the Police Department. And

1 even though they are being targeted less, it
2 reminds me of what my mentor Malcolm X said. He
3 said, if you stab me in the back 9 inches and
4 then you pull it out to 8 or to 7, I'm not going
5 to thank you for pulling it out. You should
6 have never stabbed me to begin with.

7 So, the fact that things are getting
8 better with the Police Department, it's still
9 not great because let's put the shoe on the
10 other foot. What if White men were being
11 treated like Black men? Would anybody say that
12 that's an improvement? Of course not. White
13 men, justifiably, would be going ballistic.

14 Something I just want to touch on very
15 quickly because it's not within the jurisdiction
16 of Council, which is state law is Legislative
17 Act 111. And Legislative Act 111 of 1968, let
18 me just read this. Legislative Act 111 of 1968
19 allows a civilian arbiter from the American
20 Arbitration Association to "ignore findings of
21 fact" regarding brutality and other misconduct
22 deemed founded by the Internal Affairs Division
23 and the Police Board of Inquiry. That act also
24 allows the arbiter to "reject the punishment"
25 assessed by Internal Affairs or by the Board of

1 Inquiry. And this is the key part. And this is
2 in the legislation. "Even if the facts as
3 charged have been proven."

4 So to the extent that I'm talking to
5 City Council and not the State Legislator, I go
6 on to say this. Much of the brutality and other
7 misconduct stems from unconstitutional stops and
8 frisks. And tragically, as recent news reports
9 have proven, many of those unconstitutional
10 stops and frisks lead to the unjustifiable
11 killing of innocent Black people who should have
12 never been stopped in the first place. So if we
13 here in Philadelphia through City Council can
14 stop the stop and frisk, then we potentially and
15 probably and almost certainly protect Black men
16 from being killed. Because you can't be killed
17 until you are stopped. So if we can stop the
18 stops, we saved some lives.

19 And finally, I say here for all the
20 aforementioned reasons, I enthusiastically
21 support the ballot question proposed by the
22 Honorable Councilwoman Cherelle Parker that
23 necessarily seeks to end unconstitutional and
24 unlawful stop and frisk. And I included in my
25 prepared statement some facts about real

1 legitimate stop and frisk. And without boring
2 you with the details, let me just point out five
3 facts that existed in that 1968 Terry v. Ohio
4 case that exist in none of the stops here in
5 Philadelphia.

6 One, it was a veteran detective that has
7 39 years of police experience and had routinely
8 patrolled that neighborhood. So, he knew the
9 people in the neighborhood. He knew the
10 neighborhood, number one.

11 Number two, he actually watched John
12 Terry and two other men for nearly 12 minutes
13 from about 300 feet away.

14 Number three, he saw Terry and a second
15 man talk on a street corner then separately walk
16 back and forth in front of a jewelry store, look
17 inside and then come back. Eleven times these
18 two guys did that. And the cop is just checking
19 them out.

20 Number four, a third man then joined in
21 the conversation with Terry and the other two,
22 and he walks back and forth to the jewelry
23 store. Now, they are all together.

24 The fifth and final point, I am already
25 sitting down but I will shut up after this.

1 After the three men together shortly thereafter
2 arrived outside that store after all the other
3 stuff, the detective confronted them, asked
4 their names. And when they mumbled a response,
5 the detective spun Terry around, padded his
6 outer clothing and felt and removed the gun from
7 inside his overcoat. Immediately thereafter, he
8 put all three against the wall, patted the other
9 two down and found another gun in a second man's
10 coat pocket.

11 So, when we talk about Terry v. Ohio, if
12 every cop could do exactly what this veteran
13 detective did, then we wouldn't have the
14 problems that we have. And I know I said
15 "finally" four times in the last ten minutes,
16 but I mean finally this time.

17 By the way, it should be noted that the
18 Supreme Court, despite its ruling that approved
19 the search, pointed out a stop and frisk is not
20 "a petty indignity" but a "serious intrusion
21 upon the sanctity of the person and it is not to
22 be undertaken lightly." The Court also
23 reference and warned against, "the wholesale
24 harassment of which negroes frequently
25 complain."

1 But Philadelphia Police -- and this is
2 my language. But Philadelphia Police apparently
3 never got that warning even after more than 50
4 years later. But thanks to Council today and
5 Councilwoman Parker in particular, maybe
6 Philadelphia can finally begin to heed that
7 warning.

8 Thank you for your indulgence.

9 COUNCILWOMAN PARKER: Thank you. Thank
10 you so very much for your testimony, all of you.

11 My colleagues, again, we have
12 Councilwoman Sanchez and then Councilwoman Gym.
13 But I have to ask you while we have you all
14 here, Michael Coard brought up something in his
15 testimony that is extremely important. And it
16 helps to put in context a number of issues that
17 are before Council now. Councilman Johnson, who
18 led the effort on behalf of Council, you know,
19 noting the 14 reforms that Council will be
20 advocating for. And we talked about a lot of
21 issues.

22 But Michael Coard mentioned Act 111.
23 Act 111. District Attorney Krasner,
24 Mr. Rudovsky, Michael Coard, Han, when you think
25 about the context of Act 111 and its impact on

1 what you see us attempting to address here in
2 the City of Philadelphia, what needs to happen
3 relative to Act 111? I want to get that on the
4 record.

5 And then, I also want you to give your
6 perspective on cameras because, you know, now we
7 have been hopeful that somebody has used their
8 own cell phone camera to, like, catch
9 wrongdoing, right, on the record. Now if all
10 officers are wearing the body-worn cameras, if
11 that is standard protocol and operating
12 procedure for any officer who is patrolling our
13 streets, does that protect him?

14 Here I say District Attorney Krasner,
15 Rudovsky and Michael Coard, I also read some
16 data and heard some people to say, Cherelle, you
17 think body-worn cameras are going to help, but
18 they don't help. And they are not going to
19 reduce any of the police brutality, abuse of
20 power or authority. I got to hear it from legal
21 professionals in the City who I respect, and
22 want you to go on record about those two issues:
23 Body-worn cameras, Act 111 -- Rudovsky, Krasner,
24 Coard and Hans.

25 MR. RUDOVSKY: So, let me take a minute.

1 I will just spoke[sic] to those quickly and then
2 pass the mic.

3 Act 111 is a terrible statute. It
4 prevents, as we know over the years, even when
5 the Police Commissioner lawfully terminates a
6 police officer, we find that the arbitration
7 process puts back 70, 75, 80 percent of those
8 officers even when there is a full record of
9 that. That Act ought to be changed. In the
10 meantime, I don't think Harrisburg is about to
11 do that.

12 But I think the Mayor of the City of
13 Philadelphia in collective bargaining with the
14 FOP has to push that issue. It's a collective
15 bargaining issue. And for years, I think
16 elected officials in this City have thought that
17 the Police Union is so strong they didn't want
18 to challenge them on any of that. I think the
19 Union today is more of a paper tiger. And in
20 the era in which we are living, the government
21 of Philadelphia has a duty in collective
22 bargaining with the FOP to remedy to make
23 changes.

24 Nobody wants to deprive them of Due
25 Process. If they have been fired

1 illegitimately, they should have the right to
2 some access. The burden ought to be on them.
3 It shouldn't be a final matter with arbitrators
4 who routinely reinstate officers who commit
5 egregious acts. So, that's what I would say on
6 that.

7 On the body-worn cameras, look, it's
8 helpful in some situations. The more video we
9 have, the more information we have. I think
10 that's helpful. It's helpful to the prosecutor
11 for sure. It's helpful for all of us to see
12 what goes on in the streets of Philadelphia. It
13 often shows that what people say are not
14 correct. And so, I am an advocate for that.

15 On the other hand, it's not, you know,
16 the be all and end all. The Department has got
17 to make sure that that's expanded. That
18 officers actually activate them, or that they're
19 automatically activated. You got problems along
20 that line. And that they're reviewed not only
21 in cases in which, you know, there are
22 complaints and so on; but it can often give the
23 Police Department good reason to think we got
24 problems in certain areas, right? We can learn
25 from what we see on these cameras.

1 More transparency and more
2 accountability is what we need. To the extent
3 body-worn cameras enhance transparency and
4 accountability, I'm for them.

5 COUNCILWOMAN PARKER: Got it.
6 District Attorney Krasner?

7 MR. KRASNER: Yes. I'll try to be
8 brief, Chairperson Parker.

9 So number one, I think -- I think there
10 are very few reforms more crucial than changing
11 the fact that the arbitration process for police
12 officers is a fix. It is a fix. It is the most
13 unfair and useless form of accountability. And
14 the thing that's so ironic is, it's applied to
15 the people who are supposed to hold us
16 accountable. That has to change.

17 I think that Professor Rudovsky raises
18 an important point. There's been fear of the
19 FOP for a very long time. But we need to
20 understand who and what the FOP are. There are
21 a lot of wonderful active police officers in
22 Philadelphia using great stuff. They're not
23 really the FOP. The FOP is -- the voice of the
24 FOP is its retired membership. Two-thirds,
25 possibly more, of the members are retired.

1 And this is why their -- their
2 headquarters is up on the border of Bensalem.
3 You walk out the side door, you're in another
4 county because that's where their retired
5 membership lives. You are hearing the voice of
6 the past. And as Professor Rudovsky said, it is
7 not a powerful voice as the Inquirer indicated
8 today. One of the things that you get by not
9 living in the City of Philadelphia is no votes.

10 So, the old political equation. The
11 equation that might have impacted Arlen Specter
12 when he decided he wanted to become a US Senator
13 or might have impacted Governor Rendell when he
14 decided he wanted to run statewide and get all
15 of these other counties that might not love
16 Philly. That equation is over.

17 And the truth is, the leadership of the
18 FOP has not represented its active membership
19 for a very, very long time. The retired
20 membership, frankly, is coming from an era when
21 people knew the words Archie and Bunker. And
22 that membership is 100 percent White, 100
23 percent Republican, 100 percent pro-Trump and
24 has virtually nothing to do with a lot of the
25 good, younger active diverse members of our

1 Police Department.

2 So, politicians are going to have to
3 realize that because when someone like me says,
4 excuse me, City of Philadelphia, I want to
5 participate in the negotiations with the FOP
6 because I have a significant number of employees
7 in my office who are FOP, maybe this time
8 they'll say yes. When I did that last year, I
9 was told, no, you are not going to be at that
10 table. We are not going to let you participate.

11 And it's not just me, it should be
12 people from the community. It should be people
13 from the clergy. It should be all of us because
14 we are all affected by the deal that we have
15 now, which is zero accountability and an
16 increase in your pay in the middle of a crisis
17 over one year.

18 The only good news is there it's one
19 year. And that means, we all have time to get
20 together to gather our forces because the voice
21 of the community, as you said, Chairperson
22 Parker, is being heard. And it needs to be
23 heard in those contract negotiations. And it
24 needs to be heard on 111.

25 I'll just give you two sentences on

1 body-worn cameras. They are essential even
2 though they are not perfect. They are
3 absolutely essential in the same way civilian
4 video is essential. We need more of them, and
5 we need pure excuses for keeping them off.

6 Thank you.

7 COUNCILWOMAN PARKER: Thank you so much.
8 And listen, they just sent me a note.

9 Listen, I got -- Councilwoman Sanchez,
10 are you on?

11 COUNCILWOMAN QUINONES-SANCHEZ: Yes, I
12 am. Thank you.

13 COUNCILWOMAN PARKER: Councilwoman
14 Sanchez, Councilwoman Gym and then Councilman
15 Derek Green.

16 COUNCILWOMAN QUINONES-SANCHEZ: So, I'll
17 be brief. I want to thank you, Chair Lady, for
18 this conversation. My question before I heard
19 David and our DA and then Michael Coard, I have
20 a -- I need time to debundle all of what was
21 said.

22 But I just want -- I think it's
23 important. I want to thank everyone. I think
24 this is an important discussion, the opportunity
25 for voters and others to participate at this

1 particular time is hugely important. So I guess
2 my question is going to be to Marcel Pratt and
3 to Vanessa because I don't want folks listening
4 to this hearing to think that, one, the Mayor --
5 to everyone's point who has said -- the Mayor
6 understands how difficult this has been.

7 What is the current directive as it
8 relates to this? And what are they doing around
9 the training and the response to what the Mayor
10 has publicly acknowledged as a problem to the
11 Department? And whether they can answer that
12 right now or submit it in writing, I think it's
13 hugely important. Because again, I just -- I
14 just want to get that on -- on the record. And
15 I have to debundle some of this stuff.

16 As it relates to Act 111, my question is
17 if -- because in Philadelphia we have learned
18 that we can't always wait for the State, what is
19 it about the selection of the arbitrators in
20 particular? Because I think the criteria -- the
21 one thing we can control is agree -- you know,
22 one is the law and, then, who are the players.

23 Is there something that locally we can
24 do about who the players are and their selection
25 that may help us move this along until the Act

1 is totally reformed?

2 Thank you.

3 COUNCILWOMAN PARKER: Thank you,
4 Councilwoman Sanchez.

5 Marcel?

6 MR. PRATT: Yeah, sure. Good afternoon,
7 everybody. Marcel Pratt, City Solicitor.
8 Thanks for the opportunity to answer some of
9 those questions.

10 I was not scheduled to testify today.
11 But because of the importance of this moment, I
12 decided to jump on and just be on the record to
13 say that I support the elimination of
14 unconstitutional stop and frisk, including the
15 targeting of Black men and other members of
16 protected classes. We know that the truth is
17 that some police do target people of color,
18 particularly Black men for stop and frisk. And
19 I think if you deny that, you are intellectually
20 dishonest or something else. It's easy to
21 corroborate. You know, the supporting empirical
22 data, anecdotal data and as we saw earlier, some
23 of us can do it through personal experience.

24 And I, also, want to say I agree,
25 Councilwoman Parker, with your synopsis of the

1 problem when you started the hearing and some of
2 the confusion around the meaning of stop and
3 frisk. It was one of the most concise
4 explanations I've heard. And I do want to make
5 sure we have the opportunity to explain it in
6 the same way to the public in the future.

7 And I also want to acknowledge, I wanted
8 to be on because some of the legal luminaries
9 that we have in this virtual room who have done
10 this work all their lives -- Michael Coard, Dave
11 Rudovsky, Larry Krasner.

12 And so, just to turn to some of the
13 questions. On the process itself, we can
14 certainly provide something in writing. And I
15 have Craig Straw who is First Deputy City
16 Solicitor who has worked on the Bailey case from
17 the beginning. And I think he can quickly go
18 through some of the disciplinary measures that
19 have been put in place coming out of the Bailey
20 litigation.

21 But just to answer your question, Act
22 111 and the arbitrators, I do think the
23 arbitrators are a problem, right? To be an
24 arbitrator, you have to have some qualifications
25 defined by the American Arbitration Association,

1 but you don't have to have a tie to
2 Philadelphia. You don't have to be a lawyer,
3 right? There are a whole host of qualifications
4 and skills that I think arbitrators could have
5 to make them better arbitrators.

6 And so, one of the things that we want
7 to explore through the Collective Bargaining
8 Process is a way to make sure that arbitrators
9 are more diverse, that they have ties to
10 Philadelphia, that they are folks who represent
11 our communities. And so, that is something that
12 we are going to push for.

13 But I do want to say just one last thing
14 about Act 111. You know, we do want to change
15 the system. We do want to eliminate structural
16 racism. But I want to be careful about how we
17 talk about Act 111 because Act 111 now is part
18 of that process, right? It's now part of the
19 problem. So, we can -- we can talk about
20 collective bargaining all we want, but we have
21 to change the process that's outlined under
22 State law. So, I don't want us to lose sight of
23 that.

24 But, we can certainly provide more in
25 follow up. I know -- you know, I have said more

1 than I said I was. But I want to turn it over
2 to Craig just to go through quickly some of the
3 details around discipline and other training
4 measures that have been put in place.

5 MR. STRAW: Thank you, Council. Thank
6 you, Marcel. Craig Straw, First Deputy, City
7 Solicitor. I've been, actually, working on the
8 Bailey litigation since its inception. And I
9 have worked with Mr. Rudovsky, the ACLU, the
10 Federal Courts, Provost JoAnne Epps was the
11 Court Monitor for a long period of time. We
12 worked with her.

13 One of the things talking about
14 discipline and accountability, and I think
15 that's the issue of the day in trying to resolve
16 and sort of eliminate unconstitutional stops is
17 accountability. We talked about this with the
18 Courts, Police Department recently. And the
19 last quarter of 2019, actually reassigned seven
20 supervisors to the Inspection -- the Audits and
21 Inspection Unit, which is the unit responsible
22 for reviewing the 7548-As when, I think, Hans,
23 you were talking about the audit system being
24 separate from the discipline system. This is --
25 the audit system is not a disciplinary system.

1 But the discipline now resides with the Audits
2 and Inspections Unit, which does audit all of
3 her -- a portion of the 7548-As.

4 So, they have reassigned seven
5 supervisors. We have done extensive training of
6 those individuals on sort of the standards that
7 are required to meet reasonable suspicion.

8 There is now a system in place that when
9 the Audits and Inspection Unit is reviewing
10 7548-As, if they come across officers who are
11 noncompliant in the description, i.e., the
12 description of the incident doesn't have a
13 reasonable suspicion for the stop, that officer
14 will begin a progressive discipline process that
15 starts with a verbal warning. The next incident
16 goes up to a written reprimand. And then, there
17 is additional potential suspensions on the third
18 violation.

19 One -- I mean, the -- probably the key
20 to this progressive discipline process is that
21 it doesn't just impact officers. Supervisors
22 who are responsible for reviewing the 7548-As,
23 to make sure they have reasonable suspicion for
24 supervisors who fail to catch those kind of
25 forms, they also will be subject to the

1 disciplinary process. Once an individual is
2 identified as having been noncompliant in the
3 description, i.e., having done an
4 unconstitutional stop or approving an
5 unconstitutional stop, that individual for the
6 next three quarters will have their forms
7 reviewed to decide -- to determine if there are
8 additional violations. Those additional
9 violations will become cumulative.

10 COUNCILWOMAN PARKER: Hey, Craig, you
11 know -- one, I want to say this. And I
12 appreciate it, that question, Councilwoman
13 Sanchez. And, Marcel, I want to note for the
14 record and for the benefit of the listening
15 audience that Mayor Kenney has been extremely
16 clear about the fact that all of the reforms
17 that are on the table now, especially those that
18 are applicable to 111, that he is supportive,
19 number one, of amending and changing Act 111.
20 And also, using collective bargaining as a
21 vehicle to address as many of these issues as
22 possible. And Richie Lazer from the
23 Administration along with you Marcel and others
24 have communicated that.

25 So, Craig, thank you for getting that on

1 the record.

2 Councilwoman Gym, she has -- she has
3 yielded her time to Councilmember Green.

4 Councilmember Green, are you available?

5 COUNCILMAN GREEN: Yes. Thank you,
6 Madam Chair. And I would be remiss in not
7 saying although it's Friday afternoon, it feels
8 like Sunday morning and I'm in the radio
9 courtroom with my brother Michael Coard. It's a
10 pleasure to have this conversation as well as
11 having my other fraternity brother and legal
12 scholar Marcel Pratt on the call, as well.

13 And during our Budget Hearings, I was
14 asking him questions about qualified immunity.
15 And since we have Dave Rudovsky here on the
16 call, I just want to ask him a question about
17 that within his contexts of unconstitutional
18 stop and frisk. And so many issues that we have
19 seen in our City come from unconstitutional
20 stops and frisks.

21 So as you know, Mr. Rudovsky, qualified
22 immunity is a legal doctrine in the United
23 States Federal Law which shields government
24 officials from being personally liable for
25 discretionary actions unless they are performed

1 within their official capacity, unless those
2 actions clearly violate established federal law.
3 And so, my staff has been able to do some
4 research. And there have been some federal
5 cases in the Third Circuit where qualified
6 immunity did not attach the behavior of local
7 law enforcement officers when they -- because
8 they commit violations 42 US Code, Section 1983,
9 which you know is Federal Civil Rights.

10 So, I'm curious. Are you familiar with
11 any situations within the Third Circuit where
12 qualified immunity did not attach because local
13 officials -- and we are talking about police --
14 clearly violated Section 1983, and then they
15 became personally liable? Because that's one of
16 the issues that has come out of this whole
17 conversation regarding police reform is a
18 question about how police officers could be held
19 civilly liable for their actions, and qualified
20 immunity has been an impediment.

21 However, based on my information, Third
22 Circuit case law where an officer has violated
23 something like Section 1983, qualified immunity
24 would not attach.

25 MR. RUDOVSKY: Yeah. Let me just take a

1 minute on that. I don't want to take too much
2 time on that. You are absolutely right.

3 One of the big problems with police
4 misconduct, we talk about a lot of them, is the
5 lack of accountability in the courts. And what
6 the Supreme Court has done, has built a web of
7 immunities that protect police officers and, you
8 know, law enforcement agencies. So even when --
9 and here is the point about qualified immunity.

10 Even when a court decides that an
11 officer has acted illegally, used excessive
12 force, committed false arrest or whatever it
13 might be that's illegal under the Constitution,
14 they won't be liable for their acts unless the
15 law was -- what the Supreme Court says --
16 clearly established. Some courts go so far as
17 to say, unless these exact facts have been
18 addressed before, what the officer did this
19 time, maybe he didn't know, right, that he was
20 committing a wrongdoing.

21 And so, it's often been used to deprive
22 people of compensation for violation of their
23 rights. It means that officers continue to
24 think that they can do what they want with
25 impunity. In the Third Circuit in Philadelphia,

1 we haven't found that to be an overly
2 problematic doctrine. The Judge is, as you
3 said -- have often said that the officer was on
4 notice. Officer should have known a stop of
5 without reasonable suspicion is illegal and,
6 therefore, they are liable. Excessive force is
7 excessive force.

8 It's a problematic doctrine. We've been
9 trying to get the Supreme Court to revisit it.
10 Congress may get involved in that, but it is
11 part of what I will call judicial door closing
12 that this current U.S. Supreme Court has been
13 engaged in for the past 30 years of, basically,
14 keeping people out of court by various legal
15 doctrines. And not only does that deprive them
16 of vindicating their rights, but it sends a
17 message to the police and other government
18 officials, you can basically do what you want
19 and don't be concerned about accountability in
20 the Federal Court.

21 COUNCILMAN GREEN: Thank you, Madam
22 Chair. And, Mr. Rudovsky, I may follow up
23 regarding these questions. And I know Solicitor
24 Pratt, we had this conversation during the
25 Budget Hearings. I will be doing some

1 additional research regarding this issue.

2 Thank you, Madam Chair.

3 COUNCILWOMAN PARKER: And, Councilmember
4 Green, thank you so very much. You have been
5 very tenacious and committed to addressing it.
6 So, you should keep us informed of it. And if
7 there is anything that we need to be doing to be
8 supportive, please, let us know.

9 Listen, I want to say a special thanks
10 to all of you for testifying today. All of this
11 information, what you submitted in writing and
12 what you put on the record in response to our
13 questions is extremely important. It will help
14 to inform on the deliberations that Council
15 currently has to undertake in the midst of all
16 that is before us. So, we want to say a special
17 thank you to you.

18 I, also, want to say to Mr. Rudovsky, DA
19 Krasner and Michael Coard, I, also, want you all
20 to know that we also appreciate you for
21 acknowledging -- you know, although we have a
22 whole lot of other work to do and a whole lot
23 further we must go before acknowledging where we
24 have gone on the record, right? And so, because
25 that -- it demonstrates that we are trying to

1 move in the right direction. But we are nowhere
2 near where we need to be. But I want to thank
3 you for acknowledging that on the record.

4 For my colleagues, are there any other
5 questions for any of us and District Attorney
6 Krasner? Anything closing comments or anything
7 from you, sir?

8 MR. KRASNER: I just want to make
9 sure -- and thank you for the opportunity.

10 I just want to make sure everyone is
11 aware that the DA's Office is also in support of
12 Councilmember Kenyatta Johnson's bill that is
13 seeking to have a Victim Services, especially
14 for one of the great gaps that exist, which is
15 victims whose cases are not solved. And we look
16 forward to working further on details with him.

17 COUNCILWOMAN PARKER: Thank you so very
18 much.

19 Councilman Squilla, I see you on my
20 screen now. Did you have any comments or
21 questions you wanted to make?

22 COUNCILMAN SQUILLA: I just wanted to
23 thank everybody for their input on this matter.
24 How important it is and knowing how to move
25 forward and how we let people know to start

1 building the trust within government and within
2 the force to make people realize that, you know,
3 your voices are heard and we are doing the best
4 we can to make sure we enter that positive
5 implementation of rules and regulations to move
6 forward. And also, what DA Krasner just said
7 about the victims of these crimes, how important
8 it is to make sure that they know they have a
9 place to go and they are not forgotten and that
10 we will stand up for them.

11 So, thank you.

12 COUNCILWOMAN PARKER: Thank you so much,
13 councilman Squilla. And that will end this
14 panel. Let me just get to the No. 208. Okay.
15 Thank you so very much to this panel.

16 Because there is no one else here to
17 testify, let me ask, is there anyone else here
18 to testify on Bill No. 200076 or Resolution
19 200080?

20 Hearing none, that will conclude this
21 panel. Rachel, where are we now?

22 Okay. Is there anyone else here? None
23 here to testify. Okay.

24 Now we have Bill No. 200208 and
25 Resolution No. 200216. Am I accurate with my

1 numbers, Rachel?

2 THE CLERK: Yes. You are accurate.

3 COUNCILWOMAN PARKER: Okay. Would you,
4 please, Chair call -- Clerk, call the roll for
5 the next panel.

6 THE CLERK: Yes. We have Chantae Love,
7 Felicia Pendleton and Aleida Garcia.

8 And I believe Councilman Johnson would
9 like to make some opening remarks.

10 COUNCILWOMAN PARKER: Yes. And I, also,
11 want to state for the record that Councilman
12 Johnson has written letters of support here from
13 Vanessa Garrett-Harley, Deputy Managing Director
14 for Criminal Justice and Public Safety for the
15 City of Philadelphia along with our District
16 Attorney Larry Krasner, who also just put his
17 support for the bill and the resolution on the
18 record.

19 Councilman Johnson. Are you still here,
20 Councilman Johnson?

21 COUNCILMAN JOHNSON: Yes. Yes, I am,
22 Madam Chair.

23 COUNCILWOMAN PARKER: We want to
24 recognize you for comments and want to make a
25 public word of thanks to you, Councilman, for

1 leading that letter that was sent acknowledging
2 those 14 issues and reforms that Council is
3 interested in supporting. And want to say thank
4 you to you, Councilman Jones and Council
5 President, for your leadership on that issue.

6 COUNCILMAN JOHNSON: Thank you, Madam
7 Chair.

8 COUNCILWOMAN PARKER: Please proceed,
9 Councilman Johnson.

10 COUNCILMAN JOHNSON: Thank you, Madam
11 Chair. These are victims and co-victims of gun
12 violence, is an issue that is deeply personal to
13 me. I, myself, became a co-victim as a young
14 man when I lost my cousin to gun violence. With
15 the support of my family and friends and my
16 faith, I was able to channel the trauma
17 experience into something positive, a lifetime
18 of public service. As a result, I feel
19 obligated to try to give a voice to those who
20 are often not heard and overlooked when it comes
21 to the issue of gun violence here in the City of
22 Philadelphia.

23 Over the last several months, the
24 Special Committee on Gun Violence has convened
25 round tables and hearings on the pleas of

1 victims and co-victims led by our subcommittee
2 members of victims and co-victims of violence.
3 What we heard loud and clear was that community
4 needs someone within City government whose sole
5 responsibility is to advocate for victims and
6 co-victims. There are too many agencies that
7 have contact with victims and need to do better
8 work working with victims and working with one
9 another. This legislation will answer their
10 pleas by asking Philadelphia voters to add a
11 victim advocate to the City Charter.

12 The Office of Victim Advocate will do
13 the following: Advocate for victim and
14 co-victims with a special emphasis on those who
15 are impacted by gun violence, to facilitate,
16 coordinate and collaborate between agencies,
17 providing train and trauma for -- to assist
18 agencies who interact with victims, ensure that
19 victims are notified of their rights to help
20 protect their rights, educate the public
21 regarding victim issues, make policy
22 recommendations, establish and work with
23 community representatives and stakeholders and
24 make sure they have a voice when it comes to
25 public policy and advocacy issues around victims

1 and co-victims of gun violence.

2 I believe that we owe it to the victims
3 and co-victims to give them a voice in City
4 government. And this proposed charter change
5 will do just that.

6 Thank you, Members of the Committee for
7 your careful consideration. And again, as we
8 address the issue of gun violence here in the
9 City of Philadelphia, we want to make sure that
10 those who are victims and co-victims have a seat
11 at the table. Those who are victims and
12 co-victims also have a voice where we are
13 discussing issues that are germane and have a
14 severe impact on their lives.

15 Thank you very much, Madam Chair.

16 COUNCILWOMAN PARKER: Thank you,
17 Councilman Johnson. And Chantae Love, Felicia
18 and Ms. Garcia, are you all live? Are you here?
19 You connected?

20 ("Yes. Yes.")

21 COUNCILWOMAN PARKER: Okay. We are
22 going to hear your testimony in this order --
23 Chantae, Felicia and Aleida, pronounce your
24 first name, please.

25 MS. GARCIA: It's pronounced A-lee-da.

1 COUNCILWOMAN PARKER: Aleida, Aleida.

2 Okay. Thank you.

3 Please, state your name for the record
4 and proceed with your testimony. We will begin
5 with Chantae. Oh, okay.

6 Felicia Pendleton?

7 MS. PENDLETON: Yes.

8 COUNCILWOMAN PARKER: Thank you,
9 Felicia. If you can state your name for the
10 record and proceed with your testimony.

11 MS. PENDLETON: Felicia Pendleton.

12 COUNCILWOMAN PARKER: Yes, ma'am.

13 MS. PENDLETON: Well, basically, when I
14 testified at the last hearing, it was so that we
15 can get to this point that we are at right now,
16 which is creating a bill that really focused
17 strictly on victims and co-victims. So often,
18 we are, like, overshadowed by other things going
19 on in the City but very seldomly is a focus on
20 victims and co-victims.

21 Specifically, being re-victimized.
22 Being re-victimized and not having the resources
23 that should be in place for us. I feel like the
24 bill that is being presented today is definitely
25 necessary because we need a central office. We

1 need a central place where, you know, you can go
2 to and they will assist you with all your needs
3 instead of having to go back and forth to the
4 District Attorney's Office, trying to give
5 someone at the District Attorney's Office on the
6 phone to answer your questions, to find out who
7 can assist you in your time of need as far as
8 your grieving situation.

9 Many of you do know, many of you don't
10 know. But my son was murdered, and that's why
11 I'm here. And it was very few people that
12 reached out to me during that time. Just so
13 happen, I knew someone and they contacted the
14 Center. And Chantae came directly to my house.
15 But if it wasn't for someone that I knew that's
16 not connected to anything, I wouldn't have been
17 pointed in the direction to Chantae.

18 So, I believe that the bill should be
19 presented as a voting tool so victims will have
20 their needs met.

21 Thank you.

22 COUNCILWOMAN PARKER: Thank you so very
23 much Felicia for your testimony. Felicia
24 Pendleton is the founder for Moms United by
25 Angels.

1 Ms. Garcia, are you here?

2 MS. GARCIA: Yes, I'm here.

3 COUNCILWOMAN PARKER: Thank you, ma'am.

4 Please, state your name for the record and
5 proceed with your testimony.

6 MS. GARCIA: My name is Aleida Garcia.

7 I'm the Co-Founder of the National
8 Homicide Justice Alliance.

9 First of all, I want to thank everyone
10 present here today for their concern and actions
11 to save lives from violence and to advocate for
12 victims and co-victims of homicide and gun
13 violence in Philadelphia. I want to especially
14 thank Councilman Kenyatta Johnson and Councilman
15 Curtis Jones for leading this important
16 initiative, Joshua Harris and other members and
17 supporters of the subcommittee. And a special
18 thank you to the members of the Victim
19 Subcommittee of the Special Committee for Gun
20 Violence Prevention, Dr. Dorothy Johnson Sprite
21 and Anthony Murphy who for many months have been
22 listening to testimonies from families and
23 murder victims, victims of shootings and other
24 agencies and organizations that work with those
25 affected by gun violence and work with them on a

1 daily basis.

2 As the mother of Alejandro Rojas Garcia,
3 who was shot 15 times and left to die one block
4 away from the 24th/25th Police District on
5 January 24 of 2015, I am here to represent his
6 two children, our family friends. And we
7 have -- we have had to endure the aftermath of
8 this brutal murder that devastated our family.

9 Like most families of murder victims, we
10 needed a lot of help. And in many ways during
11 the lowest point of our lives, our tragedy
12 forced us to become self-made detectives and
13 advocates. We needed information, communication
14 with the homicide detectives. We needed help to
15 pay for the unexpected funeral expenses and
16 counseling for our family. We needed support.
17 And so, we became advocates to seek justice and
18 get responses from the criminal justice system
19 as we learned about the policies that negatively
20 affected survivors.

21 Even in our time of grief, financial
22 matters had to be resolved and decisions had to
23 be made. As you can imagine, it is a horrific
24 experience. At the time the, Social Service
25 Agency in the East Division was not open. And

1 therefore, we received help from other sources
2 and we sought them out. The Victims Services
3 Office from the Homicide Unit came out to speak
4 with me and help me to fill out some local
5 paperwork. And then immediately after this, the
6 Charter came to visit.

7 With the 25 percent increase as of
8 today, 178 murders and 25 percent increase to
9 homicides this year, I hope that when another
10 family is going through this horrific tragedy,
11 that there can be easy access information and an
12 office for victims to help them navigate
13 services and to mediate any issues that they
14 might have with government officials and victim
15 services agencies.

16 As a survivor and Co-Founder of the
17 National Homicide Justice Alliance, I fully
18 support the establishment and -- the resolution
19 of the establishment of the Office of the Victim
20 Advocate in Philadelphia. There is no other
21 government office in Philadelphia that will
22 specifically advocate for victims and co-victims
23 testimony of homicide and attempted homicide, of
24 which the majority are gun violence cases.
25 Although, elements of victim services exist in

1 other governmental offices, the District
2 Attorney's Office is mandated to represent the
3 Commonwealth, the Public Defenders represents
4 the defendants but which government agency or
5 government office is the "buck stops here"
6 office with the authority to advocate for
7 victims directly with the Police Commissioner,
8 District Attorney's Office and other government
9 entities?

10 So, a variety of research projects with
11 numerous disciplines have shown that the
12 consequences and cost of murder can be
13 devastating not only for the victims and their
14 families, but also for neighborhoods and
15 community. During this difficult time, the cost
16 of establishing a new office may be a concern.
17 But the reality is that violence is very costly.
18 And by providing victims with advocacy
19 information and referral to appropriate
20 services, we may actually save funds through
21 violence prevention and -- for violence
22 prevention, funds that need to go into working
23 with trauma and addressing the cost of homicide.

24 There is a sociologist named Dr. Matt
25 DeLisi in the University of Iowa who is well

1 known as a specialist in this area. He wrote an
2 article for the Journal of Forensic Psychiatry
3 and Psychology. And what he says that in
4 addition to the psychic toll, murder is also
5 financially costly. The article analyzed state
6 level data from Pennsylvania to produce
7 estimates of specific forms of violence
8 committed by and against juveniles and adults.
9 Considering medical care costs, loss of future
10 earning, public program costs, property damage
11 and losses and quality of life losses, the
12 average murder of a juvenile cost nearly \$4.2
13 million in urban area. And the average cost of
14 murder of an adult is 3.5 million.

15 The Philadelphia Office of the Advocate
16 will act on behalf of victims and co-victims of
17 homicide and attempted homicides. And will work
18 towards creating greater public awareness,
19 understanding and advocacy directed toward
20 solutions and collaborations. The office will
21 be designed as a cutting edge and integrated
22 effort by the City of Philadelphia to implement
23 the latest methods, research-based strategies
24 and best practice to advocate for gun violence
25 survivors, homicide victims and co-victims.

1 The Office of the Victims Advocate may
2 also engage with and collaborate with gun
3 violence prevention groups as well as victim
4 service agencies to build communities amongst
5 survivors and organizations with the guidance of
6 a survivor-led advisory report. The proposed
7 office will continually look at how policies may
8 affect survivors and witnesses of crime who in
9 some cases are also co-victims and survivors, as
10 well.

11 As my colleague -- as our colleague
12 Chantae says to us often, every case is
13 different and every murder is real.

14 Thank you.

15 COUNCILWOMAN PARKER: Thank you so much
16 for your testimony, Aleida. To Felicia and
17 Aleida, thank you so very much.

18 Felicia, during your testimony you said
19 something that a lot of people don't realize.
20 And you talked about having to be victimized
21 twice when supports are not available for those
22 who are on the other side of violence. And so,
23 I want to say to you, thank you so much. I know
24 Chantae is not here. But Chantae Love, if you
25 are watching somewhere or if you are listening

1 to us, we want you to know we appreciate the
2 groundbreaking work that you are doing with Amir
3 and you, as well, Aleida.

4 And the Chair now recognizes
5 Councilwoman Quinones-Sanchez.

6 COUNCILWOMAN QUINONES-SANCHEZ: Thank
7 you. And I'll be brief, Madam Chair. I, too,
8 also want to thank Councilman Kenyatta Johnson
9 for all the work he has done in getting us
10 together around some common values.

11 As it relates to this work, I want to
12 echo your words to Felicia and Chantae. I,
13 personally, want to just for the record because
14 this is important. It's groundbreaking. It's
15 historical. Aleida has been on this mission for
16 a very long time. And she's helped me and
17 others really understand the value of some of
18 this work.

19 In East Division, we did not have a
20 Victim Services Office. There was a lot of
21 issues related to that. And these women
22 empowered themselves. And I think you said this
23 before. The power of government is in the
24 people, right? We are just vehicles, the
25 facilitators. I just really want to thank her

1 for her steadfast, her commitment, her
2 willingness to just educate take the time for
3 everyone else who was in this position. And you
4 know, this piece is one component of it. How we
5 set this office up, how he fund it and how we
6 reflect those values and the comradery that
7 these woman have established, we look forward to
8 working with all of them.

9 So thank you, Councilman Johnson and
10 Councilman Jones for listening and for
11 empowering and for creating this vehicle. I
12 think it's hugely, hugely important. And I know
13 for us in our community in the 7th District, the
14 work of Aleida does not go unrecognized and
15 everyone else. So, thank you.

16 COUNCILWOMAN PARKER: Thank you,
17 Councilwoman Quinones-Sanchez for putting that
18 on the record.

19 Chair recognizes Councilwoman Gym.

20 COUNCILWOMAN GYM: Thank you so much,
21 Madam Chair. I, also, wanted to just express my
22 gratitude to Councilmember Johnson for leading
23 on this issue and for the organizing group of
24 relentless women who have stood up for their
25 communities. It's been a journey, as was said

1 before, to get to this point. I'm proud to be
2 one of the Members of Council to support you.

3 Thank you very much, Madam Chair.

4 COUNCILWOMAN PARKER: Thank you so very
5 much, Councilwoman Gym.

6 Are there any questions or comments from
7 Members of the Committee?

8 Hearing none --

9 COUNCILMAN JOHNSON: I have one, Madam
10 Chair.

11 COUNCILWOMAN PARKER: Oh, I'm sorry.
12 Councilman Johnson.

13 COUNCILMAN JOHNSON: Madam Chair, I just
14 want to ask all of my colleagues for a friendly
15 vote, and I appreciate your support. And I,
16 also, want to take a moment to thank Felicia
17 Pendleton. I want to thank Ms. Aleida Garcia.
18 I want to thank Chantae Love. I want to thank
19 Anthony Murphy of Townwatch as well as
20 Ms. Dorothy Sprite, a mother who is in charge.

21 Madam Chair, sometimes -- there is
22 statement where someone said, if you want
23 something done, give it to a woman. And these
24 women have challenged me. They have held me
25 accountable. They have encouraged me. They

1 have supported me to make sure that we
2 continue -- continue to make sure that the
3 voices of victims and co-victims of gun violence
4 and violence in general are, you know, at the
5 forefront and are a part of our agenda here in
6 the City of Philadelphia.

7 So, I just want to personally thank them
8 just for being supportive of these efforts. And
9 most importantly, just making sure we keep this
10 a priority.

11 So, thank you very much, Madam Chair.

12 COUNCILWOMAN PARKER: Councilman
13 Johnson, I want you to just stay right there for
14 a second. I want to say this for the benefit of
15 the public that is watching right now.
16 Councilman Johnson, you remember there was a
17 time when Philadelphia saw a decrease in the
18 number of homicides and violent crime was down.
19 And then all of a sudden, we saw those numbers
20 begin to rise again. And then people sort of,
21 particularly in electives, you know, come out of
22 the woodwork and will jump in front of issues,
23 particularly, if there is a camera there to be
24 captured.

25 I want to say publicly, thank you.

1 You've been a part of this work and this has
2 been a part of your mission because of your
3 personal experience. But when I think about
4 Peace Not Guns and that you did that when no one
5 was watching but because of what you experienced
6 in your family, your work and you were
7 advocating for this before you even became a
8 member of Council, I remember when we sat near
9 each other in the Pennsylvania General Assembly.
10 And you would be leaving to get back to
11 Philadelphia so you can do your work with Peace
12 Not Guns.

13 I want you to know, we don't take that
14 lightly. You are no "Johnny Come Lately" to
15 this issue. And I want to say thank you on the
16 record for that.

17 COUNCILMAN JOHNSON: Thank you, Madam
18 Chair.

19 COUNCILWOMAN PARKER: Thank you.

20 If there is no one else to testify on
21 the bill whose name has not yet been called?

22 Hearing none, Rachel, will you call the
23 first panel that we have to testify this
24 afternoon on Bill No. 200328. And before -- as
25 you call the panel forward, I would like

1 Councilmember Gym, are you still here, Council
2 Lady?

3 COUNCILWOMAN GYM: Yes. Absolutely,
4 Councilman Chair.

5 COUNCILWOMAN PARKER: Councilwoman, I
6 wanted to recognize you so that -- number one, I
7 want to say to you on the record, and I want the
8 public to know, Councilwoman Gym has been
9 sending me text messages throughout this entire
10 hearing thinking that we were not going to meet
11 our time guidelines. But as you can see,
12 Councilwoman, I do know how to manage time.

13 So, thank you for your encouragement via
14 the text messages. And Councilwoman, I want you
15 to give opening comments on this piece of
16 legislation that you worked so hard for.

17 COUNCILWOMAN GYM: Yeah. Thank you so
18 much, Madam Chair.

19 And certainly, wanted to just yield my
20 time because I think the testimony of those
21 individuals who spoke today was just so much
22 more important. And this is an important moment
23 both to talk about the need for true justice in
24 reform to end unconstitutional practices and
25 abuse of practices like stop and frisk, to

1 uplift crime victims and make sure that they
2 have a single point of contact in an office
3 that's advocating for them. And I hope that
4 this bill that we talk about will be in that
5 similar vein, so thank you.

6 So, we are here to talk about the world,
7 a new world. As we look towards reopening
8 Philadelphia, we owe it to ourselves and to each
9 other to protect the essential workers who have
10 kept our country running. Tonight is about the
11 workers who got up every day to keep our grocery
12 store shelves stocked, our hospitals and nursing
13 homes staffed, our buses and trains running, our
14 streets clean. It is about home healthcare
15 aides, social workers and so many more people
16 who kept Philadelphia going.

17 For those folks who showed up for us at
18 a time when so many of us were fearful about a
19 world that became rapidly unhealthy and unsafe,
20 today is for you. This is for all the workers
21 who had sleepless nights and tough conversations
22 trying to balance their own health and the
23 health of their families and the obligations to
24 the communities that they served. As our City
25 cautiously reopens with a looming threat of

1 second waves on the horizon, one of the most
2 important and basic things we can do is to
3 ensure that any open workplace is a safe
4 workplace.

5 I and my colleagues from this body have
6 been moved to action by the stories of workers
7 who have fought for better and safer workplace
8 conditions. The urgent cry for PPE and
9 sanitation and basic testing and quarantine when
10 the first terrifying symptoms revealed
11 themselves. We are moved to action because
12 COVID Townhall with 1199C healthcare workers who
13 spoke of being called into work despite being
14 under doctor's orders for quarantine for
15 COVID-positive symptoms. We are moved to action
16 by grocery store workers and UPS warehouse
17 employees who had to negotiate with their
18 employers for protocols around essential
19 cleaning and basic access to sanitation and
20 help.

21 We all know that the Federal Government
22 has failed time and time again to establish
23 appropriate workplace protocols. In fact, the
24 Trump Administration has yet to issue any
25 COVID-19 specific OSHA standards. So, this work

1 has to be collectively addressed at the
2 workplace. And that cannot happen effectively
3 if employees are threatened and retaliated
4 against for raising important issues about the
5 public health.

6 Before you today and before this
7 committee today is consideration of Bill No.
8 200328, the Essential Workers Protection Act
9 which is designed to protect the public health
10 by protecting workers from employer retaliation
11 for addressing conditions which violate public
12 health orders, thereby mitigating the risk that
13 workplaces become hot beds of COVID spread.

14 I want to thank the ten cosponsors of
15 this bill, Councilmember Squilla, Johnson,
16 Jones, Quinones-Sanchez, Henon, Gauthier,
17 Brooks, Thomas and Gilmore Richardson. I, also,
18 want to thank the 25-plus labor and community
19 organizations who are supporting this
20 legislation, including Unite Here, Our
21 Hospitality Workers, Teamsters Local 623, our
22 UPS drivers and warehouse workers, sanitation
23 workers, SEIU Healthcare, PASNAP, BMWED
24 Teamsters, AFSCME 1199C, and Transit Workers
25 Union Local 234 and Teamsters 115.

1 This bill has had numerous amendments.
2 And we thank our partners in this effort to
3 ensure that this is a bill that's workable,
4 enforceable and establishes a basic floor for
5 protection. This bill is about protecting lives
6 as we try and forge a path ahead in an uncertain
7 world. It poses no threat to the many employers
8 in our City who are abiding by State and Local
9 regulations and is entirely consistent with
10 current State and Local Anti-Retaliation Laws.

11 I'm glad to have the support of the
12 Kenney Administration. I'm grateful for the
13 support of our community organizations such as
14 One Pennsylvania, Maternity Care Coalition and
15 so many others. And I am committed to working
16 with our Labor Office to ensure that this bill
17 is implemented in a way that's fair for all. We
18 owe it to our workers to protect them from
19 retaliation. When they are safe, so are we.

20 Madam Chair, I yield my time.

21 COUNCILWOMAN PARKER: Thank you so much,
22 Councilwoman Gym.

23 Mr. Lazer, we see that you are
24 connected. Are you ready to proceed?

25 MR. LAZER: Yes, I am.

1 COUNCILWOMAN PARKER: Please, state your
2 name for the record and proceed with your
3 testimony.

4 MR. LAZER: Thank you.

5 Good afternoon, Chair Parker and Members
6 of the Law and Government Committee. My name is
7 Richard Lazer. I'm the Deputy Mayor for Labor.
8 I appear before you today to testify in strong
9 support for Bill No. 200328.

10 This bill is an anti-retaliation bill
11 that offers valuable and timely protections to
12 all Philadelphians as we enter the recovery
13 phase of the COVID-19 pandemic. The measures we
14 have all taken as a City have made it possible
15 for businesses to reopen and for people to
16 finally have the opportunity to go back to work.
17 This took place in earnest last week when
18 Philadelphia officially moved to the yellow
19 phase and will continue as more businesses
20 reopen.

21 While we look forward to some additional
22 freedoms from the Stay at Home Order, we also
23 know from the firsthand experience of essential
24 employees during the height of the pandemic that
25 there are legitimate challenges and safety

1 concerns with running daily operations in a way
2 that maintains safety to both the public and
3 workforce.

4 Bill No. 200328 addresses those concerns
5 by providing workplace protections for employees
6 against retaliatory actions, both for the
7 disclosure of information related to employer
8 noncompliance with such orders and for refusal
9 to work under unsafe conditions caused by the
10 noncompliance. The City worked hard to
11 continuously publish and disseminate up-to-date
12 workforce guidelines for all industries. And it
13 is our hope and expectation that citizens within
14 Philadelphia will follow those guidelines.

15 While we are confident that most employees --
16 employers will be in compliance, this bill will
17 ensure that all workers receive the same
18 protection.

19 Additionally, it has been
20 well-documented that in terms of health impacts,
21 mortality and economic security, the COVID-19
22 pandemic has a disproportionate impact to people
23 of color. Recent study on the pandemic show
24 black workers in particular are twice as likely
25 to have been retaliated against by their

1 employer for speaking out about health concerns
2 at work among other concerns, as well. As we
3 move forward into recovery, it is critical that
4 workers communicate with their employers about
5 their own health and safety in the workplace.
6 We believe this anti-retaliation bill is an
7 important tool we can use to support our
8 community.

9 We support this bill as amended. And I
10 look forward to answering any questions you may
11 have at this time.

12 Thank you.

13 COUNCILWOMAN PARKER: Thank you so much,
14 Mr. Lazer, for your testimony.

15 Are there any questions or comments from
16 Members of the Committee? I am looking at the
17 Chat box now, but I don't see any.

18 There being none, Rachel, will you
19 please call the next panel to testify on this
20 bill.

21 THE CLERK: Yes. We have Pat Eiding,
22 Charles Carrington, Irene Tung, Niko
23 Kwiatkowski, Richard Hooker and Corean Holloway.

24 COUNCILWOMAN PARKER: Good afternoon to
25 each of you. I see my good friend Pat Eiding,

1 so I know that you are connected. We will go in
2 the order that Rachel just announced. We will
3 start with Pat Eiding.

4 Please, state your name for the record
5 and proceed with your testimony.

6 Why don't you unmute for me, Pat.
7 Unmute.

8 MR. EIDING: You think by now I would be
9 better at this. Thank you, Chairwoman Parker.

10 My name is Pat Eiding. I'm the
11 President of the Philadelphia Council of the
12 AFL-CIO. We like to say we represent 150,000
13 working family, but we also like to work for all
14 of our people. And I thank you for allowing me
15 some time today. I know this is a crazy world
16 we are in. And I appreciate the time that's
17 being spent on these bills that I just listened
18 to and support.

19 I will say that, respectfully, I
20 submitted a letter to all the Council people on
21 this panel in this Committee, rather. And if I
22 may, rather than reread that letter in support
23 of this Bill 200328, I would like to go off the
24 record a little bit of the -- of the
25 presentation of my letter and speak what I know

1 to be true. When we've gone through these
2 problems, there has been so many people,
3 workers, of every area that had to step up
4 whether they are collecting your trash or taking
5 care of your grandparents in the hospital. And
6 they stepped up a time where many of them
7 didn't -- didn't step up when they weren't
8 getting what they needed. And I know this is a
9 fact because, you know, unfortunately without
10 putting blame on any particular person, this
11 country allowed another county to be the only
12 source of safety PPE, if you will, for the
13 workers who are out there putting their life on
14 the line every day and their families quite
15 honestly.

16 I know that nurses were being asked to
17 use the same mask over and over, the same
18 equipment over and over. I know that nurses
19 were being chastised for bringing their own N95
20 respirator in because they were looking to --
21 that they were making a statement. They
22 weren't. They were just trying to protect
23 themselves and their families and the people
24 they were working with.

25 So you know, coming from the world of

1 asbestos, I know what a little bit is. There is
2 no little bit of asbestos. One fiber, a hundred
3 fibers, nobody really knows. So, the right of
4 somebody to be able to protect themselves and
5 their family. And as we say in the labor
6 movement, be able to go home the way they left
7 their house in the morning without bringing some
8 sort of a disease or virus home. They should be
9 able to stand up for their rights. And they
10 should be able to stand up without the threat of
11 being fired.

12 I know you must have read in the paper,
13 probably very early in this terrible time we're
14 going through when a registered nurse in New
15 Jersey, because she wanted to use her N95
16 respirator without the hospital being able to
17 afford to give them one because they couldn't
18 get them, whatever the reason, she was fired.
19 And that's what this is all about. We shouldn't
20 have people who are protecting us and putting
21 themselves in the front line be afraid to stand
22 up when their life is in danger.

23 And so, I think this goes a long way for
24 a piece of ordinance that we have had for a long
25 time that needs to be fixed. And so, I stand

1 here as strongly as I can from the labor
2 movement to support this piece of this ordinance
3 to make sure we can protect those folks who
4 protected us.

5 Thank you very much.

6 COUNCILWOMAN PARKER: Thank you so much,
7 Mr. Pat Eiding for your testimony.

8 Mr. Charles Carrington, are you there?

9 MR. CARRINGTON: Good evening.

10 COUNCILWOMAN PARKER: Thank you,
11 Mr. Carrington. Please, state your name for the
12 record and proceed with your testimony.

13 MR. CARRINGTON: Good evening. My name
14 is Charles Carrington. I'm the President of
15 AFSCME Local 427, which represents nearly 1100
16 sanitation workers for the City of Philadelphia.
17 I am speaking with you today to urge you to pass
18 Bill 200328 which would guarantee that all
19 employees follow public health and safety
20 orders. And that the workers, like my fellow
21 sanitation workers, can report public safety
22 concerns to your managers without risk of being
23 retaliated against.

24 I first want to thank City Council for
25 its support, and especially Councilmembers

1 Parker, Johnson and Gym who stood with us in
2 Love Park on Tuesday who bore witness to the
3 testimony about the conditions we have been
4 subjected to over the course of the pandemic.
5 It's unacceptable. And we need your help now
6 more than ever.

7 The fact of the matter is, that we are
8 front line workers of this crisis, and we have
9 been for the whole time. We service every house
10 every week. We are exposed to enormous --
11 excuse me, we are exposed to enormous risks each
12 day that we go out and provide the cleanliness
13 for this City. As the City further puts into
14 place health and safety standards, we have to be
15 protected. And one -- my members report an
16 unsafe act or hazardous conditions, he or she
17 should be able to report this issue without fear
18 of discipline or retaliation.

19 There is no one standing by to make sure
20 that we receive necessary health and safety
21 protections. We are our own advocates and our
22 only shields between ourselves and the virus.
23 The least City Council can do is make sure we
24 are not harmed if we take the stand and report
25 unsafe conditions.

1 I thank you for your time and your
2 continued support. We will have to continue to
3 work together to ensure that all jobs in
4 Philadelphia are safe and healthy. And I look
5 forward to the passage of this bill as the first
6 and necessary step.

7 Thank you.

8 COUNCILWOMAN PARKER: Thank you so much,
9 Mr. Carrington.

10 Is Irene -- Irene are you there, the
11 researcher with the National Employment Law
12 Project?

13 MS. TUNG: Yes, I am.

14 COUNCILWOMAN PARKER: Okay. I can see
15 you now. Irene, please state your name for the
16 record and proceed with your testimony.

17 MS. TUNG: Irene Tung.

18 Good afternoon. My name is Irene Tung,
19 Senior Researcher and Policy Analyst at the
20 National Employment Law Project, NELP.

21 NELP is a nonprofit, nonpartisan
22 research and advocacy organization specializing
23 in employment policy. We are based in New York
24 with offices in Washington, DC and throughout
25 the country. We partner with federal, state and

1 local lawmakers on a wide range of workforce
2 issues, including health and safety protections,
3 access to unemployment insurance and
4 strengthening workers rights to speak up and
5 organize in the workplace. Thank you to the
6 Members of the Committee and the Chair for the
7 opportunity to testify in support of this
8 important bill.

9 And now, we have long known that worker
10 health is public health. A fact that the
11 COVID-19 pandemic has underscored again and
12 again. With this legislation, Philadelphia can
13 lead the nation in guaranteeing workers the
14 strong protection from retaliation that they
15 urgently need. Such protections will not only
16 help ensure the health and safety of the workers
17 on the job, but also play an important role in
18 containing the future spread of COVID-19 in
19 Philadelphia and beyond.

20 I am here today to share the findings of
21 a national survey of workers that NELP conducted
22 recently. The results of which show the urgent
23 need for protections embodied in Decide Bill No.
24 200328.

25 From May 8 to May 11 of this year, NELP

1 conducted an online nationwide survey of over a
2 thousand workers to determine whether they are
3 concerned about health and safety risks related
4 to COVID-19 in the workplace. And if so,
5 whether they feel comfortable raising these
6 concerns with their employer. I included the
7 data brief summarizing the survey results with
8 my written testimony for your reference.

9 A majority of the workers surveyed
10 indicated that they have concerns about the risk
11 that they, other workers or the public may be
12 exposed to Coronavirus at the workplace. Just
13 over a quarter of the workers surveyed, 27
14 percent, were able to raise any concerns they
15 had with their employer and received
16 satisfactory response. However, for every
17 worker who raised concerns and were satisfied by
18 their employer's response, another worker had
19 unaddressed concerns either because they raised
20 the concerns to their employer but were
21 unsatisfied with the response; or because they
22 did not raise concerns for fear of retaliation.

23 Among Black workers, the rates are even
24 higher. Black workers are more likely to have
25 concerns and work twice as likely as White

1 workers to have unresolved concerns with more
2 than one in three Black workers reporting that
3 they had either raised concerns to their
4 employer, but were unsatisfied with the
5 response; or that they did not raise concern for
6 fear of retaliation. Moreover, one in eight
7 workers overall reported that their employer may
8 have retaliated against them or another worker
9 for raising concerns about working conditions
10 related to COVID-19. And Black workers are more
11 than twice as likely as White workers to have
12 seen possible retaliation by their employer.

13 In addition to retaliatory action for
14 raising concerns, respondents indicated that
15 they feared job repercussions for refusing to
16 work to protect their health or their families
17 health. Overall, 56 percent of those going to
18 work did so even though they believed they were
19 seriously risking their health or another family
20 member's health. Of those, 38 percent of
21 workers reported going to work because they were
22 afraid their employer would penalize them if
23 they didn't. And once again, among Black
24 workers, the rates are even higher.

25 Three out of four Black workers have

1 gone to work even though they believed they may
2 have been seriously risking their health or the
3 health of a family member.

4 The results are oddly consistent with
5 the results of a recent Washington post
6 resulting of more than eight thousand adults
7 nationally were asked similar questions. That
8 poll found that 68 percent of those working
9 outside the home were concerned about the
10 possibility of getting sick. And the poll also
11 found higher rates for Black and Latin workers
12 with roughly seven in ten saying they were
13 worried about getting a household member sick if
14 they were exposed at work -- (audio cuts out)
15 conditions. And the legitimate fear of
16 retaliation that workers face blowing the
17 whistle on them endanger not only the workers
18 themselves, but their families and communities.

19 Many of the people contracting COVID-19
20 are front line workers who then spread the virus
21 to their family members. This has been widely
22 reported. In Philadelphia, Black and Latino
23 people have disproportionate COVID-19 infection
24 rates and experience more severe outcomes when
25 they are hospitalized. Our research suggests

1 that virus transmission in the workplace may be
2 exacerbated by employer repression. And that
3 the disproportionate impact of COVID-19 on Black
4 people in the communities may be related to
5 greater exposure of Black workers to repressive
6 workplace environment.

7 Bill No. 200328 empowers workers to
8 improve their workplaces and to protect
9 themselves, their families and their communities
10 from the spread of COVID-19. It prohibits
11 employers from retaliating against workers who
12 refuse to work because of good faith concerns
13 about unsafe conditions or who blow the whistle
14 on these unsafe conditions. Equally important,
15 it prohibits employers from retaliating against
16 workers who disclose information about workplace
17 hazards.

18 Protecting such whistleblowing is
19 especially important because OSHA and the
20 Federal Government relies heavily on workers
21 coming forward and filing complaints. Yet while
22 OSHA nominally bans retaliation against workers
23 who speak up, in reality, such protections are
24 completely unenforced under the Trump
25 Administration. Moreover, OSHA whistleblower

1 protection includes no private right of action,
2 further limiting its enforcement, especially
3 since the Trump Administration has slashed OSHA
4 enforcement funding and staffing, including for
5 the protection of whistleblowers to its lowest
6 level in forty-five years.

7 For this reason, it is critical that
8 cities and states like Philadelphia step in to
9 protect workers first. By protecting worker
10 whistleblowers and workers who refuse to work
11 under dangerous conditions and by establishing a
12 private right of action for enforcing those key
13 rights, Bill No. 200328 will enable workers to
14 be the first line of defense against COVID
15 hazards in the workplace as Philadelphia's
16 economy reopens.

17 Thank you so much.

18 COUNCILWOMAN PARKER: Thank you so much
19 for your testimony.

20 Niko. Niko from One Pennsylvania, Niko
21 are you still on?

22 MR. KWIATKOWSKI: Yeah. I'm here. Can
23 you hear me?

24 COUNCILWOMAN PARKER: Yes. We can hear
25 you well, Niko. Niko, please state your name

1 for the record and proceed with your testimony.

2 MR. KWIATKOWSKI: Sure. Niko
3 Kwiatkowski.

4 Good afternoon. My name is Niko
5 Kwiatkowski. I'm a resident of Philadelphia. I
6 work at MOM's Organic Market in Center City.
7 I'm a member of One PA. First, I want to thank
8 the Council for allowing this dialogue and for
9 considering this bill. I am speaking to you
10 today as a person fulfilling a variety of roles
11 during the COVID-19 pandemic. I'm an essential
12 worker. I'm a whistleblower. And I'm also a
13 resident of Philadelphia.

14 The protections offered through this
15 bill would directly affect my day to day life in
16 all these respects as it would for countless
17 others across our City. As an essential worker,
18 I grappled personally with the impossible
19 choices many of us now face. Weighing risks to
20 my health against risks to my career and
21 financial security. And while I continue to
22 work full time, I'm acutely aware of the danger
23 this world entails.

24 I'm also aware that as a lower level
25 employee at a grocery store, I have very little

1 say in the day-to-day operations, protocols and
2 practices that comprise my typical workday.
3 These are choices made by my managers, people
4 who have no training in matters of public health
5 as well as by our company's executive
6 leadership, people who have no professional
7 interest in anything beyond maximizing sales.

8 It's a feeling of powerless to say the
9 least. As a whistleblower, I've grappled with
10 another impossible choice. Weighing risks to
11 public health and safety against risks to my
12 career and financial security.

13 In the early days of the pandemic,
14 several workers and I initiated conversations
15 aimed at establishing safety protocols for our
16 store. We were met initially with resistance,
17 hostility and disregard by our company's
18 leadership. As our voices grew louder, one of
19 my coworkers was fired, many more were
20 reprimanded. I saw directly how these
21 disciplinary actions had a chilling effect on
22 our workforce. Many people quit, others took
23 unpaid leave and the rest resigned to their fate
24 and hoped for the best.

25 It was only through the support of

1 fellow workers, One PA, journalists, legal
2 experts and a community of friends and family
3 that a group of coworkers and I felt empowered
4 to raise the alarm publicly. And it's only
5 through the same community of support that our
6 store is safer today and that I remain employed,
7 at least for now.

8 As a resident of Philadelphia, I have
9 applauded the public health orders mandated by
10 the State of Pennsylvania for essential
11 businesses. But my experiences at work have
12 shown me how some businesses prioritize profits
13 over client. To put it simply, executive orders
14 alone are not enough. Only essential workers
15 can provide a window into the day-to-day
16 operations and sanitary practices of essential
17 businesses. And without adequate protections,
18 would-be whistleblowers face tremendous risks
19 for their public health advocacy.

20 These risks becomes all the more clear
21 in light of recent studies which show that
22 workers of color are more likely to suffer
23 retaliation than their White counterparts during
24 the pandemic. And with the pandemic still
25 looming large in Philadelphia, providing

1 protections like those proposed in this bill
2 cannot wait.

3 As an essential worker, as a
4 whistleblower and as a resident of Philadelphia,
5 it's clear to me that protecting front line
6 workers from workplace retaliation is the most
7 fundamental way our civil institutions and
8 leaders can support public health and safety
9 during the pandemic. When workers are
10 protected, we will speak out to defend public
11 health when necessary. And our voices will lead
12 to safer workplaces, safer businesses and, in
13 turn, a safer Philadelphia.

14 Thank you for your time and your
15 consideration.

16 COUNCILWOMAN PARKER: Niko, thank you
17 for your testimony.

18 Now Corean Holloway from Unite Here,
19 Corean? If I mispronounce your name, help me.
20 Corean Holloway?

21 MS. HOLLOWAY: Yes. Corean Holloway.

22 COUNCILWOMAN PARKER: Okay. Corean,
23 when I am reading it, I couldn't tell if it was
24 a hard C or a soft C, right? Some people call
25 me Ca-rell, but it's okay. It's definitely

1 Corean, so that's good.

2 MS. HOLLOWAY: Yes.

3 COUNCILWOMAN PARKER: Listen, state your
4 name for the record and just proceed with your
5 testimony, okay?

6 MS. HOLLOWAY: Okay. My name is Corean
7 Holloway. I am a recording secretary Unite Here
8 in Local 274. I have been a hotel worker for
9 the last 45 years. I thank God for my union
10 because it give me the freedom to speak my mind.

11 I am one of the few workers at my hotel
12 who is -- who have been laid off. With the
13 virus, it had changed almost everything, how the
14 hotel operate. I'm happy to still have my job,
15 but it is scary going through -- going to work
16 these days.

17 Most of the room in the hotel are being
18 rented by group of kids. They're, like, 18, 19
19 years old. And we have a lot of issue making
20 sure that they wear they mask.

21 I have one woman who came out of the
22 hotel -- came out of the hotel room and asked me
23 for extra towels. She was not wearing a mask.
24 And her husband follow out behind her. And she
25 told him to go back inside. And she explained

1 to me that he had the virus. Neither one of
2 them had a mask on.

3 And we, also, have problems with a few
4 of the managers. That I had to -- that I had to
5 report because they wasn't wearing a mask. I'm
6 sorry. It's some noise going on outside. I
7 hope you can hear me.

8 And for the most part, they just stay
9 away from the guests. They can hide in the
10 office. So my GM, I haven't seen him in the
11 last three months because they stays in the
12 office. HR, you don't see them.

13 And so, my coworker, we -- you know, we
14 try to make sure that people have on masks. And
15 so sometimes when you see somebody without a
16 mask, you will ask them can they put they mask
17 on. So, the manager gets really upset about
18 that.

19 And so, I would be so happy if this bill
20 could pass. Because thinking about it, I was
21 here during Martin Luther King time. So yeah,
22 pretty old. So anyway, thank you so much.

23 COUNCILWOMAN PARKER: And Ms. Corean,
24 thank you so very much for your testimony today.
25 You stand on the shoulders, Ms. Corean.

1 And let me just say it for the record
2 for those don't know her. If you have ever seen
3 the movie The Help -- The Help, if you have ever
4 seen that movie, that's whose shoulders you
5 stand on, Ms. Corean. But the women who helped
6 to keep households going and businesses going
7 but they never get recognized, the men and women
8 that Councilwoman Maria Quinones-Sanchez
9 acknowledged in her Domestic Workers Alliance
10 Bill, you stand on the shoulders of some women
11 who were strong enough to speak.

12 So, thank you so much for your testimony
13 today. We greatly appreciate you.

14 MS. HOLLOWAY: Thank you.

15 COUNCILWOMAN PARKER: Is Richard Hooker?
16 Are you here, the Secretary and Treasurer of
17 Teamsters Local 623, Richard Hooker, Jr?

18 MR. HOOKER: Yes, Madam Chair, I'm here.

19 COUNCILWOMAN PARKER: Thank you so much,
20 Richard. Richard, if you could just state your
21 name for the record. And please, proceed with
22 your testimony.

23 MR. HOOKER: My name is Richard Hooker,
24 Jr. I'm the secretary, treasurer and principal
25 officer of Local Teamsters 263. This bill would

1 be a great addition to just protecting essential
2 workers.

3 Many employers are ignoring regulations
4 and endangering us. The workers that I
5 represent are UPS. They failed to provide
6 members with hand sanitizer, face masks and
7 properly doing this for weeks. After the CDC
8 guidelines and after pressure from the members,
9 especially pressure from other members of our
10 board. We actually had to go to the news media
11 to get them to finally sit down and to take our
12 workers.

13 Even after the mandate of essential
14 workers, had to go out and still deliver --
15 (audio garbled). It's one thing for our workers
16 to go out and make sure other families have
17 their necessities, but we need to make sure we
18 provide protections for the workers providing
19 those necessities.

20 The workers that were deemed essential
21 like members of UPS, the workers that stocking
22 shelves and hospital workers and all these
23 workers on the front line, they need these
24 protections because the boss is not going to
25 provide them on their own. So, we need City

1 Council, we need to make sure this gets passed
2 because ours workers need to know we really we
3 have their back. It's the boss think they are
4 disposable. So, we need to make sure that they
5 are essential. And not only that, we need to
6 make sure that the way they leave home, they go
7 back home the same way. To the boss, the
8 workers are disposable. To our families, we are
9 everything.

10 So, we need to make sure we protect
11 them. All the people that want to speak out
12 about unsafe conditions during this pandemic, we
13 can thank them. So when they do speak out, they
14 still have a job to go to the next day.

15 So finally, I just hope that Council
16 adopt this. And whatever help that we can
17 provide on our end, we will make sure that we
18 can do that.

19 Thank you so much.

20 COUNCILWOMAN PARKER: Thank you so very
21 much, Richard. We really appreciate your
22 testimony.

23 So, is Sylvia -- Sylvia, are you here
24 from 1199C? Sylvia?

25 Councilwoman Gym, that is the additional

1 name that you provided to us, isn't it?

2 COUNCILWOMAN GYM: I think so. We can
3 check. If she doesn't come on, I think we
4 can --

5 COUNCILWOMAN PARKER: Okay. So, Sylvia,
6 we want to just call you. Sylvia, are you here?
7 Just in case you are having difficulty, if you
8 are trying to unmute, I believe it's star 6.

9 Is it star 6, Lonnie?

10 TECH SUPPORT: Yes. It is Star 6.

11 COUNCILWOMAN PARKER: Star six.

12 COUNCILWOMAN GYM: I'm back, Madam
13 Chair.

14 COUNCILWOMAN PARKER: Yes. Is she still
15 here, Council Lady.

16 THE CLERK: I just got a text from
17 Salima at 1199. Let's go to the next speaker,
18 and then I will try to get her back on. She is
19 having trouble.

20 COUNCILWOMAN PARKER: Okay.

21 Is it McGillan? The next speaker who is
22 live on the line?

23 (No response.)

24 Okay. So that was it. Okay. That's
25 it. Now Councilwoman Gym, I'm being told by

1 Rachel Meadows, our Clerk, that that is it for
2 those who are on the line that are scheduled to
3 testify.

4 I want to ask, are there any questions
5 or comments from Members of the Committee?

6 There being none -- Councilwoman Gym,
7 you wanted to make some comments. Please,
8 proceed.

9 COUNCILWOMAN GYM: Well, first of all, I
10 wanted to say thank you. I wanted to say --
11 express my incredible gratitude to the essential
12 workers whose faces that we actually get to see.
13 You know, I think we throw out the term
14 "essential workers" and we say, you know,
15 praises and we can send commercials and
16 gratitudes and platitudes. But the reality is,
17 is that if they are truly essential, then we
18 have to value them as such.

19 And I think what we heard from -- from
20 wonderful people like Ms. Holloway and President
21 Hooker, President Carrington who are working
22 with sanitation workers and warehouse workers,
23 with Niko who is working with grocery store
24 workers --

25 ("Hello, who is speaking?)

1 (At this time, conversation heard
2 between a Clerk and potential speaker over the
3 line.)

4 COUNCILWOMAN GYM: You're unmuted
5 Shanae. We may be trying, but we'll do our
6 best, Madam Chair.

7 COUNCILWOMAN PARKER: Okay.

8 COUNCILWOMAN GYM: I think what we heard
9 is that these are public health orders that are
10 mandated by the state and local governments.
11 But unless we put some teeth behind it, they
12 will not -- we cannot have them -- they will not
13 be enforced. I mean, that's the reality. And
14 many of these workplace spaces as we have heard
15 from grocery store workers and warehouse workers
16 and sanitation workers and our SEPTA workers is
17 that we have to negotiate them on the workplace
18 site.

19 It is an honor to be with so many
20 workers who showed up when many of us had the
21 privilege to stay at home. And it is not lost
22 on me what Dr. Tung said in the research that
23 they did. Which is that 1400 Philadelphians
24 have died of this horrendous virus. If you take
25 us against the largest cities in the country, we

1 rank second behind New York City.

2 So you know, this -- and the racial
3 disparity that has been occurring around COVID,
4 and the fact that our black and brown workers
5 are front line, that they don't have -- they are
6 not paid adequately. We have the lowest minimum
7 wage rate in the country. We do not guarantee
8 paid sick leave at the statewide level. They
9 deserve more.

10 And I know that our Council body and
11 this Committee and your leadership, Madam Chair,
12 supports that. And I'm just so grateful that we
13 had a chance to hear from so many people who are
14 doing the right thing. They are not only
15 protecting the public safety for themselves and
16 for their family members, they are doing it for
17 all of us.

18 So, thank you, Madam Chair.

19 COUNCILWOMAN PARKER: Thank you so very
20 much, Councilwoman Gym. And listen, Council
21 Lady, we want to note for the record that as it
22 relates to Bill No. 200328, that there were
23 written letters of support that were also
24 presented from Unite Here and other labor unions
25 and organizations. And they include 1199C,

1 Local 115 EWPA, PASNAP. And there was also one
2 letter of -- written raising concerns from
3 Temple Health. Councilwoman Gym we will make
4 sure that the stenographer gets all of those
5 letters that were submitted in writing, and we
6 will get those on the record.

7 Since there are no other questions or
8 comments from Members of the Committee, there
9 being no further questions from Members of the
10 Committee and no other witnesses to testify, I
11 will ask if there is anyone else present in the
12 hearing whose name we have failed to call and
13 who wishes to offer testimony on any of the
14 bills being considered today?

15 Hearing none, I want to thank all of the
16 panels and witnesses for their participation
17 today. We value your opinions.

18 I now invite all panels and witnesses to
19 please disconnect from the meeting before we go
20 into our Public Meeting. We will now pause the
21 proceedings briefly as multiple participants
22 have to leave the meeting. And we don't want
23 you to have to hear all of the hanging up and
24 all of the other stuff that happens technically.

25 So, we are going to offer a brief pause

1 as multiple participants disconnect from the
2 meeting and only Members of Council are present.
3 And Lonnie, you will let me know when it is time
4 for to us proceed.

5 TECH SUPPORT: Yes, I will. Thank you.

6 (At this time, a brief pause is taken.)

7 - - -

8 COUNCILWOMAN PARKER: Councilwoman Gym,
9 I'm looking at my phone. And I don't know if
10 this was delayed. Tell me if this was early on
11 and we already went to this. I'm looking at a
12 text from Rachel that says Sylvia is coming on.

13 MS. PACE: It's Salima Pace. I'm on. I
14 wasn't able to get my member. But if you still
15 need my testimony from District 1199C, that you
16 have our full support and we really need this
17 help. I'm on here to say that.

18 COUNCILWOMAN PARKER: Thank you so --
19 listen, Salima. I'm looking at Rachel's text
20 message, Salima. And I appreciate you getting
21 that on the record and noting District Council
22 1199C wholehearted support.

23 MS. PACE: Yes.

24 COUNCILWOMAN GYM: Madam Chair, could I
25 just say one additional item?

1 Salima, I just want to thank you for
2 your COVID Town Hall. I think some of the
3 stories that came out -- and if you want to
4 share any of them very briefly with our
5 Committee -- they are a lot of the reasons that
6 moved me and many others to action because we
7 can't listen to those stories and not do
8 something about it. If we say that we value our
9 healthcare workers, you who showed up to take
10 care of our seniors and elderly when we can't
11 even go into the nursing homes. You, your
12 family members, your membership took care of
13 family and became their family in the most
14 terrifying of dangerous of times. But it wasn't
15 right what we heard on that from that COVID Town
16 Hall.

17 And I am happy just -- you know, if you
18 had a few moments to share one or two of those
19 stories just to make it clear.

20 MS. PACE: I will be very brief. And
21 what you are referring to is Centennial Nursing
22 Home in West Philadelphia. Our members are
23 dying, and that's just what it is. Our members
24 are being told to come back to work with, hey,
25 you are still positive with COVID, you are not

1 having that full availability to stay home for
2 14 days.

3 I have a member who I was trying to get
4 on for you guys tonight who is paying over \$400
5 a month. She was on a ventilator for over a
6 month, tested positive for COVID-19, and is now
7 paying for her own health insurance. She works
8 at Saint Monica's Nursing Home in South
9 Philadelphia. She is paying \$90 a month for her
10 oxygen. So, I am looking for some financial
11 assistance for her.

12 It has been hell that -- our members,
13 it's bigger. And me and Helen talked about
14 this. It's bigger than the labor management
15 issue. This is humanity issue. And our
16 members, a lot of them are making life decisions
17 because they have to work. They got to take
18 care of their kids. People are leaving their
19 children home unsupervised so that they can go
20 to work because they don't have daycare or can
21 pay for someone to take care of their children.

22 So whatever help we are looking for.
23 And Helen we want to thank you; and Cherelle, we
24 want to thank you. Derek, if he's on here, I
25 want to thank y'all for fighting for our

1 members.

2 COUNCILWOMAN GYM: Thank you so much.

3 COUNCILWOMAN PARKER: Thank you so much,
4 Salima. We appreciate you.

5 Are there any other questions or
6 comments from Members of the Committee?

7 Now, with no further questions or
8 comments being offered from Members of the
9 Committee, I will ask if there is anyone else
10 present in this hearing whose name we have
11 failed to call and that wishes to offer
12 testimony on any of the bills being considered
13 today because we don't want Decker to get us,
14 okay? We did make that call.

15 Hearing none, we want to thank all of
16 the panels and witnesses for their participation
17 today. We value your opinions. We now want to
18 just make sure that all of the panels and
19 witnesses are disconnected.

20 Lonnie is everyone else disconnected
21 aside from Members of Council?

22 TECH SUPPORT: Please, give me one
23 second.

24 COUNCILWOMAN PARKER: Sure. Thank you.

25 TECH SUPPORT: Madam Chair, we are now

1 ready.

2 COUNCILWOMAN PARKER: Okay. This
3 concludes the Public Hearing of the Committee.
4 (Public Hearing adjourns.)

5 - - -

6 (Public Meeting commences.)

7 COUNCILWOMAN PARKER: We will now go
8 into a Public Meeting to consider the action to
9 be taken on the bills before the committee
10 today.

11 The Chair recognizes Councilmember Green
12 for a motion on Bill No. 200076.

13 I'm sorry, we did skip that. Thank you,
14 Rachel. We skipped the roll call. Rachel --
15 will the Clerk please call the roll.

16 THE CLERK: Yes. Council -- Vice Chair
17 Derek Green?

18 COUNCILMAN GREEN: Present.

19 THE CLERK: Councilmember David Oh?

20 COUNCILMAN OH: Present.

21 THE CLERK: Councilmember Helen Gym?

22 COUNCILWOMAN GYM: Present.

23 THE CLERK: Councilmember Curtis Jones,
24 Jr?

25 (No response.)

1 THE CLERK: Councilmember Brian O'Neill?

2 COUNCILMAN O'NEILL: Present.

3 THE CLERK: Councilmember Cindy Bass.

4 COUNCILWOMAN BASS: Present.

5 THE CLERK: Councilmember Maria Sanchez?

6 COUNCILWOMAN QUINONES-SANCHEZ: Present.

7 THE CLERK: Councilmember Mark Squilla?

8 COUNCILMAN SQUILLA: Present.

9 COUNCILWOMAN PARKER: Councilmember

10 Green, are you okay with -- with moving the

11 amendments that you have?

12 COUNCILMAN GREEN: Yes.

13 COUNCILWOMAN PARKER: You have all the

14 information you need, Councilman Green?

15 COUNCILMAN GREEN: My understanding is
16 that -- there is an amendment for the Resolution
17 for 200216, which is a resolution that goes with
18 200076.

19 COUNCILWOMAN PARKER: Give us one
20 second, Councilman Green. One second, please.

21 (Brief pause taken on the record.)

22 COUNCILWOMAN PARKER: Council Lady Gym,
23 do you have all of the information that you need
24 in front of you right now?

25 COUNCILWOMAN GYM: I do, Madam Chair.

1 Thank you.

2 COUNCILWOMAN PARKER: Okay.

3 Councilman Green. If you will,
4 Councilman Green, I want you to stay with me for
5 all of the action from pages 9, 10, 11, 12,
6 13 -- to page 13. And Council Lady Gym will
7 move forward on 14.

8 Do you have everything you would need to
9 do that, Councilman Green?

10 COUNCILMAN GREEN: I believe so.

11 COUNCILWOMAN PARKER: Okay. Thank you.

12 The Chair recognizes Councilmember Green
13 for a motion on Bill No. 200076.

14 COUNCILMAN GREEN: Thank you, Madam
15 Chair. I move that Bill No. 200076 be reported
16 from this Committee with a favorable
17 recommendation; and further move that the Rules
18 of Council be suspended to permit first reading
19 of this bill at the next session of council.

20 COUNCILMAN SQUILLA: Second.

21 COUNCILWOMAN PARKER: It's been moved
22 and properly seconded that Bill No. 200076 be
23 reported from this committee with a favorable
24 recommendation; and further moved, that the
25 Rules of Council be suspended to permit first

1 reading of this bill at the next of Council.

2 All those in favor of the motion will
3 signify by saying aye.

4 (Ayes.)

5 COUNCILWOMAN PARKER: Those opposed?

6 (None opposed.)

7 COUNCILWOMAN PARKER: The ayes have it.

8 And the motion carries.

9 The Chair recognizes Councilmember Green
10 for a motion on Resolution No. 200080.

11 COUNCILMAN GREEN: Thank you, Madam
12 Chair. I move that Resolution No. 200080 be
13 reported from this Committee with a favorable
14 recommendation.

15 COUNCILMAN OH: Second.

16 COUNCILWOMAN PARKER: It's been moved
17 and properly seconded that Resolution No. 200080
18 be reported from this Committee with a favorable
19 recommendation.

20 All those in favor of the motion will
21 signify by saying aye.

22 (Ayes.)

23 COUNCILWOMAN PARKER: Those opposed?

24 (No opposition.)

25 COUNCILWOMAN PARKER: The ayes have it,

1 and the motion carries.

2 The Chair recognizes Councilmember Green
3 for a motion on Bill No. 200208.

4 COUNCILMAN GREEN: Thank you, Madam
5 Chair. I move that Bill No. 200208 be reported
6 from this Committee with a favorable
7 recommendation; and further move, that the Rules
8 of Council be suspended to permit first reading
9 of this bill at the next session of Council.

10 COUNCILMAN OH: Second.

11 COUNCILWOMAN PARKER: It's been moved
12 and properly seconded that Bill No. 200208 be
13 reported from this Committee with a favorable
14 recommendation; and further move, that the Rules
15 of Council be suspended to permit first reading
16 of this bill at the next session of Council.

17 All those in favor of the motion will
18 signify by saying aye.

19 (Ayes.)

20 COUNCILWOMAN PARKER: Those opposed?

21 (No opposition.)

22 COUNCILWOMAN PARKER: The ayes have it
23 and the motion carries.

24 The Chair recognizes Councilmember Green
25 for a motion on the amendment to Resolution No.

1 200216.

2 COUNCILMAN GREEN: Thank you, Madam
3 Chair. I offer an amendment to Resolution No.
4 200216. A copy of the amendment has been
5 circulated to all Members of this Committee.

6 I move that the amendment to Resolution
7 No. 200216 be approved.

8 COUNCILMAN OH: Second.

9 COUNCILWOMAN PARKER: It's been moved an
10 properly seconded that the amendment to
11 Resolution No. 200216 be approved.

12 All those in favor of the motion will
13 signify by saying aye.

14 (Ayes.)

15 COUNCILWOMAN PARKER: Those opposed?

16 (No opposition.)

17 COUNCILWOMAN PARKER: The ayes have it
18 and the motion carries.

19 The Chair recognizes Councilmember Green
20 for a motion on Resolution No. 200216 as
21 amended.

22 COUNCILMAN GREEN: Thank you, Madam
23 Chair. I move that Resolution No. 200216 as
24 amended be reported from this Committee with a
25 favorable recommendation.

1 COUNCILMAN OH: Second.

2 COUNCILWOMAN PARKER: The Chair
3 recognized for the record that Councilmember Oh
4 seconds that motion.

5 It has been moved and properly seconded
6 that Resolution No. 200216 as amended be
7 reported from this Committee with a favorable
8 recommendation.

9 All those in favor of the motion will
10 signify by saying aye.

11 (Ayes.)

12 COUNCILWOMAN PARKER: Those opposed?

13 (No opposition.)

14 COUNCILWOMAN PARKER: The ayes have it,
15 and the motion carries.

16 The Chair recognizes Councilmember Gym
17 for a motion on the amendment to Bill No.
18 200328.

19 COUNCILWOMAN GYM: Thank you, Madam
20 Chair. I offer an amendment to Bill No. 200328.
21 A copy of the amendment has been circulated to
22 all Members of the Committee. And I move that
23 the amendment to Bill No. 200328 be approved.

24 COUNCILMAN O'NEILL: Second.

25 COUNCILWOMAN PARKER: That chair notes

1 for the record that Councilmember O'Neill
2 seconds the motion. It's been moved and
3 properly seconded that the amendment to Bill No.
4 200328 be approved.

5 All those in favor of the motion will
6 signify by saying aye.

7 (Ayes.)

8 COUNCILWOMAN PARKER: Those opposed?

9 (No opposition.)

10 COUNCILWOMAN PARKER: The ayes have it,
11 and the motion carries. And the amendment to
12 Bill No. 200328 has been approved.

13 The Chair recognizes Councilmember Gym
14 for a motion to Bill No. 200328 as amended.

15 COUNCILWOMAN GYM: Thank you, Madam
16 Chair. I move that Bill No. 200328 as amended
17 be reported from this Committee with a favorable
18 recommendation; and further move, that the Rules
19 of Council be suspended to permit first reading
20 of this bill at the next session of Council.

21 COUNCILMAN OH: Second.

22 COUNCILWOMAN PARKER: I'm sorry. Say
23 that again.

24 COUNCILMAN OH: Second.

25 COUNCILWOMAN PARKER: Y'all know Decker

1 has given me some very specific assignment here.

2 So, the Chair notes for the record that
3 Councilmember Domb[sic] seconds the motion. It
4 has been moved and properly seconded that Bill
5 No. 200328 as amended be reported from this
6 Committee with a favorable recommendation; and
7 further move that the Rules of Council be
8 suspended to permit first reading of this bill
9 at the next session of Council.

10 All those in favor of the motion will
11 signify by saying aye.

12 (Ayes.)

13 COUNCILWOMAN PARKER: Those opposed?

14 (No opposition.)

15 COUNCILWOMAN PARKER: The ayes have it.

16 COUNCILMAN GREEN: Madam Chair?

17 COUNCILWOMAN PARKER: Yes.

18 COUNCILMAN GREEN: Yeah. I think for
19 the "second" on that last matter was not
20 Councilmember Domb.

21 COUNCILWOMAN PARKER: Who was that,
22 Councilmember Green.

23 COUNCILWOMAN QUINONES-SANCHEZ: Uh,
24 Councilman Oh.

25 COUNCILWOMAN GYM: Councilman Oh.

1 COUNCILWOMAN PARKER: That was
2 Councilmember Oh?

3 COUNCILMAN OH: I sound wealthy.

4 COUNCILWOMAN PARKER: (Laughter). I'm
5 sorry.

6 COUNCILWOMAN QUINONES-SANCHEZ: Do you
7 feel wealthy?

8 COUNCILMAN OH: No, not in this hot
9 room.

10 COUNCILWOMAN PARKER: Let's let the
11 record reflect, when "The Chair notes for the
12 record, that it was actually Councilmember Oh
13 that seconded the motion to Bill No. 200328 as
14 amended.

15 I apologize, Councilmember Oh.

16 COUNCILMAN OH: Oh, no problem. Thank
17 you.

18 COUNCILWOMAN PARKER: Thank you so very
19 much. If any bills or resolutions were not
20 considered at the Public Meeting, we could
21 announce them now.

22 There is not. This concludes the
23 business before the Committee on Law and
24 Government today. And I want to note for the
25 record, Councilwoman Helen Gym, we were actually

1 supposed to be finished at what time today,
2 Councilwoman Gym?

3 COUNCILWOMAN GYM: We were wondering how
4 far past 7:00 p.m. we were going to get to,
5 Council Majority Leader. But, Madam Chair, your
6 leadership on this -- on these three major
7 issues are around unconstitutional stop and
8 frisk, around victim advocacy, around labor
9 protection has been masterful. And I cannot
10 thank you enough.

11 COUNCILMAN GREEN: Madam Chair, I'm a
12 thank you for allowing me --

13 COUNCILWOMAN QUINONES-SANCHEZ: Give it
14 to a woman, and it will get done on time.

15 COUNCILWOMAN PARKER: Councilwoman
16 Sanchez, you need to record that and, like, send
17 it to us so we can play that some time.

18 COUNCILWOMAN QUINONES-SANCHEZ: Give it
19 to a woman if you want to get it done, and the
20 men better stand down.

21 COUNCILMAN GREEN: Madam Chair?

22 COUNCILWOMAN PARKER: Yes.

23 COUNCILMAN GREEN: I want to thank you
24 for allowing me to reclaim my time. As the
25 great Councilwoman Maxine Waters would say, "and

1 enjoy the rest of my evening."

2 So, thank you for allowing me to reclaim
3 my time.

4 COUNCILWOMAN QUINONES-SANCHEZ: All of
5 the men in their new beards can enjoy themselves
6 and have a safe weekend.

7 COUNCILWOMAN PARKER: Yes, please do
8 guys. Thank you so very much. It's Friday. Go
9 get something to eat, nourish yourself. And
10 listen, we'll be back on Monday. We will talk
11 to you all soon. Have a good day.

12 (AT this time, Public Meeting adjourns
13 at 5:38 p.m.)

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C E R T I F I C A T I O N

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

ANGELA M. KING, RPR,
Court Reporter, Notary Public

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