

Committee on Public Safety
October 30, 2019

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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
1400 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19107
Wednesday, October 30, 2019
10:15 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DEREK S. GREEN

BILLS: 180553, 190749, 180969, 190260

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2 COUNCILMAN JONES: Five minutes
3 was quick. So we have our President. So I
4 just need a presence of a quorum
5 represented by President Clarke, Councilman
6 Greenlee and Councilperson Blackwell and
7 myself. This is a hearing called to order
8 for the Public Safety Committee of City
9 Council for the purpose of hearing
10 testimony on Bill Nos. 180553, 190749,
11 180969 and Resolution No. 190260.

L2 Before we open up for remarks, I'd
L3 like to show a video to everyone.

L4 (Video playing.)

15 COUNCILMAN JONES: So Maya Angelou
16 said when people show you who they are,
17 believe them. And before we go into the
18 hearing, how many times have we seen
19 similar situations where someone has a
20 threat but no one believes them and that
21 subsequently, they carry out that threat
22 with gun violence?

23 Today Philadelphia, there have
24 been 1,190 victims of shootings and is not
25 resulting in death, but 1,190 victims of

1 shootings. Bill No. 180553 would allow for
2 temporary removal of firearms from someone
3 who poses an immediate danger to themselves
4 or others.

5 I remember the first time someone
6 threatened someone I knew. Her name was
7 Mayme Chamseddine. You won't remember her.
8 You have to Google her. But her ex
9 threatened to kill her because they had
10 broken up. A couple of weeks after that,
11 he fulfilled that threat, pulled up on her
12 at 52nd and I think it was Chestnut Street
13 out in front of her place of work and shot
14 her dead.

15 Those kinds of things happen so
16 often where people proclaim a threat, we
17 don't believe them and then they carry out
18 that threat and we are then shocked. What
19 I want to say is that I'm so very proud to
20 be with the people on this Committee. I
21 see I'm also joined by Councilman Green,
22 but President Clarke's tenure as President,
23 he has fought to reinforce gun laws to
24 prevent guns from being on our streets. He
25 has been threatened by the NRA with

1 lawsuits and has done things like this
2 anyway.

3 And from time to time,
4 Philadelphia can be a first where things
5 have bubbled up and become national models.
6 Councilman Greenlee proved that with paid
7 sick leave and things like that. So we are
8 not the first in this body to be the first,
9 to be bold, to try to make a difference.

10 Will the Clerk read the title of the bill
11 and resolution?

12 THE CLERK: Bill No. 180553, an
13 ordinance amending Title 10 of the
14 Philadelphia Code, entitled "Regulation of
15 Individual Conduct and Activity," by
16 repealing certain provisions relating to
17 the temporary removal of firearms and
18 adding a new Chapter 10-2300, entitled
19 "Philadelphia Gun Violence Protection,"
20 establishing procedures relating to the
21 relinquishment or seizure of firearms from
22 individuals who present an imminent threat
23 of harm to the individual's own self or
24 others, all under certain terms and
25 conditions.

1 And Bill No. 180969, an ordinance
2 amending Chapter 10-2200 of the
3 Philadelphia Code, entitled "Hate Crime,"
4 to increase the scope of eligible crimes
5 and to provide for additional penalties for
6 criminal conduct motivated by hatred
7 towards certain characteristics of other
8 persons under certain terms and conditions.

9 Bill No. 190749, an ordinance
10 establishing the "Safe Haven Law" by
11 amending Title 10 of the Philadelphia Code,
12 entitled "Regulation of Individual Conduct
13 and Activity," by adding a new section
14 prohibiting the possession of weapons at
15 City Recreation Facilities, all under
16 certain terms and conditions.

17 And Resolution No. 190260, a
18 resolution authorizing Council's Committee
19 on Public Safety to hold hearings to
20 examine the coordinated plan of the
21 Philadelphia Police Department,
22 Philadelphia District Attorney, First
23 Judicial District of Pennsylvania,
24 Philadelphia Sheriff's Office and
25 Philadelphia Office of Domestic Violence

1 Strategies to implement recently enacted
2 legislative changes to remove firearms from
3 abusers in domestic violence cases.

4 COUNCILMAN JONES: Thank you,
5 Ms. Williams. The Chair recognizes
6 President City Council Darrell Clarke.

7 COUNCIL COUNCIL PRESIDENT CLARKE:
8 Thank you, Mr. Chair. Good morning,
9 everyone. I don't normally come into the
10 chambers for public hearings. This is not
11 what I do, you know. But this particular
12 issue, this whole gun violence issue is
13 beyond the point where it is extremely
14 troubling to everyone, not only us but
15 people in the community, people outside of
16 the community.

17 We talk and we move through our
18 neighborhoods and you all can understand
19 the conversation that you get outside of
20 this particular chamber, outside of the
21 media. You're talking to real people, real
22 people that are not necessarily advocates
23 but just the average person on the street
24 and have a very candid conversation with
25 you about the concerns, the concerns about

1 walking to the store, the concerns about
2 their child being able to come home from
3 school safe, the concerns about their child
4 being able to go to a recreation center and
5 come back home that night.

6 It is at a point now where those
7 of us who have responsibility for coming up
8 with solutions, in all honesty we just kind
9 of shake our heads and say I don't know
10 what to do. I mean, it's that level of
11 concern out here and some of these
12 shootings, I mean, are just so horrific.
13 People that are doing some of the things
14 that they're doing is just beyond belief.

15 And I want to commend my
16 colleagues, particularly those of us who
17 have been very, very forthright in terms of
18 dealing with gun violence in the criminal
19 justice system generally. This Council has
20 probably been one of the most progressive
21 councils in dealing with criminal justice
22 reform, enacting various initiatives along
23 with the Mayor to make sure that people get
24 second and third chances, make sure that
25 there are opportunities for individuals to

1 be a productive citizen in our City, no
2 cash bail, all of those types of things
3 that we think we need to do to make sure
4 there's an equitable application of justice
5 because we know that the reality is that
6 it's not equitable.

7 I mean, it goes all the way back
8 to the conversation that we're currently
9 having, this issue around opioids and how
10 the response is to opioids versus how the
11 response was to crack cocaine and when it
12 ruined our neighborhoods and it, you know,
13 basically changed the lives of not only
14 individuals in neighborhoods but in the
15 entire neighborhood in the City. It was a
16 different response. So, yes, we do need to
17 make sure that there's an equitable
18 application as it relates to our criminal
19 justice center -- system.

20 But there is as I said earlier,
21 this conversation is happening out in the
22 streets to the everyday average citizen.
23 When they said, you guys have to do
24 something and I'm talking about gun
25 violence which is why I'm happy to be here

1 today to talk about real solutions, real
2 solutions about getting guns off the
3 street.

4 There are all kinds of different
5 issues, all types of different categories
6 of crime and there's always one underlying
7 issue, the availability of weapons. So I'm
8 glad to see that pushing this agenda again
9 and will always get pushed back from the
10 state, because for whatever reason they
11 don't think we can determine our own
12 destiny, and I just clearly don't
13 understand that. We're simply talking
14 about creating a safe environment for our
15 people, but we're going to do what we have
16 to do.

17 And then there's another issue.
18 Some people don't need to be on the street.
19 I know I'm going to get in trouble, but I'm
20 going to always say what I got to say
21 because people send me down here because I
22 represent the 22nd Police District where we
23 have this unfortunate designation of having
24 some of the most significant shootings in
25 the City where the City has put in all

1 types of initiatives to tamp down the
2 violence, and there's some people who for
3 whatever reason don't feel that they want
4 to be members of our society because they
5 will go out and shoot a crowd of people at
6 a rec center, they will go out and shoot a
7 crowd on a center, they will go out and
8 shoot a young child in a household, right,
9 because of whatever's going on in their
10 mind. So as we deal with all of the other
11 things relating to criminal justice reform,
12 as we deal with all of the issues making
13 sure that there are general opportunities
14 for people to have the ability to move
15 forward in their lives, we do need to deal
16 with this issue with respect to law
17 enforcement, and I'm just calling it like
18 it is.

19 I had a conversation as recently
20 as last night. And somebody told me,
21 Darrell, there are a couple of guys in our
22 neighborhood and I'm not going to say
23 exactly where, but it was along the
24 Cumberland Street Carter, yes, I'm saying
25 it, right, where all they do is wreck havoc

1 in their neighborhood and it's not right.
2 They should not be able to hold an entire
3 community hostage.

4 So to my colleagues and everybody
5 here, you wouldn't be here if you didn't
6 really care about it. It's time for us to,
7 you know, do what we need to do to make
8 sure we have a safe environment because we
9 cannot have a situation where people can't
10 enjoy their communities, their rec centers,
11 their neighborhoods and all the things that
12 we fought hard for to ensure that we have
13 in the City of Philadelphia.

14 So Councilman, Members of the
15 Committee, I just want to thank you all so
16 much for your due diligence in making sure
17 that we push hard to ensure that we have
18 the quality of life in our neighborhoods
19 that we so deserve, so thank you. And with
20 that, I'll shut up.

21 COUNCILMAN JONES: Thank you,
22 Mr. President. We don't get an opportunity
23 to hear from you that much so you can speak
24 as much as you like. I want to recognize
25 Councilwoman Gym and Councilwoman --

1 Councilman Green who was here. And I just
2 want to get ready to get started to hear
3 from folk from the community.

4 But to your point, this gun
5 violence is changing the fabric of our
6 community over time. Any time Temple
7 University is recognized as a national and
8 even international mass unit for being able
9 to respond to gunshot trauma and training
10 people that will go away and fight in
11 foreign wars, that has changed our society.

12 When fashionista Ron Welch has put
13 out on the Internet that he's making his
14 first line of bullet proof suits made of
15 Kevlar, this thing is changing our society.
16 When you -- I, Councilperson Johnson went
17 up on a holiday by the way up to King of
18 Prussia to a gun show. It was literally
19 out of the movie Jaws. We took two steps
20 back and said, we're going to need a bigger
21 boat. We never saw so many guns.

22 And then the transactions, and
23 then the secondary transactions in the
24 parking lot, you bought the gun, you sold
25 it to so-and-so that's headed right back to

1 Philadelphia. And so, for us to look at
2 these series of ordinances to protect
3 ourselves, literally just to protect
4 ourselves is what we have to do in spite of
5 what the NRA says we should do.

6 And in addition to that, I had a
7 conversation beforehand with Bilal Qayyum,
8 that you will hear from in testimony, and I
9 asked him if he had one silver bullet that
10 he could shoot into the problem, just one.
11 He talked about the responsibility we have
12 to raise our babies to be better parents
13 and take responsibility for ourselves and
14 our communities in that regard.

15 We're going to fight the gunfight
16 NRA battle, we're going to fight the
17 justice reform battle. But equally, the
18 third-legged hedgehog is the kitchen which
19 is the first classroom where we start
20 teaching our babies how to interact with
21 others and we have to take responsibility
22 as well.

23 So with that, Ms. Williams, will
24 you please read the first panel to testify?

25 THE CLERK: The first witness to

1 testify on Bill No. 180553 is Inspector
2 Fran Healy.

3 (Witness approached Witness
4 Table.)

5 COUNCILMAN JONES: Thank you. As
6 you know, state your name for the record
7 and begin the testimony.

8 CAPTAIN HEALY: Good morning,
9 Chairperson Jones and other Members of the
10 Committee on Public Safety as well as
11 Council President. My name is Francis
12 Healy and I'm the Special Advisor to
13 Commission Coulter. First on behalf of the
14 Commissioner, I would like to thank you for
15 giving the Police Department to voice its
16 opinion regarding Bill No. 180553 relating
17 to gun violence, protection orders and the
18 due process framework for such orders as
19 creates for this bill.

20 At the outset as the Chair is
21 aware, the Philadelphia Police Department
22 along with the Law Department contributed
23 to the drafting of this legislation and
24 we're happy to do so. The Philadelphia
25 Police Department fully supports the notion

1 of temporarily restricting an individual's
2 ability to possess firearms when they have
3 been deemed by an independent arbiter to be
4 a credible threat to themselves or others.
5 This is just plain commonsense.

6 With the proper due process
7 safeguards, these measures can help avoid
8 mass shootings and equally important the
9 number of suicides by firearms. As we all
10 know, the Pennsylvania legislature strongly
11 supports the individual's right to citizens
12 in this Commonwealth and possession of
13 firearms.

14 However, with every right comes a
15 corresponding duty to ensure such firearms
16 are possessed and used in a safe and lawful
17 manner. Simply stated, certain individuals
18 should never possess firearms and the
19 Pennsylvania legislature has enacted laws
20 accordingly.

21 However, there are people for a
22 myriad of reasons or otherwise lawfully
23 permitted to purchase firearms but are
24 temporarily disabled and, therefore, should
25 not possess a firearm without seriously

1 endangering themselves or others. While
2 the state has acted with respect to those
3 persons they believe should be forever
4 precluded from owning a firearm based upon
5 a threat they present, they have failed to
6 act with respect to those who temporarily
7 pose a threat to themselves or others.

8 As such, the Philadelphia Police
9 Department employs the effort of
10 Chairperson Jones on this issue. While
11 enforcement of this bill because of the
12 state law is debatable, it takes leadership
13 and courage to push forward. This is the
14 commonsense legislation that the bill with
15 due process safeguards and recognizes that
16 good people can get sick and become a
17 danger to themselves or others at times.

18 We need to step in to protect both
19 the individuals in crisis and others. Once
20 the individuals are well, they can regain
21 their firearms and move on with their
22 lives. Most important, they will have a
23 life to continue along with their family,
24 friends, classmates and coworkers.

25 So in closing, the Philadelphia

1 Police Department clearly supports this
2 bill. This is simply commonsense
3 legislation that is long overdue. At this
4 time I will be happy to answer any
5 questions. Thank you.

6 COUNCILMAN JONES: Are there any
7 questions on the part of the panel?

8 (No response.)

9 COUNCILMAN JONES: We have 22
10 people that want to weigh in on this. So
11 the only thing that I would say currently
12 under domestic violence actions, do we have
13 the ability to when there is a complaint
14 filed, do we go into a home and remove
15 firearms?

16 CAPTAIN HEALY: I'll talk more
17 about that. I want to relate it to Act 79
18 and the changes, but there's order in
19 protective -- or actually in the Domestic
20 Code and in the Uniform Firearms Act, it
21 calls for the relinquishment of firearms.
22 The relinquishment of firearms,
23 particularly on the individuals who are
24 ordered to relinquish a firearm, to produce
25 that firearm. As the law is written, that

1 doesn't authorize the police or other law
2 enforcement agencies to enter the house and
3 seize the weapons. However, if people do
4 not within a certain period of time under
5 Act 79 relinquish a firearm, it then
6 becomes a crime. And I'll talk more in the
7 next -- in the other bills. We've put
8 systems in place that once you violate that
9 crime, then we're going to come after you
10 and do the appropriate search warrants, but
11 there is no affirmative -- or I'm sorry,
12 there is no provided responsibility or
13 authorization to search for weapons. The
14 duty is on the person who receives the
15 relinquishment order to produce those
16 firearms.

17 COUNCILMAN JONES: In your next
18 testimony, will you cite the number of
19 domestic violence homicides? Is there a
20 record for that?

21 CAPTAIN HEALY: I don't have the
22 statistics for them, but I can get them for
23 you.

24 COUNCILMAN JONES: Would you?

25 CAPTAIN HEALY: Sure.

1 COUNCILMAN JONES: And provide
2 that to the Chair and I'll provide it to
3 Members of Council. Are there any
4 questions?

5 (No response.)

6 COUNCILMAN JONES: Seeing none,
7 thank you for your testimony.

8 CAPTAIN HEALY: Thank you, sir.

9 COUNCILMAN JONES: Ms. Williams?

10 THE CLERK: The next witnesses to
11 testify on Bill No. 180553 are Bilal
12 Qayyum, Dorothy Johnson-Speight, George
13 Mosee and Wilfredo Rojas.

14 (Panel approached Witness Table.)

15 COUNCILMAN JONES: Good morning.

16 MS. JOHNSON-SPEIGHT: Good
17 morning.

18 COUNCILMAN JONES: You are no
19 stranger, any of you, to these chambers.

20 MS. JOHNSON-SPEIGHT: No, I am
21 not. I feel like at home here.

22 COUNCILMAN JONES: We've got to
23 get you here for other reasons.

24 MS. JOHNSON-SPEIGHT: That will be
25 a good thing.

1 COUNCILMAN JONES: Whoever wants
2 to begin first state your name for the
3 record.

4 MR. QAYYUM: I will -- as the
5 elder in the room, I will yield to my young
6 lady sitting next to me.

7 COUNCILMAN JONES: Okay.
8 Ms. Speight, I think he was being polite.

9 MR. MOSEE: Good morning.

10 COUNCILMAN JONES: Good morning.

11 MR. MOSEE: I'm George D. Mosee,
12 Jr. I'm the Executive Director of the
13 Philadelphia Anti-Drug, Anti-Violence
14 Network. I'm happy to support this
15 commonsense ordinance. I can't tell you
16 how many times after the tragedy a group of
17 stakeholders will come together and will
18 debrief the incident.

19 And in the course of debriefing
20 the incident, invariably somebody says,
21 well, yeah, we knew this was going to
22 happen. We saw the signs. We knew this
23 person was a threat to themselves. We knew
24 they were a threat to others.

25 Well, why didn't something happen?

1 Well, there was no vehicle to effectuate an
2 effective intervention, and that's how I
3 view this ordinance. Some may view it as a
4 seizure ordinance, a relinquishment
5 ordinance. I view it as intervention.
6 It's an opportunity to prevent the tragedy.
7 And certainly, prevention is the very best
8 way to effectuate public safety.

9 I like the fact that it takes
10 consideration all of the relevant legal
11 issues. Although it provides for ex parte
12 seizure where the petitioner can actually
13 have the court issue the order without the
14 respondent, the person from whom the weapon
15 is being sought present or even knowing
16 about it, it provides for a hearing shortly
17 thereafter.

18 And in that sense, I don't know
19 how anyone can view this as anything other
20 than an attempt to help the respondent.
21 It's very important I believe to maintain
22 that assemblance of fairness. It's very
23 important whenever we're talking about
24 going into a home and taking anything, that
25 we provide for due process. And I believe

1 that this bill does that.

2 The one thing that I would suggest
3 and this relates to the end of the process,
4 where the respondent, where the petitioner
5 and the petition are, in fact, in court. I
6 believe it has to have a place to land, a
7 venue, if you will, where everybody is
8 well-educated about the issues. And in my
9 experience as a prosecutor for 28 years,
10 often the best way to do that is to create
11 a specialty court.

12 We used to have gun courts in
13 Philadelphia. This may be an appropriate
14 ordinance for gun court consideration. And
15 what that would do is it would not only
16 provide for a judge who is well-versed in
17 the issues, but you can actually populate
18 that court with a team of professionals who
19 could help the respondent. So thank you
20 very much for allowing me to testify.

21 COUNCILMAN JONES: Thank you for
22 that input. I remember your decades as a
23 DA and you were right in the middle of it
24 all the time. And so, for you to offer
25 those words of wisdom, we will take them to

1 heart and I appreciate you taking the time
2 to testify. Ms. Speight?

3 MS. JOHNSON-SPEIGHT: Thank you
4 and good morning.

5 COUNCILMAN JONES: Good morning.

6 MS. JOHNSON-SPEIGHT: My family is
7 no stranger to gun violence. As you all
8 know, I have been on the front lines for
9 the last 16 years because my 24-year-old
10 son Khaaliq Jabbar Johnson was shot seven
11 times over a parking space. I'm honored to
12 be here and give voice to those many of
13 whom don't speak anymore, can't speak
14 anymore especially to the Bill No. 180553.

15 Who I don't speak a lot about but
16 who is in my heart and will always remain
17 there and has been -- our family has been
18 devastated by my niece Lisa Speight who was
19 shot to death by her fiance eight months
20 pregnant and dumped in the Hudson River.
21 We knew that this guy was a dangerous
22 person, but Lisa thought she could change
23 him. She followed him to New York and
24 that's where he murdered her, shot her in
25 the head and dumped her body in the Hudson

1 River. She was eight months pregnant, and
2 we lost Lisa and her newborn baby.

3 I think had this bill been in
4 place, we may have been able to get the
5 attention that was needed for Lisa in this
6 domestic violence relationship that she
7 thought she could fix, and we wanted her
8 out but she couldn't see that. So this
9 Bill No. 180553 is personal for me. And
10 I'm hoping that it will save lives as you
11 all have intended it to do by
12 introducing such a bill.

13 I also want to speak briefly on
14 another program that I'm leaving here this
15 morning to do, a soft roll-out on a program
16 called Lipstick. It's Councilman --
17 President Council was there when we were
18 with the Attorney General with some -- to
19 do this program. It's about women who are
20 carrying and storing and store-purchasing
21 guns.

22 You mentioned going up to one of
23 the gun shows. We know a lot of women go
24 to these gun shows and purchase these guns
25 for the guys. So this morning at Dobbins

1 and then again on the 19th, we're going to
2 do a roll-out of Lipstick which is a
3 campaign that's coming from Boston to
4 Philadelphia to address this issue.

5 You have seen an uptick in women
6 being murdered in the City of Philadelphia
7 and that's because of their involvement
8 with guns, holding, carrying and
9 purchasing, so we're hoping that this
10 educational program will enlighten women to
11 the fact of what they're doing, that his
12 crime could be their time and hoping that
13 they will see that their contribute to the
14 death of many in the City by being a part
15 of that. And we have women that are a part
16 of that and have been a part of that,
17 change their lives that are part of the
18 testimony that we will do this morning at
19 Dobbins for the young girls there. And
20 this will be something that you will see
21 over the City of Philadelphia thanks to
22 Attorney General Josh Shapiro and Council
23 President Darrell Clarke.

24 COUNCILMAN JONES: I'm excited
25 about that prospect because all too often

1 in the name of fear and/or love these
2 crimes are committed and I'm just trying to
3 help him out and before you know it, you're
4 the one doing time with it --

5 MS. JOHNSON-SPEIGHT: Often times
6 these women think this is an act of love
7 for the guy. But often times they're in
8 love with the wrong guy.

9 COUNCILMAN JONES: Thank you so
10 much. Mr. Qayyum?

11 MR. QAYYUM: Good morning,
12 Mr. Chair. My name is Bilal Qayyum,
13 President of the Father's Day Rally
14 Committee, a 30-year-old fatherhood
15 organization in the City of Philadelphia as
16 we've been on the front line trying to
17 reduce violence and shootings in the City.

18 I'm here today to support the Bill
19 180553. I want to talk about -- we talk a
20 lot about shootings and homicides, but
21 there is other numbers who are reflecting
22 the need for how this bill could be very
23 supportive, I believe. The police reports
24 every week the crime statistics and I was
25 looking at them the other day and if you

1 look at, one of the line items is robbery
2 with guns.

3 In 2014, it was 3,044 robberies in
4 the City of Philadelphia with guns. 2015;
5 2,885. In 2016; 2,677. 2017; 2,449. And
6 2018; 21 -- 2,163. A total of 13,208
7 incidents in the City of robbery with guns.
8 And I also have --

9 COUNCILMAN JONES: Can you repeat
10 that for the record? Say that again. Say
11 that number.

12 MR. QAYYUM: From 2014 to 2018;
13 13,208 robberies in the City of
14 Philadelphia with guns. And they have
15 another category called aggravated assault
16 with guns. 2014, there was 2,065
17 aggravated assaults with guns. 2015;
18 2,287. 2016; 2,257. 2017; 2,207. And
19 2018; 2,327. Total five years; 11,143. If
20 you add the totals together, 24,351 between
21 robberies with guns or aggravated assault
22 with guns. So that shows you the kind of
23 magnitude when we talk about the gun
24 problem in the City of Philadelphia.

25 Once again, we have -- the news

1 media always reports about shootings. The
2 numbers you gave earlier are homicides.
3 From 2007 to 2018, there was 3,706
4 homicides in the City of Philadelphia and
5 80 percent of those homicides of weapon of
6 choice was guns.

7 So when you look at these numbers
8 in total, it shows the magnitude of the gun
9 problem in the City of Philadelphia. And I
10 believe this bill will help a lot. I'm
11 into -- I go to the Juvenile Justice Center
12 once a week and I interact with the young
13 men in the pods. The pods is the area
14 where they're being held. And two or three
15 questions I ask every week is how many of
16 you had a gun in your hand in the last
17 year. And the average pod we see between 8
18 and 10 guys. At least 7 hands go up every
19 single week.

20 Another question I ask is how many
21 of you all been shot at. Every single week
22 8 to 9 young men in the pods, at least 4 or
23 5 hands go up. So when you look at that,
24 those numbers, if you look at the numbers I
25 just gave you -- the data I just gave you

1 earlier, and you can get into the suicide
2 numbers, if you get into the domestic
3 violence numbers that you asked the police
4 about, it's staggering now, the number of
5 folks that are affected by gun play in the
6 City of Philadelphia.

7 I will just say this, and I'm glad
8 that George Mosee brought up the part about
9 after a person is reported and he goes to
10 court, what's the next step. But I'm also
11 excited about this bill because as George
12 was talking and as Dorothy was talking, it
13 reminded me that a lot of the young men in
14 the City of Philadelphia who have guns,
15 they keep them in the houses. That's where
16 they are.

17 And people know me. I'm on social
18 media. I'm always posting about parents do
19 room-checks so this bill can help with
20 that. Not that I'm saying the parents want
21 to turn in their sons, but if their son is
22 out in the street doing what they shouldn't
23 be doing, the point that Councilman Clarke
24 was talking about earlier, this can give an
25 opportunity to hopefully turn somebody in

1 who has a gun that can help them be turned
2 around to do the right thing. So I'm here
3 to totally support Bill 180553.

4 COUNCILMAN JONES: Thank you so
5 much and thank you for being boots on the
6 ground out there and sharing how this
7 violence problem, this gun problem is
8 evolving or devolving depending on how you
9 look at it in Philadelphia, which means we
10 have to change our tactics and strategies
11 to deal with this.

12 We have a right to defend
13 ourselves, heal thyself with this issue.
14 We have laws that we can put into place to
15 protect ourselves and we should. Okay.
16 Councilman Greenlee?

17 COUNCILMAN GREENLEE: Thank you,
18 Mr. Chairman. I think the figures, the
19 numbers that Bilal just put out are
20 staggering. But then when you triple,
21 quadruple, five times, six times all the
22 family members that have been affected by
23 that, that really hits home and you might
24 be talking about six figures then.

25 MR. QAYYUM: Actually, those

1 numbers I gave you, I came up with a family
2 of four is 97,404. And so, that goes way
3 beyond that, those numbers.

4 COUNCILMAN GREENLEE: Yeah. I
5 mean, that -- it's just hard to believe,
6 but obviously it's out there. Thank you.
7 Thank you, Mr. Chair.

8 COUNCILMAN JONES: Mr. Rojas,
9 would you pull yourself up to the table?
10 It's like a bad Clint Eastwood movie some
11 weekends. And I watched Unforgiven and
12 there were actually at times more people
13 shot in Philadelphia than in the entire
14 movie and that speaks to the condition of
15 gun violence in Philadelphia. Mr. Rojas?
16 Put the mic to your -- state your name.

17 MR. ROJAS: Okay. First of all, I
18 want to thank you personally, Councilman
19 Jones, for your initiative and your
20 boldness in introducing such an important
21 piece of legislation. I also want to thank
22 Councilman Kenyatta Johnson who has been in
23 the forefront of the fight for commonsense
24 legislation and also, I want to thank
25 Council President Darrell Clarke who has

1 been consistent in his support for your
2 legislation in helping you craft it and
3 pass it throughout City Council.

4 With that said, on behalf of the
5 National Homicide Justice Alliance I want
6 to thank you again, Councilman Jones, for
7 your willingness to acknowledge major
8 reform is needed to improve gun safety in
9 the City of Philadelphia. After carefully
10 reviewing your well-prepared fact sheet
11 that spells out in details why proposed
12 Bill No. 189554(sic) needs passage, I
13 appear before you, Members of the City
14 Council Committee on Public Safety, to
15 share my thoughts as a father who lost a
16 son Alejandro Rojas Garcia to homicide, to
17 voice our strong support for the quick
18 passage and implementation of this
19 important piece of legislation.

20 Back on September 2017,
21 Philadelphia City Council through a vote of
22 the body gave a green light to a resolution
23 declaring gun violence a public health
24 epidemic in the City of Philadelphia. In
25 January 2018, the National Homicide Justice

1 Alliance along with a host of parents of
2 homicide victims testified before the
3 Committee of Special -- Committee on
4 Criminal Justice Reform, clamoring for
5 local government to do something that would
6 engage these parents in the search for
7 strategies and adequate funding to address
8 the public health epidemic. We are of the
9 opinion that Councilman Curtis Jones
10 propose legislation on the full remedy to
11 curtail gun violence, would advance
12 positive outcomes for the residents of
13 Philadelphia.

14 While Council resolution declaring
15 violence of public health epidemic and the
16 testimony and lifelong pain noted in the
17 testimonies of families of homicide victims
18 may now be considered ancient history by
19 some, the almost daily shootings, many
20 resulting in the death bodies of loved ones
21 is present and real.

22 And while the violence is a shared
23 reality for all of the residents of
24 Philadelphia, particularly in neighborhoods
25 where Black and Brown people reside, it is

1 not uniformly experienced or understood by
2 the residents and visitors to our City.
3 The focus of City government and challenges
4 to attract businesses, housing, educational
5 resources, taxes, clean streets and, yes,
6 potholes are important, but also the City
7 must concentrate in creating safe streets
8 because part of the social and economic
9 climate of our times in the City facing
10 challenges, but also a City experiencing a
11 promising future is dealing with the issue
12 of street violence and homicides.

13 Before the Parkland School mass
14 shootings, five states have what is
15 referred to as red -- red flag laws in
16 place. President Trump even supports that.
17 Even though he's supported by the NRA also,
18 but he supported that legislation. On
19 behalf of -- on behalf of all those who
20 have suffered the prolonged pain and
21 emotional distress by someone by homicide
22 or gunfire, I urge you not to delay in
23 passing this legislation, Council Bill No.
24 180553, gun violence protection orders, in
25 a major first step that has already been

1 adopted in cities -- in states and cities
2 across the United States of America.

3 Additionally, I urge this body to
4 pressure the Pennsylvania legislature to
5 enact similar legislations. Thank you and
6 god bless each one of you.

7 COUNCILMAN JONES: Thank you so
8 much for your testimony and sorry for your
9 loss. Sometimes through the loss of
10 others, we commit ourselves to a greater
11 dedication to do for others, and all of you
12 do that every day and I apprec -- and I
13 just want you to know for the record on the
14 files, I appreciate that and I think that
15 reflects all of the opinions of Council
16 because in every district there is that
17 issue, whether you're talking about gun
18 violence or suicides or all of the above
19 and it impacts us all. So are there any
20 questions for this panel?

21 (No response.)

22 COUNCILMAN JONES: Seeing none,
23 thank you for your testimony.
24 Ms. Williams, would you please read the
25 names of the next panel to testify.

1 THE CLERK: The next panel of
2 witnesses will be testifying on Bill No.
3 190749. Bilal Qayyum, Captain Tyrone
4 McCoy, Inspector Fran Healy and Kathryn Ott
5 Lovell.

6 (Panel approached Witness Table.)

7 COUNCILMAN JONES: Thank you
8 again. Mr. Qayyum, you can just keep your
9 same seat. Commissioner, how are you?

10 MS. OTT LOVELL: Councilman.

11 COUNCILMAN JONES: And thank you
12 for your patience. Why don't we start with
13 you, Commissioner. State your name for the
14 record and begin your testimony, please.

15 MS. OTT LOVELL: Sure. Thank you.
16 Good morning, Councilman Jones and Members
17 of the Committee on Public Safety. My name
18 is Kathryn Ott Lovell and I'm the
19 Philadelphia Parks and Recreation
20 Commissioner. I'm here today to testify in
21 support of Bill No. 190749 introduced by
22 Councilmember Bass for Council President
23 Clarke establishing the Safe Haven Law by
24 amending Title 10 of the Philadelphia Code,
25 entitled "Regulation of Individual and

1 Activity," by adding a new section
2 prohibiting the possession of weapons at
3 City Recreation Facilities.

4 There are extraordinary recreation
5 leaders and community partners working
6 within our Parks and Recreation system to
7 provide safe spaces for young people. Many
8 of whom face violence in their daily lives.
9 At 159 staff facilities throughout the
10 City, Parks and Recreation provides high
11 quality programs to 100,000 participants
12 annually.

13 We offer over 90 afterschool
14 programs and 130 summer camps engaging over
15 10,000 children. We serve over 2 million
16 free meals annually at 600 sites including
17 recreation centers, playgrounds and
18 Playstreets. We employ over 1100 teenagers
19 each summer offering many of them their
20 first type of formal employment.

21 Our Parks and Recreation
22 Facilities are open and accessible. Unlike
23 other major cities such as New York, you do
24 not need an ID card to enter a facility.
25 And unlike the free library, we do not have

1 municipal guards. We have over 300
2 dedicated recreation leaders and thousands
3 of seasonal support staff that staff our
4 recreation centers and playgrounds in every
5 single neighborhood.

6 These individuals are true
7 community heroes often times working alone
8 in recreation centers and many times
9 prioritizing the safety of the children
10 they serve over their own. They struggle
11 daily to ensure that our facilities remain
12 safe havens where children can visit to
13 escape the dangers of their streets.

14 For those reasons earlier this
15 year, we partnered with the Office of
16 Violence Prevention and the Philadelphia
17 Police Department to develop and implement
18 programs to prevent gun violence at
19 recreation centers and playgrounds. As a
20 component of the City of Philadelphia's
21 Roadmap to Safer Communities, we created a
22 basketball training program with project
23 pinpoint neighborhoods considered most
24 vulnerable to gun violence.

25 The program engaged teams and

1 young adults at McVeigh, Rivera, J.
2 Finnegan and Trovadi Recreation Centers and
3 focused on skill development, leadership
4 development, culture strategies and
5 sportsmanship. The Department also
6 extended weekend hours of operation at 11
7 recreation centers as a pilot effort aimed
8 at offering youth and young adults a safe
9 space to enjoy high quality recreational
10 programming as an alternative to
11 unsupervised and possibly vulnerable
12 situations they might encounter on the
13 streets.

14 We also launched a new partnership
15 with local Police Districts around the City
16 called Cops and Rec, hosting 23 community
17 events at playgrounds and recreation
18 centers in pinpoint areas using our large
19 inflatable movie screens to project films
20 for families while offering various free
21 refreshments including water ice, popcorn
22 and pretzels.

23 These events offered opportunities
24 for families, children and local police
25 officers to be outside and connect with

1 each other in a peaceful and enjoyable
2 atmosphere. The movie nights deterred
3 unlawful behavior after hours by activating
4 those public spaces with positive
5 activities and adult supervision.

6 I believe that the Safe Haven Law
7 will help to strengthen the City's
8 comprehensive plan to reduce gun violence
9 and enhance the quality of life for all
10 residents. This year alone there were 14
11 documented assaults on parks and recreation
12 staff.

13 Here are some of those incidents:
14 At Barrett playground, a recreation leader
15 and an advisory councilmember were held up
16 at gunpoint by three armed men who entered
17 the center during an afterschool program
18 when children were present. At Schuler
19 Playground a recreation leader was
20 assaulted by an individual who entered the
21 center and attempted to rob him.

22 At Vogt Recreation Center, a
23 19-year-old lifeguard was attacked and
24 assaulted by a dozen teens. That lifeguard
25 returned to work the next day. At Hunting

1 Park Recreation Center, a 71-year-old
2 employee, Mr. Rob, was punched 16 times and
3 robbed while he was eating his lunch.

4 Before becoming a seasonal employee,
5 Mr. Rob was a longtime volunteer at the
6 center.

7 At Dorothy Emanuel Recreation
8 Center, a recreation leader was assaulted
9 during a robbery attempt. That individual
10 was hired just a few months ago as part of
11 our City-wide recruitment effort to
12 diversify our recreation leader trainees.

13 At Roosevelt Playground, a recreation
14 leader was forced to barricade himself
15 inside his facility as a group of teens
16 tried to break in making threats to his
17 safety.

18 And at Baker Playground a shootout
19 occurred after a basketball tournament
20 wounding seven people. Pool maintenance
21 attendant Janeen Helms was working late
22 that evening and instead of hiding when she
23 heard the shots rang out, Janeen rushed to
24 help the children on the playground. She
25 also continued her shift that evening and

1 refused to go home and returned to work the
2 next day.

3 City Council recently honored
4 Janeen Helms with a special citation for
5 her actions and she's here to testify
6 today. This is just a snapshot of what our
7 recreation leaders encounter on a daily
8 basis. They are literally working on the
9 front lines for our City and they deserve
10 to feel safe and protected in their
11 workplace. And the children we serve need
12 to know that when they come to a recreation
13 center or playground, that they too will be
14 safe and free from fear.

15 This is why I appear before you
16 today and offer Parks and Recreation's full
17 support of Bill No. 190749 and respectfully
18 ask that the Committee move it forward with
19 City Council approval. This is not in my
20 written remarks so I don't even know if I'm
21 allowed to say it, but last night I was at
22 Target buying Halloween candy, the one on
23 City Line Avenue.

24 And I was in the Halloween section
25 and I encountered another person who was

1 there who recognized me and commented to me
2 how glad they were to have recreation
3 centers in their community and, you know,
4 just what an asset they were. And I said,
5 well, the good news is that recreation
6 centers are going to be even safer because
7 tomorrow there's a hearing that City
8 Council has called to make sure that we can
9 make sure no guns and no weapons are
10 allowed in our recreation centers.

11 And this woman said to me, oh, my
12 God, I can't believe we have to have a
13 hearing on that. She said, why is this
14 just not commonsense. And that struck me
15 to my core. And as I drove home from
16 Target last night, I thought why are we all
17 sitting here having a hearing about this.
18 But here we are. I applaud the bill
19 sponsors, Council President Clarke and
20 Councilwoman Bass for their ongoing support
21 of our staff and the constituents we serve.
22 Thank you and I'm happy to answer any
23 questions you have.

24 COUNCILMAN JONES: Is it the
25 pleasure of the panel to wait until --

1 okay. Thank you again.

2 CAPTAIN HEALY: Thank you, sir.

3 COUNCILMAN JONES: Please state
4 your name again for the record.

5 CAPTAIN HEALY: Good morning,
6 Chairperson Jones, Council President Clarke
7 and other Members of the Committee on
8 Public Safety. Again, my name is Fran
9 Healy and I'm Special Advisor to
10 Commissioner Coulter. First on behalf of
11 the Commissioner again, I would like to
12 thank you for giving the Police Department
13 the opportunity to voice its opinion
14 regarding Bill No. 190749 relating to a
15 safe haven at Philadelphia recreational
16 facilities.

17 Let me state at the outset, the
18 Philadelphia Police Department respect and
19 supports the intent behind this
20 legislation. Keeping children safe is the
21 highest priority of the Philadelphia Police
22 Department as well as City Council.
23 Keeping illegal guns from these areas is
24 just plain commonsense.

25 I believe the basis of this bill

1 is similar to state law provisions that
2 prohibit firearms in special places, such
3 as court facilities and schools. This bill
4 specifically prohibits persons from
5 knowingly possessing a weapon or causing --
6 or knowingly causing a weapon to be present
7 whether openly or concealed in the building
8 or on the ground of any City recreational
9 facility.

10 Further, a weapon is defined as a
11 knife -- a firearm, knife or other
12 instrument designed to inflict bodily
13 injury. As I mentioned, the Department
14 supports the premise of keeping weapons,
15 especially illegal weapons, away from
16 recreation centers where children intend to
17 gather. With that said, please be mindful
18 that this bill is not just intended at
19 illegal firearms, but will also impact
20 individuals who carry lawful firearms as
21 well.

22 There may be times when an
23 individual may need to enter a government
24 property such as a recreational facility to
25 conduct business and may possess a lawful

1 weapon. We need to better consider
2 logistics such as when a firearm can be
3 kept while the individual -- where the
4 firearm can be kept while the individual is
5 on a recreational facility.

6 We crossed that problem when we
7 shut down City Hall. We opened the
8 lockboxes across the street for the CJC to
9 accommodate those individuals who were
10 lawful to carry, so that was one -- these
11 are just logistical issues that I think
12 that we can fine-tune, but nonetheless.
13 The other issue that you should be aware of
14 is the definition of a weapon and weapons
15 need to be carefully considered. This is
16 just me being the lawyer, being the pain of
17 being a lawyer.

18 For example, long guns and rifles
19 are not included in the prohibition if
20 you'll use the definition under state law.
21 The definition under State law of a firearm
22 basically includes a pistol or a revolver.
23 Long guns are not included in that
24 definition, so all it is, is a little tweak
25 saying -- so one of my other

1 recommendations just be more general in
2 terminology so we don't have anybody
3 nitpicking it apart.

4 The use of already existing
5 definitions such as offensive weapons that
6 are in the Safe Code would work perfectly.
7 So it would strengthen the bill and make it
8 much stronger and that way no one is going
9 to attempt to attack it at state level
10 primarily, will be able to nitpick at
11 little things when we have a rock solid
12 product that you can present.

13 So our goal here is to make sure
14 that we can possibly survive preemption in
15 doing so making sure that everything in
16 here is rock solid. So we support it and
17 thank you again for your efforts in doing
18 so, thank you, sir.

19 MR. QAYYUM: Good morning. Bilal
20 Qayyum, President of the Father's Day
21 Rally Committee. I was sitting here
22 listening to the Commissioner about the
23 number of folks who have been attacked and
24 I was thinking about those statistics I
25 gave here earlier about robberies with guns

1 or assaults with guns.

2 But I also was reflecting on about
3 20 years ago, I and the Father's Day Rally
4 Committee, we ran a midnight basketball
5 league at Hank Gathers Recreation Center on
6 Diamond Street. And one night they got to
7 fighting so we broke up the fight and we
8 closed down the league for a week.

9 The participants in the league
10 came back and pleaded, let's start it. I
11 made them take a pledge that there would be
12 no more fighting. So I was reflecting on
13 what would happen now if we tried to
14 organize, Councilman Clarke, a midnight
15 basketball league and with the availability
16 of guns it would be -- so this bill would
17 definitely work to address that issue.

18 And also, I was reflecting on the
19 millions of dollars now that are being
20 spent on rebuild to renovate recreation
21 centers, so what good is a recreation
22 center going to be if it's totally
23 renovated, it's shining, everybody likes
24 it, but parents don't want their kids to
25 come because they feel the kids would not

1 be safe in those centers. It's almost like
2 a waste of money.

3 So I think we all need to get
4 behind and support this Bill 190749 and
5 make it a reality so we can create this
6 safe haven law in existence that can help,
7 it's not going to stop, but it will help
8 the safety of our children in the City of
9 Philadelphia.

10 COUNCILMAN JONES: Thank you so
11 much for your testimony. Are there any
12 questions? Mr. President?

13 COUNCIL COUNCIL PRESIDENT CLARKE:
14 I just have a couple of statements. Thank
15 you, Mr. Chair. Thank you all so much for
16 being here and thank you for your continued
17 due diligence with respect to ensuring that
18 safety is in our community, particularly
19 the rec centers.

20 Commissioner, I agree with you, I
21 concur with those individuals that talk to
22 you about why do we even have to be here to
23 have this level of conversation. The
24 simple reality is, is that you go to a
25 courthouse across the street, you know, you

1 cannot bring a gun in there, right, and
2 we're protecting the judges, I want to
3 protect the judges, we're protecting the
4 District Attorney's office, those
5 prosecutors, we're protecting the defense
6 lawyers and we're protecting the
7 individuals that find themselves going into
8 the criminal justice center and I agree
9 with all of that.

10 You go to a private building in
11 Center City as we had this conversation,
12 Commissioner, with the Law Department
13 earlier, and they have a circle with a gun
14 and a red mark through the gun. They tell
15 you, you can't come in -- you can't bring a
16 gun in here. They don't say you can't
17 bring a legal gun or you have a permit to
18 carry. You can't bring a gun in there. So
19 for the life of me I don't understand why
20 we should have a conversation, why we need
21 to have a debate about bringing a gun in a
22 recreation center.

23 That press conference that we had,
24 and, Bilal, and I want to thank you all for
25 being here and some of the members here,

1 that same night we had the press conference
2 to unveil safe havens and we had the
3 legislature, House of Reps, station at the
4 City Council, Police Department,
5 Recreation, everybody there talking about
6 moving forward ensuring safe havens gets
7 implemented.

8 That night, 10 o'clock that night
9 there was a basketball game among a couple
10 of individuals and they got into an
11 argument and the guy pulls a gun out and
12 shoots the guy in the leg that night,
13 right. So this notion that, oh, well, you
14 know, we, you know, this is an amendment
15 and it's the constitutional right of
16 individuals to have weapons, you know what,
17 I don't want to hear that and I don't think
18 any of us wants to hear that.

19 People need to be safe in these
20 rec centers. There was this conversation
21 that we got, it says, well, Councilman,
22 people have a right to carry weapons per
23 the Constitution and these are people that
24 have legal weapons and they're not going to
25 shoot at a rec center. Well, guess what,

1 ask somebody to look at the number of mass
2 shootings that have happened in this
3 country over the last couple of years,
4 right, and how many of those individuals
5 had the right to have weapons, all right.
6 So don't tell me about a person having a
7 weapon, right, and having a legal right to
8 have a weapon and that person is not going
9 to create a crime. There are certain
10 locations where you do not need to have a
11 gun. Our rec centers is one of them.

12 So I want to thank you all for
13 your support. We're going to have to do
14 everything we can. I want to thank my
15 colleagues on providing safe environments
16 at these rec centers. It makes no sense
17 that we should need to have this level of
18 conversation. Thank you. Thank you,
19 Mr. Chairman.

20 MR. QAYYUM: Councilman Jones, can
21 I respond to Councilman --

22 COUNCILMAN JONES: Please.

23 MR. QAYYUM: The next time they
24 raise that issue with you, Councilman,
25 there was a study done in Seattle where

1 they tracked 600 legal guns over a
2 five-year period that ended up in a lot of
3 shootings and homicides in Seattle because
4 those guns were stolen. So just because
5 you have a legal gun doesn't mean it is any
6 more safety than these illegal guns.

7 As a matter of fact, a lot of
8 legal guns are being stolen. I mean, it's
9 a lot of stolen guns now. As you well
10 know, in the press conference it was said
11 the District Attorney had about lost and
12 stolen, the lost and stolen bill where he's
13 now willing to enforce that bill, so thank
14 you.

15 COUNCIL COUNCIL PRESIDENT CLARKE:
16 Thank you.

17 COUNCILMAN JONES: Thank you. So
18 any other questions for this panel?

19 (No response.)

20 COUNCILMAN JONES: Seeing none,
21 thank you for your testimony. Just on the
22 way out, Tustin Rec Center, a kid named
23 Bernard Scott was watching two guys fight
24 like I've done a hundred times growing up.
25 Two individuals got into a shootout. They

1 didn't shoot each other. They shot an
2 innocent bystander on one of our recreation
3 centers. That could have been the end of
4 that story. But when they did a sweep of
5 the rec center to look at what was going
6 on, four other guns were found on the rec
7 center site because people were stashing
8 them before they went into the school. So
9 this is a holistic approach. Each one of
10 these ordinances interlock with each other
11 to try to give us some sense of safety in
12 Philadelphia.

13 Ms. Williams, can you please read
14 the next panel to testify?

15 THE CLERK: Derrick Ford, Gregory
16 Allen and Leroy Fisher.

17 (Panel approached Witness Table.)

18 COUNCILMAN JONES: Thank you all
19 for your patience. Please be seated. You
20 can begin your testimony in any order you
21 want, but state your name for the record
22 when you begin.

23 MR. FORD: Good morning --

24 MR. ALLEN: So I guess I've
25 been --

1 MR. FORD: Go ahead.

2 MR. ALLEN: Go ahead.

3 MR. FORD: Good morning, Council
4 Jones and the rest of the Councilmembers,
5 Councilmember Clarke. For the record, my
6 name is Derrick Ford. I'm the Co-Chair on
7 the Commission for Parks and Recs here in
8 the City of Philadelphia and also the
9 President of Mander Recreational Center
10 located at 33rd and Diamond.

11 And I'm here to speak on behalf of
12 Bill No. 197 -- 190749 and, you know, I was
13 listening to Councilman Clarke.
14 Fortunately, I was there that night when
15 all the wonderful folks were there talking
16 about what's happening in Parks and Recs.
17 And, you know, it's painful as we sit here
18 this very moment, folks are out there with
19 a multitude of guns. And I think history
20 over the last several years watching just
21 gun violence, I was a strong advocate
22 against having basketball leagues because
23 here in the City of Philadelphia basketball
24 leagues have become an arena for gunplay.

25 And I want to be clear about that

1 because you can't control the culture of
2 people coming. It doesn't happen at the
3 baseball games. It doesn't happen at the
4 football games. It happens at the
5 basketball games. Now, that night when you
6 guys were all there at Mander Recreation
7 Center having a press conference, as
8 President Clarke mentioned, that night at a
9 basketball game, guys came there with the
10 guns. They can get a gun quicker than they
11 can get a job. Folks are dying out there.

12 And we need to really take a real
13 critical look at -- listen, I love what
14 happens at Parks and Recs and I understand
15 the job of the rec leaders and -- because
16 they have to work there and they have to
17 deal with -- they have to deal with a
18 certain personality, but it's painful when
19 this City and our families and our kids
20 become traumatized at a game when they see
21 gunplay.

22 We got a lot of work to do here.
23 We really do. And I -- listen, I live in
24 Parks and Recs. I believe in Parks and
25 Recs, but I believe playgrounds should be a

1 safe place, it should be a safe place for
2 our families and our kids to go and not be
3 traumatized by gunplay. So I'm asking that
4 they put down the guns so we can raise our
5 sons and our kids. We got a lot of work to
6 do. That's my testimony.

7 COUNCILMAN JONES: Thank you so
8 much. Good morning.

9 MR. ALLEN: Good morning, Chair
10 Jones, Members of the Committee on Public
11 Safety, Council President --

12 COUNCILMAN JONES: Can you pull
13 that mic just a little closer?

14 MR. ALLEN: Pull a lit closer,
15 okay. My name is Dr. Gregory J. Allen.
16 I'm founder and President of Overbrook West
17 Neighbors CDC serving the Overbrook
18 community of West Philadelphia and I serve
19 on the leadership for the Commission of
20 Parks and Recreation. I'm happy to be your
21 constituent.

22 I'm in support of the safe haven
23 law prohibiting weapons at the City's
24 recreation facilities. My testimony is
25 dedicated to the memories of Bernard Jamal

1 Scott and James Patrick Stuhlman. Like
2 many people here, I'm actively involved in
3 my community. By some I am affectionately
4 referred to as the mayor of Overbrook and
5 the guardian of the playground with
6 apologies to Mayor Kenny. Not the galaxy
7 but the playground, this is my favorite
8 title. It makes me feel a little bit like
9 Peter Quill, Star-Lord from the hit Marvel
10 movies.

11 Oh, I know. I'm no superhero,
12 just the protector like the meaning of my
13 name Gregory, watchful guardian. My mother
14 would be proud. Until a few years ago, I
15 thought I was alone in this passion to care
16 for and nurture a playground. Boy, oh boy,
17 was I wrong. You see, every one of our
18 playground and recreation centers have
19 guardians, someone who watches over it,
20 makes sure everyone does what they're
21 supposed to be doing, protects it as if it
22 were a child or a spouse, nurtures it, sees
23 it as their solemn responsibility to keep
24 it and the people who visit there safe from
25 harm.

1 So I am the guardian of Tustin
2 Playground, a recreation center we refer to
3 as the place where the greats play. The
4 home of Wilt Chamberlain, one of the places
5 where Kobe Bryant learned to be Black
6 Mamba, the place Will Smith sang about in
7 the Fresh Prince of Bel Air.

8 I am proud to stand with my
9 friends and neighbors doing all we can with
10 your help to serve as the guardian and to
11 make a difference at Tustin. These
12 guardians include the women and men of
13 Parks and Rec who work diligently every day
14 to provide high quality programs and
15 services for hundreds of thousands of
16 guests.

17 They include the women and men of
18 the Philadelphia Police Department who
19 check on things, talk to the kids, provide
20 or support programs or just sign a book.
21 Thousands of volunteers and neighbors who
22 help with cleanups, fundraisers, sports
23 programs, movie nights and all the things
24 that enrich the lives of our children,
25 young people and older adults.

1 Some people like yourselves, your
2 colleagues, our Commissioner Kathryn and
3 the Police Department are guardians of a
4 lot of playgrounds. What an awesome right
5 and responsibility. I truly envy you.

6 Every day we work hard to provide a haven
7 for Philadelphians everywhere, a harbor, a
8 port, a refuge, a safe and secure place to
9 come and do your homework, to use a
10 computer, to take a class, play a sport,
11 practice yoga, meet with friends, neighbors
12 or attend community events or do anything
13 your heart desires.

14 Unlike Star-Lord, we are not
15 superheroes. We cannot fly. We don't have
16 special powers, no suit to protect us, no
17 wands, no superhuman strength. But like
18 Star-Lord -- now, this is where you have to
19 be a Marvel comic fan to understand, being
20 a guardian has connected most of us to a
21 higher purpose. I know it has for me.

22 You see, I came to be a guardian
23 at the playground when a young man I knew
24 from seeing around Tustin was shot and
25 killed while watching a fight that started

1 on the steps of Overbrook High School and
2 moved to the playground field. His name
3 was Bernard Scott. He wasn't the fighter
4 or the shooter. He was just standing
5 around, an innocent bystander, one of the
6 good kids.

7 He died in his mother's life, and
8 the lives of his family members have
9 undoubtedly been changed forever because he
10 wasn't safe at the playground. Tustin or
11 Overbrook High School had nothing to do
12 with the fight, but he wasn't safe at a
13 school or a playground, a school or a
14 playground.

15 Councilman, during that cleanup, I
16 was one of the guys that found one of the
17 four guns that were used in that shooting.
18 So let's face it, when our children and
19 young people are not safe at the places
20 where they learn and play, no one is safe
21 anywhere, no one anywhere.

22 On behalf of the legions of
23 guardians like me, thank you for your
24 ongoing support to provide us a safe haven
25 to protect us from harm. Anything that

1 helps to reduce gun violence and creates
2 and maintains a safe space for families is
3 a good start. Implemented as an element of
4 a holistic and comprehensive strategy like
5 the Philadelphia Roadmap to Safer
6 Communities, I believe it will have a
7 positive impact.

8 My prayer is that the safe haven
9 law will provide some desperately-needed
10 protection for all of Philadelphians,
11 guardians and the children, young people,
12 older adults and families we serve. I
13 support Bill No. 190749, the safe haven
14 law, encourage you to make it law as
15 quickly as you and your colleagues are
16 able. Thank you and your colleagues for
17 being the guardians of the guardians.

18 COUNCILMAN JONES: Thank you so
19 much for your testimony. And I appreciate
20 the commitment to guardians, not only to
21 Tustin but the entire system so I
22 appreciate that. Okay?

23 MR. FISHER: Well, good morning.

24 COUNCILMAN JONES: Good morning.

25 MR. FISHER: Good morning,

1 Councilman Jones, Council President Clarke
2 and Members of -- Councilmembers. My name
3 is Leroy Fisher and since 1992 I've carried
4 a lot of titles. I've been President of
5 Hunting Park United, a member of the North
6 Philadelphia Aztecs, I've been a coach, a
7 mentor and now, I carry the title of
8 President of Parks and Recreation Advisory
9 Council.

10 There's a funny story, unlike the
11 Mayor of Overbrook, I've been
12 affectionately known as the Mayor of
13 Hunting Park. Since '92, Hunting Park Rec
14 Center has been a safe haven for me and the
15 many children, the hundreds of thousands of
16 children that have gone through our
17 programs and been provided with a location.
18 It shielded them from the trauma in the
19 streets that they would see.

20 Additional support on the safe
21 haven bill will be much welcomed for the
22 many coaches and volunteers and rec leaders
23 and just community members who are
24 passionate about giving our residents a
25 safe place to come to and be -- feel

1 welcomed and safe.

2 I commend you guys for this bill
3 and I hope that us being here, our
4 testimony and our heartfelt caring about
5 our communities resonates and this bill
6 passes. Thank you for your time.

7 COUNCILMAN JONES: Thank you for
8 your comments, and I've heard of those
9 Aztecs.

10 MR. FISHER: Of course.

11 COUNCILMAN JONES: It's outside of
12 my District. Councilwoman Gym?

13 COUNCILWOMAN GYM: I just wanted
14 to be very brief because I know we're
15 trying to move through the testimony and
16 certainly, I think my and I'm sure other
17 Councilmembers' lack of questions has
18 nothing to do with lack of interest. It's
19 mostly about a deference to the amount of
20 respect for the tremendous experience,
21 passion and sometimes pain, but also joy
22 that you bring to this work. So I just
23 especially want to thank this panel for an
24 extremely moving testimony. Other panels
25 have also given extremely moving testimony

1 that make this work more than just policy
2 and law, but really about reflecting on,
3 you know, the stuff that knits us together
4 as a society and community and just deeply
5 appreciate the level of the idea of
6 guardians, as fathers of loving people
7 within communities who raise young people
8 and try to create these havens for them to
9 give joy and an opportunity to be a child,
10 so I just want to thank all three of you
11 for that work. Thank you.

12 COUNCILMAN JONES: Thank you,
13 Councilperson. Thank you for your
14 testimony. Ms. Williams?

15 THE CLERK: Janeen Helms and
16 Minarah Harvey.

17 (Panel approached Witness Table.)

18 COUNCILMAN JONES: Thank you guys
19 for your patience. Please come up to the
20 desk, have a seat. State your name before
21 you begin your testimony and then begin.
22 Thank you.

23 MS. HELMS: Good morning. I'm
24 Janeen Helms. I've seen many children at
25 several different recreation sites enjoying

1 things from swimming to sports to different
2 community events. They are carefree and
3 happy at these community sites and they are
4 enjoying themselves. They shouldn't have
5 to worry about whether they'll be hurt at
6 these sites, whether they will be the
7 target or hurt in a shooting or just a
8 casualty in a -- they will be hurt in a --
9 excuse me, that they will be caught in the
10 crossfire.

11 And I believe that the bill is a
12 necessity that needs to be passed because
13 these are where they come to be safe and to
14 enjoy themselves. And this past weekend I
15 got my godson for the weekend and I asked
16 him what did he want to do. And he told me
17 all I want to do is go to the park with his
18 best friend which is my niece and my
19 sister's dog and go to the playground.
20 That's all he wanted to do.

21 And I would hate for him to be
22 afraid to go to that place anymore and to
23 be hurt there, and that is why I support
24 this bill and that it needs to be gone
25 through now, because I would hate for the

1 children to not want to go to the
2 playgrounds anymore, because I see them out
3 there enjoying themselves and it will be a
4 shame for that to be taken from them.

5 COUNCILMAN JONES: Thank you so
6 much for your testimony. Please begin.

7 MS. HARVEY: Good morning. My
8 name is Minarah Harvey. I'm a 7th grade
9 student that attends Paul Lawrence Dunbar
10 Elementary School. When I am out of
11 school, I spend time participating in
12 programs and volunteering at Penrose
13 Playground in North Philadelphia.

14 I would like to start by thanking
15 Council President Clarke, City
16 Councilmembers, Mayor Kenny, Commissioner
17 Kathryn Ott Lovell, Parks and Recreation
18 staff, our Recreational Leader
19 Mr. Cornelius Edwards, also my mother and
20 family. It's an honor to be able to stand
21 here and express my feelings about the gun
22 violence in my community.

23 During the summer, I was the only
24 female to attend a mentoring program at
25 Penrose Playground. We were writing poems

1 and passages about our community. I
2 decided to write about the gun violence in
3 my community. I named the poem Gun
4 Violence in Our Town. Because there was a
5 gun, no one had fun. Because there was a
6 gun, a life was done. Her life wasn't that
7 bad, now her mom is really sad, nobody was
8 glad. Even though she wasn't my family
9 member, I was not happy. My body starts to
10 get flappy. Because there was a gun, there
11 was a time to run. Because there was a
12 gun, a lot of people died, it was too late
13 to hide. I didn't think it would go so
14 far. She ran to her car but it was too
15 late. She tried to jump the gate, but it
16 wasn't her fate. This was a great mistake
17 and at the end, we all lost a friend.

18 The senseless gun violence in my
19 community has to stop. I go to the
20 recreation center every day because I feel
21 that it's a safe haven. However, when I
22 walk out those doors, I feel afraid. I
23 feel like I'm going to be the next person
24 that is gunned down. I shouldn't feel that
25 way, so I come to you today with my poem to

1 help stop the violence in my community by
2 banning guns on the recreation grounds.

3 Thank you for your time.

4 (Applause.)

5 COUNCILMAN JONES: We wish that
6 with these bills that you won't have to
7 think that deeply on the subject of gun
8 violence. You should be thinking about
9 what college you're going to, what sports
10 you want to play, those kind of healthy
11 childhood thoughts.

12 And one of the reasons why -- one
13 of the things Councilperson Blackwell just
14 said that it's good that all of these bills
15 are in the same committee hearing so that
16 the public can see that we're trying from
17 our platform here to move the needle in the
18 right direction, because although it was an
19 eloquent poem, we wish it was about some
20 other subject, okay. But I do want a copy
21 of it. All right. Thank you so much, both
22 of your testimony. Are there any
23 questions?

24 COUNCIL COUNCIL PRESIDENT CLARKE:
25 Just real quick.

1 COUNCILMAN JONES: Council
2 President?

3 COUNCIL COUNCIL PRESIDENT CLARKE:
4 Just one, I just want to say thank you.
5 Thank you for what you do. Penrose,
6 actually had a nice event over there about
7 a couple of months ago at Penrose, a really
8 nice, fun event, children, the adults and
9 everything so I want to commend you all for
10 your participation. You're a big time
11 hero. Thank you so much for what you do.

12 MS. HELMS: Thank you.

13 COUNCIL PRESIDENT CLARKE: Thank
14 you. Thank you, Mr. Chairman.

15 COUNCILMAN JONES: Thank you,
16 Mr. President. Ms. Williams?

17 THE CLERK: Curtis McAllister?

18 (Witness approached Witness
19 Table.)

20 COUNCILMAN JONES: Thank you so
21 much for your patience. Please state your
22 name for the record and begin your
23 testimony.

24 MR. McALLISTER: My name is Curtis
25 L. McAllister and I am with the Stenton

1 Park Advisory Council. Also, I'm a member
2 of the Nicetown Logan Against Drugs and I'm
3 also a member of the Philadelphia Parks and
4 Recreation Advisory Council. I'm here in
5 support of the safe haven bill. And first
6 of all, I would like to thank you,
7 Councilman Jones, for all you have done and
8 as a matter of fact, each and every
9 Councilmember that's there.

10 And I would like to thank my
11 Councilwoman Cindy Bass who is truly a
12 lioness, who's been on the battle and the
13 front line with us. I'd like to thank the
14 Commissioner Ms. Kathryn Ott Lovell. I'd
15 like to thank her and also all of the rest
16 of the members.

17 I'm here to support this bill
18 because in 2012 we also ran a basketball
19 league up at Stenton Park. Unfortunately,
20 my son was on one of the teams. And after
21 the basketball league that we had, on his
22 way home my son was brutally murdered after
23 the basketball game in front of his
24 11-year-old daughter and it's still an
25 impact to us.

1 As a member of -- a retired member
2 of the United States Air Force, I did two
3 tours in Iraq, I understand the velocity of
4 assault weapons. An AK-47 and an AR-15
5 assault rifle, the velocity of their
6 bullets can travel from 2800 to 3800 feet
7 per second. That's per second. Most of
8 the laws that's on the book now, they say
9 you cannot carry a weapon or a gun with a
10 thousand feet, but if you have a velocity
11 bullet that can travel that fast in a
12 matter of seconds -- and most of the
13 schools and recreation centers, especially
14 a lot of recreation centers that have
15 afterschool programs, one of the fears that
16 we have in Nicetown because Nicetown not
17 too long ago has been on the national news
18 of the shooting around Eerie Avenue, the
19 shooting all up in our community.
20 Councilwoman Bass has been on the front
21 line. So have you, Council President
22 Clarke, you've been there.

23 You understand to see what we are
24 going through, not only in the communities
25 but also in the recreation centers

1 surrounding each one of the cities. One of
2 my things with this bill is maybe there can
3 be added is the yardage, the footage. They
4 say you cannot carry a weapon a thousand
5 feet around the school. Most
6 municipalities around the country, they
7 done moved that up to 3,000 feet around a
8 school or recreation center or a park.

9 Because if you're having problems with
10 somebody shooting outside of the area,
11 bullets is just going all over the place.

12 My plea to this Council this
13 morning is that, yes, we need to get with
14 Harrisburg. There are laws are on the book
15 already. Harrisburg has been fighting the
16 City of Philadelphia for a long time and we
17 know this. But I plead with this safe
18 haven bill, no child should be able to go
19 into the parks or recreation centers and
20 have fear.

21 Tonight and tomorrow we understand
22 that they called the holiday of Halloween,
23 a lot of recreation centers are having
24 events. Our children should not have fear
25 along with their parents. At our last

1 District Council meeting that we had for
2 the Department of Recreation in Stenton
3 Park, there was a group of young men that
4 were still gambling while we had these two
5 District meetings.

6 We as residents, some of the
7 residents of that committee stepped out and
8 confronted them because it was a heated
9 argument. A playground should not be a
10 haven for guys who want to gamble, sell
11 drugs and this illegal gambling with the
12 basketball games which they all are doing,
13 betting on the games, these are some of the
14 things that we as community people would
15 love to see stopped.

16 We are in support of this City
17 Council and for this bill. We're also in
18 support of the Philadelphia Police and the
19 District Attorney. Council President,
20 Councilmembers, Councilman Curtis Jones, I
21 thank each and every one for giving me
22 these few minutes to testify for this
23 hearing. Thank you so much.

24 (Applause.)

25 COUNCILMAN JONES: Thank you for

1 your testimony. Another guardian of the
2 playground. I see a couple of them out
3 there.

4 MR. McALLISTER: Thank you.

5 COUNCILMAN JONES: All right.
6 Ms. Williams?

7 THE CLERK: The next witnesses to
8 testify will be testifying on Bill No.
9 180969, Inspector Fran Healy and Rue
10 Landau.

11 (Panel approached Witness Table.)

12 COUNCILMAN JONES: Can you please
13 read the title of that bill just to refresh
14 everyone's memory?

15 THE CLERK: Bill No. 180969, an
16 ordinance amending Chapter 10-2200 of the
17 Philadelphia Code, entitled "Hate Crimes,"
18 to increase the scope of eligible crimes
19 and to provide for additional penalties for
20 criminal conduct motivated by hatred
21 towards certain characteristics of other
22 persons, under certain terms and
23 conditions.

24 COUNCILMAN JONES: Thank you very
25 much, Ms. Williams. Hello, how are you?

1 MS. LANDAU: Good, how are you?

2 COUNCILMAN JONES: Outstanding.

3 MS. LANDAU: It's an upsetting
4 day. A lot of the testimony today was very
5 upsetting --

6 COUNCILMAN JONES: It was by
7 design of the President. He said we're
8 going to have impactful bills all day so.
9 All right.

10 MS. LANDAU: Begin?

11 COUNCILMAN JONES: Yes, you can
12 begin.

13 MS. LANDAU: Thank you,
14 Chairperson Jones, Councilmembers Henon,
15 Reynolds Brown, Squilla, Gym, Green, Domb,
16 Taubenberger and Members of the Committee
17 on Public Safety for giving me the
18 opportunity to testify in support of Bill
19 No. 180969, amending Philadelphia's hate
20 crimes ordinance.

21 I am Rue Landau, Executive
22 Director of the Philadelphia Commission on
23 Human Relations, the PCHR. I'm joined
24 today by my Deputy Director, Randy Duque
25 who oversees our community relations

1 division. The PCHR administers and
2 enforces the anti-discrimination laws,
3 promotes equal rights and advances
4 community relations across the City's
5 diverse populations.

6 I'm here today to offer my strong
7 support for amending Philadelphia's hate
8 crimes ordinance that will expand the scope
9 of crimes eligible to be addressed as hate
10 crimes, increase penalties and include more
11 categories of victims. As you know, in
12 October 2014 this body first passed the
13 specific hate crimes ordinance, so that
14 Philadelphia could protect the categories
15 of people not covered under the state hate
16 crimes law, namely sex orientation, gender
17 identity, gender and disability.

18 The bill under review today will
19 incorporate the four categories covered by
20 state law, race, color, religion and
21 national origin as well as age and
22 ethnicity. I think after the testimony we
23 just heard about the gun violence that this
24 more than ever -- that this ordinance is
25 necessary. And over the years Philadelphia

1 has been a national leader in confronting
2 bias and hate in all its forms.

3 At the PCHR we do this work
4 through our community relations division
5 where we provide a variety of conflict
6 resolution and mediation services to
7 resolve neighborhood disputes and engage
8 people of different backgrounds to promote
9 intergroup harmony. Responding to hate
10 crimes and bias incidents is integral to
11 our work.

12 Since The 2016 presidential
13 election, we have seen a significant rise
14 in these incidents in Philadelphia ranging
15 from racist or anti-Semitic notes and
16 graffiti to trans and homophobic or
17 Islamophobic acts of hate. We respond by
18 working with people -- we respond by
19 working with police, schools, community
20 groups and other stakeholders to address
21 the issues and to reduce community tension
22 often by engaging the community in dialogue
23 and programming. Beyond helping
24 communities heal, our goal is to create
25 stronger neighborhoods and long-term peace.

1 From November 2016 through
2 September 2019, the PCHR has reported 274
3 separate reports of hate incidents. From
4 November 2016 through September 2019, the
5 PCHR has reported 274 separate reports of
6 hate incidents, hate crimes or bias
7 incidents. Of this number, 162 are
8 confirmed, 19 are not hate-related and 93
9 are unconfirmed, meaning there's not enough
10 information to establish whether or not the
11 incident is hate-related.

12 Sadly, our office receives reports
13 of hate incidents every week. From July
14 1st through September 30, 2019, we recorded
15 81 separate incidents. Of that number, 55
16 are confirmed, 23 are unconfirmed as of
17 yet. It is essential that we keep a record
18 of these incidents that we are aware of
19 what is happening in Philadelphia and how
20 to respond.

21 To assist with a quick and
22 efficient response, we created and lead the
23 Philadelphia Civil Rights Rapid Response
24 Team. PCRRRT consists of local and state,
25 federal law enforcement, victim services,

1 City leaders, the School District and
2 community advocacy groups that focus on
3 hate crimes and bias incidents. It was
4 created to provide a well-coordinated
5 response when these incidents occur and
6 allow the members to keep each other
7 abreast of issues like violent extremism.

8 Our work in this area received
9 national recognition from -- has received
10 national recognition from the FBI and a
11 task force of the Lawyers Committee for
12 Civil Rights and the International
13 Association of Chief of Police when they
14 work together to create best practices
15 guidelines to more efficiently respond to
16 hate crimes and bias incidents around the
17 country.

18 Here are a few examples of recent
19 hate and bias incidents that were reported
20 to the PCHR: An elderly Asian immigrant
21 was harassed and assaulted by three
22 juveniles of various ethnic backgrounds.
23 They repeatedly cursed and intimidated the
24 elderly woman using statements such as go
25 back to your country, you f---en C-word

1 Asian racial epithet.

2 The juvenile offenders were
3 arrested and one was charged with
4 aggravated assault and ethnic intimidation.
5 A Hispanic Latinx minor was approached by
6 four African-American juveniles whom the
7 victim knew from school. They told him he
8 was immigrant trash, assaulted him and
9 stole his bicycle.

10 Some hate crimes can be
11 life-threatening. In one incident
12 involving an assault, a white male was
13 arrested for stabbing an African-American
14 male several times causing lacerations on
15 his arms, legs and torso. Before and
16 during the attack, the offender repeatedly
17 called the victim the N word. The offender
18 was arrested and the victim received 36
19 stitches to close the stab wounds.

20 Lastly, the PCHR encounters hate
21 and bias incidents that align with present
22 day international tensions. In this
23 incident based upon religion involving
24 terroristic threats, a Palestinian minor
25 made an anti-Semitic terroristic threat to

1 another minor of Israeli descent both in
2 person and through social media.

3 All these examples demonstrate the
4 need for a change in the City's ordinance
5 to include additional types of criminal
6 behavior and broaden the additional
7 categories of the victims. We know that
8 there is no absence of hate here in
9 Philadelphia and certainly around the
10 country.

11 And often times, the perpetrators
12 are taking issues out of context. For
13 example, our office helped to heal a
14 situation with a mosque in Northeast
15 Philadelphia and there are Islamophobes
16 around the country who have now turned it
17 around to start targeting the PCHR.

18 We in our agency and also in City
19 Council have received over 5,000 emails
20 base on these Islamophobic individuals
21 mostly from Florida and they are also now
22 starting to come in the mail to us. This
23 is just what I got in the last two weeks
24 directly to me. Again, there's no absence
25 of what is going on right now. And we --

1 the victims of the crimes and the
2 individual victims feel the pain,
3 communities feel the pain and it is a
4 perfect time to update our statute to make
5 sure that we're covering as many categories
6 as possible.

7 We need Philadelphia to continue
8 to take the lead and to continue to take
9 the stance and make the position that we
10 will not tolerate hate here and clearly,
11 the more good work we do, the more the
12 hateful people come after us, but we are
13 strong and I believe at the end that we
14 will persevere. Thank you.

15 COUNCILMAN JONES: Please begin
16 your testimony.

17 CAPTAIN HEALY: Good morning
18 Coun -- Chairperson Jones and other Members
19 of the Committee on Public Safety. Again,
20 my name is Fran Healy. I'm Special Advisor
21 to Commissioner Coulter and thank you for
22 giving the Department the opportunity to
23 comment on Bill No. 109 -- 180969 sponsored
24 by Councilman Henon which seeks to amend
25 City Code Section 10-2200 regarding hate

1 crimes.

2 Prior to providing any comments
3 regarding the bill, I think it's important
4 to restate what is already on the books at
5 the state level in the existing City Code
6 regarding hate crimes. As you know, the
7 Pennsylvania state legislature has
8 addressed the issue of hate crimes, in
9 Pennsylvania Crimes Code, Section 2710
10 entitled Ethnic Intimidation.

11 This code section, the
12 legislature -- the Pennsylvania legislature
13 has defined the crime of ethnic
14 intimidation as follows: A person commits
15 the offensive ethnic intimidation with
16 malicious intentions towards the race,
17 color, religion or national origin of
18 another individual or group of individuals.
19 He commits an offense under any of the
20 provisions of this article or Chapter 33,
21 Section 3307 and Section 3503 of the
22 Pennsylvania Crimes Code with respect to
23 such individual or his or her property.
24 I'll get to why this is important in a
25 second.

1 The City enacted a similarly
2 worded ordinance that expanded the
3 predicate crimes for hate crimes, but it
4 provided a very distinct definition which
5 is key. The Philadelphia Code Section
6 10-2201 states, malicious intent, the
7 intent to commit any act, the commission of
8 which is a necessary element for any
9 offense referred to in Section 1 above,
10 which refers to hate crimes motivated by
11 the hatred towards the actual or perceived
12 sexual orientation, gender, gender identity
13 or disability, as such terms are defined in
14 the City Code.

15 As you can see, the City Code
16 version on the books is substantially
17 different from the state's version. I
18 believe that was done by design to expand
19 greater protections for citizens and
20 visitors of Philadelphia, and I think it
21 was a wise move.

22 The Philadelphia Police Department
23 supported this action, but we also -- I
24 think it was designed to ensure we didn't
25 run afoul of state preemption. For those

1 who may not be clear, if the wording of a
2 City Code ordinance is identical to a state
3 statute, the state statute takes
4 presumption. So, therefore, if you can
5 distinguish it from the state, we can stand
6 on its own. So the wording is key. That's
7 why I was asked to review this.

8 So now moving to Bill No. 180969,
9 let me state without any reservation the
10 PPD supports the intent of expanding the
11 protected classes of people to which this
12 bill would apply. Including age as a
13 protected class is a great idea. However,
14 this bill also adds ethnicity, color, race,
15 religion or national origin as protected
16 classes.

17 While the PPD clearly agrees with
18 these protected classes, our concern is by
19 adding these protected classes, the City
20 ordinance will become substantially similar
21 to the Pennsylvania state law which then
22 could arguably be preempted. So we just
23 want to make sure we don't inadvertently
24 get an unattended consequence here.

25 We have greater expanded coverage

1 right now and I don't think if we add that
2 extra wording in the City ordinance, we
3 could actually end up losing it by
4 accident. So hatred based upon age is not
5 addressed in the state statute and is
6 clearly ripe for City Council to add to
7 Section 10-2200, but we strongly caution
8 against the adding of the words I just
9 mentioned, ethnicity, color, race, religion
10 or national origin because since they're
11 already identified in the state statute.
12 But I think we have a good opportunity
13 here. We have an expanded scope to protect
14 more citizens and more people in
15 Philadelphia and we do appreciate the
16 effort that you've done to do so.

17 COUNCILMAN JONES: Thank you for
18 your testimony. The Chair recognizes
19 Councilman Greenlee.

20 COUNCILMAN GREENLEE: Thank you,
21 Mr. Chairman. Inspector, I see your point
22 in this. Now, the fact that we're just
23 repeating what is in the state, could that
24 still be a problem in your opinion?

25 CAPTAIN HEALY: My concern is

1 let's not give them the opportunity to
2 debate it.

3 COUNCILMAN GREENLEE: I hear you.

4 CAPTAIN HEALY: So the issue is
5 protect it at the state level and I think
6 the City has done great work to make sure
7 we didn't run afoul so we don't run into
8 those issues. And it can clearly, like I
9 said, if you just remove that since it's
10 already covered, you expand the scope of
11 the City Code and that way we're in tandem,
12 the City of Philadelphia has more
13 protection than anybody else in this
14 Commonwealth.

15 COUNCILMAN GREENLEE: Right.

16 Ms. Landau, do you have any opinion on
17 that?

18 MS. LANDAU: Just that I've talked
19 to Michael Lee at the DA's office and he is
20 committed that they will prosecute people
21 charging them under both the state and the
22 City law as often as possible and watch as
23 the case proceeds from there.

24 COUNCILMAN GREENLEE: Okay. So
25 they think -- did you have any

1 conversation, Inspector, with the sponsor,
2 with Councilman Henon on this bill?

3 CAPTAIN HEALY: No, sir. I wasn't
4 consulted, no.

5 COUNCILMAN GREENLEE: Pardon me?
6 I'm sorry.

7 CAPTAIN HEALY: I wasn't
8 consulted, no.

9 COUNCILMAN GREENLEE: Oh, okay.
10 All right. Thank you.

11 CAPTAIN HEALY: And just for the
12 record, at any time anybody does want the
13 Police Department to comment on it prior to
14 it, I'm happy to talk to anybody. And like
15 I said, I have a unique position in the
16 fact that people say I might be slightly
17 anal about the wording and different
18 things, but that's my job. So I'm happy to
19 help anybody anywhere.

20 COUNCILMAN GREENLEE: No, I
21 understand the concern when any time we're
22 bumping up with the state on anything, so
23 it's something to be concerned about I
24 guess. Even if it looks like in this case
25 we're saying the same thing they're saying.

1 You never know.

2 CAPTAIN HEALY: We had the same
3 problem with the -- if you remember with
4 the ATV ordinance, Pennsylvania state law
5 has an ordinance and what we had to be very
6 clear, we wanted to forfeit ATVs and we had
7 to be clear that our City ordinance was
8 very distinguishable from the state.
9 Otherwise, it would have been preempted, so
10 the wording does matter.

11 COUNCILMAN GREENLEE: Chairman, if
12 I could just make a suggestion. When we
13 get to the meeting, that maybe still move
14 this bill but maybe it still needs a little
15 bit more conversation just to be on the
16 safe side because the Inspector certainly
17 raises a point that we don't want in any
18 way to cause a problem.

19 COUNCILMAN JONES: So we can move
20 it out of Committee and amend it on the
21 floor?

22 COUNCILMAN GREENLEE: Right, if
23 possible.

24 COUNCILMAN JONES: All right.

25 CAPTAIN HEALY: And we're here to

1 support it anywhere you need us. Thank
2 you.

3 COUNCILMAN JONES: Thank you so
4 much for your testimony. Are there any
5 other questions for this panel?

6 (No response.)

7 COUNCILMAN JONES: Seeing none,
8 Ms. Williams, are there any others to
9 testify?

10 THE CLERK: Not on the bills.

11 COUNCILMAN JONES: Okay. Thank
12 you so much. We will now briefly recess
13 the public hearing and go into a public
14 meeting to consider action to be taken on
15 Bills No. 180553, 190749 and 180969 and the
16 Chair recognizes Councilman Greenlee for a
17 motion to amend Bill Nos. 180553 and
18 190749. All copies of these amendments
19 have been circulated to members.

20 COUNCILMAN GREENLEE: Thank you,
21 Mr. Chairman. I offer an amendment to Bill
22 Nos. 180553 and 190749. As you stated,
23 those amendments have been circulated to
24 all Members of the Committee. I move that
25 the amendments be approved.

1 COUNCILMAN JONES: Is there a
2 second?

3 (Duly seconded.)

4 COUNCILMAN JONES: It's been moved
5 and properly seconded. So we will call for
6 the votes on amendments to Bill Nos. 180553
7 and 190749. All those in favor of those
8 amendments signify by saying aye.

9 (Aye.)

10 COUNCILMAN JONES: All those
11 oppose?

12 (No response.)

13 COUNCILMAN JONES: The Ayes have
14 it. And Bill Nos. 180553 and 190749 have
15 been approved. The Chair again recognizes
16 Councilman Greenlee for motions on Bill No.
17 180986 and Bill No. 180553 and Bill No.
18 190749 as amended.

19 COUNCILMAN GREENLEE: Thank you,
20 Mr. Chairman. I move that Bill No. 180969
21 and Bill Nos. 180553 as amended and 190749
22 as amended be reported from this Committee
23 for favorable recommendation and I move
24 further the rules of Council be suspended
25 to allow for first reading of these bills

1 at the next session of Council.

2 (Duly seconded.)

3 COUNCILMAN JONES: Is there a
4 second? I heard second. All those in
5 favor will signify by saying aye.

6 (Aye.)

7 COUNCILMAN JONES: The Ayes have
8 it. And Bill No. 180969 and Bill Nos.
9 180553 and 190749 as amended have been
10 approved from this Committee with a
11 favorable recommendation and further move
12 that the rules of Council be suspended,
13 thus to allow hearing at our next session
14 of Council.

15 This concludes our public meeting
16 and we will now go back into our public
17 hearing to hear testimony on Resolution No.
18 190260. Ms. Williams, can you read the
19 title of the resolution?

20 THE CLERK: The Resolution
21 authorizing Council's Committee on Public
22 Safety to hold hearings to examine the
23 coordinated plan of the Philadelphia Police
24 Department, Philadelphia District Attorney,
25 First Judicial District of Pennsylvania

1 Philadelphia Sheriff's Office and
2 Philadelphia Office of Domestic Violence
3 Strategies to implement recently enacted
4 legislative changes to remove firearms from
5 abusers in domestic violence cases.

6 COUNCILMAN JONES: The Chair
7 recognizes Councilperson Greenlee.

8 COUNCILMAN GREENLEE: Thank you,
9 Mr. Chairman. And thank you for having a
10 hearing on this issue. As you know, this
11 Council has dealt with the issue of trying
12 to combat domestic violence for many years.
13 And I should note for the record that we've
14 criticized the state on not doing or
15 sometimes doing things wrongly. They did
16 pass Act 79 which is a good legislation,
17 which will help victims of domestic
18 violence dealing with the threats of gun
19 violence and gun injuries.

20 So what the purpose of this
21 hearing is to hear from the folks who have
22 been working on the ground on this issue,
23 seeing how enforcement of that law and
24 dealing with that law has progressed and
25 see if there's any other things that need

1 to be done or any questions that you might
2 have. So again thank you, Mr. Chairman.

3 COUNCILMAN JONES: No, thank you
4 because for as long as I've been here, you
5 have been that champion irregardless of
6 gender. You are a champion of fairness and
7 equality and have fought, not put your --
8 you put our budget money where your mouth
9 is by increasing domestic violence
10 resources and anti-violence resources, beds
11 for the domestic violence victims and I've
12 seen that you have been a consistent
13 advocate for that anchor, for which I'm
14 truly grateful to have served with you.

15 COUNCILMAN GREENLEE: Thank you.

16 COUNCILMAN JONES: With that,
17 Ms. Williams, who do we have to testify?

18 THE CLERK: Molly Callahan,
19 Azucena Ugarte, Inspector Fran Healy and
20 Mike Lee.

21 (Panel approached Witness Table.)

22 COUNCILMAN JONES: Thank you all
23 for your patience. We had to go through
24 the ordinances and now our dealing with the
25 resolution, and we appreciate the privilege

1 of your time. So have a seat. Why don't
2 we go from my left to right which is you --

3 MS. CALLAHAN: Sounds good.

4 COUNCILMAN JONES: State your name
5 for the record and please begin your
6 testimony.

7 MS. CALLAHAN: Well, thank you,
8 Chairman Jones, and again thank you,
9 Councilman Greenlee, for all of your work
10 on this issue and for having hearings on
11 all of these incredibly important bills
12 that you've worked on today. I am Molly
13 Callahan, Legal Center Director of Women
14 Against Abuse.

15 Each year the Legal Center serves
16 approximately 4,000 victims of domestic
17 violence through court advocacy, telephone
18 counseling and attorney representation.
19 The statistics on guns and domestic
20 violence are alarming. Abusers with a
21 firearm are five times more likely to kill
22 their victim.

23 On average each month in America
24 52 women are shot and killed by an intimate
25 partner. Others are shot but survive. And

1 many, many more are threatened with a
2 firearm and are living in fear. Just in
3 Philadelphia last year 15 victims were
4 murdered by their abuser with a gun.

5 Laws such as Act 79 reduce
6 homicides, injuries from guns and the
7 threat of gun violence for domestic
8 violence victims. The Act strengthens and
9 expands the firearm prohibitions in the
10 Protection From Abuse Act and in criminal
11 domestic violence cases. It is a powerful
12 tool to protect victims of abuse. However,
13 the provisions of the Act are not self-
14 effectuating.

15 The provisions span multiple
16 systems including the PFA system and the
17 criminal court system and task multiple
18 agencies, including the courts, the police,
19 sheriff and District Attorney's office with
20 implementing the law. Multi-system
21 communication and timely information from
22 the state police is also necessary for the
23 Act to be effective.

24 Implementation is particularly
25 difficult in a jurisdiction as large and

1 complex as Philadelphia. The sheer volume
2 of domestic violence incidence adds to this
3 difficulty. For example, in 2018 over
4 9,000 PFAs were filed in Philadelphia.
5 This is 23 percent of all PFAs filed in
6 Pennsylvania.

7 By comparison, Allegheny County
8 which is both the next largest county and
9 the county with the second most filings had
10 only 9 percent of statewide PFA filings.
11 All of this means that we have added
12 challenges. Challenges that we have been
13 working on to surmount without any
14 additional funding. It is clear that all
15 of the systems are committed to protecting
16 victims and enforcing Act 79.

17 Over the past several months over
18 the auspices of the Managing Directors
19 Office and the Office of Domestic Violence
20 Strategies, the police, courts, sheriffs
21 and other stakeholders have met regularly
22 to coordinate and to work out glitches.
23 Working together, we have provided training
24 on the provisions of the Act.

25 We have mapped existing processes

1 so that all of the systems have a better
2 understanding of each partner's role and we
3 have used the mapping process to identify
4 potential gaps. We are devising a brochure
5 to inform victims of their rights and a
6 flyer to warn abusers of the consequences
7 of failing to comply.

8 We are improving communication and
9 strengthening processes among the partners
10 through a number of strategies. For
11 example, we are ensuring that the affidavit
12 that a defendant signs if he does not have
13 a gun, which the sheriff already uses, is
14 also available to the police. We are
15 working on better communication among
16 courts, sheriffs and police regarding
17 service of a PFA as this triggers some of
18 the relinquishment provisions.

19 To date though, this has been a
20 difficult task and may ultimately require
21 additional resources within various
22 systems. As we continue to work together,
23 we hope that City Council will be receptive
24 to funding any necessary improvements.
25 Women Against Abuse is grateful to our

1 partners who are so committed to this issue
2 and we also thank City Council for your
3 continuing support. Thank you for your
4 dedication of the safety of domestic
5 violence victims and your efforts to
6 enhance the City's safety.

7 COUNCILMAN JONES: Thank you so
8 much for your comments and again, for my
9 colleagues consistency. It makes a great
10 partnership. There you go.

11 MS. UGARTE: Good morning,
12 Chairperson Jones and other Members of the
13 Committee on Public Safety. My name is
14 Azucena Ugarte and I'm the Director of the
15 Office of Domestic Violence Strategies.
16 I'm here to testify on Resolution No.
17 190260 which was sponsored by Councilperson
18 Greenlee.

19 Mayor Kenny created the Office of
20 Domestic Violence Strategies in October
21 2016. This is the first office ever
22 created by Philadelphia's local government
23 exclusively to address domestic violence,
24 and it is located under the supervision of
25 the Deputy Director of Health and Human

1 Services, Eva Gladstein.

2 The Office of Domestic Violence
3 Strategies aims to develop policies and
4 practices that safely support families
5 affected by domestic violence, ensure
6 access to inclusive service and create a
7 domestic violence competent health and
8 human services work force. Our office is
9 also a member of the Domestic Violence Law
10 Enforcement Committee, our collaboration
11 with victim services providers, community
12 advocates and law enforcement agencies.

13 In that capacity, the Office of
14 Domestic Violence Strategies has been one
15 of the agencies at the table to discuss
16 implementation of Act 79 in Philadelphia.
17 As you may already know, Act 79 was signed
18 by Governor Wolf on October 12, 2018 and
19 went into effect in April 10, 2019.

20 Among other things, Act 79
21 requires that individuals who have a
22 protection from abuse order against them,
23 relinquish their guns between 24 hours to
24 law enforcement or a license arms dealer.
25 During our multiple meetings with the

1 courts, the Philadelphia Police Department,
2 the Sheriff's Office, Public Safety, the
3 District Attorney's Office and Wilmington
4 Against Abuse Legal Center, agencies have
5 been able to share which systems are
6 currently in place and which channels of
7 communications are needed to implement
8 them.

9 In our conversations, the safety
10 of the victim has always been the priority.
11 As Molly mentioned, in the U.S. an average
12 of 52 women are shot to death by an
13 intimate partner every month. In
14 Philadelphia there were 22 domestic
15 violence homicides in 2017, and 27 in 2018.
16 In almost half of these cases, 47 percent
17 the cause of that was a gunshot wound.

18 Research has consistently shown
19 that perpetrators' access to a gun is one
20 of the main risk factors to the domestic
21 violence homicides. At the same time,
22 survivors or victims of domestic violence
23 are constantly planning for their safety
24 and the safety of their children.

25 They do not, however, have any

1 control over the perpetrator's behavior and
2 they found themselves going to the criminal
3 justice system and looking for civil
4 protections like a PFA to stop their abuser
5 for perpetrating further abuse or hurting
6 their families. And as Molly already
7 mentioned, in Philadelphia as an example
8 over 9,000 PFAs are filed every year.

9 The implementation with Act 79
10 allowed the courts and law enforcement to
11 take guns away from someone who we already
12 know has been abusing their partner. By
13 taking those guns away, survivors are
14 safer, their children are safer and
15 ultimately our communities are safer.
16 Thank you.

17 COUNCILMAN JONES: Thank you for
18 your testimony. Once again.

19 CAPTAIN HEALY: Yes, sir. Good
20 morning again, Chairperson Jones and other
21 Members of the Committee on Public Safety.
22 Again, my name is Fran Healy. I'm Special
23 Advisor to Commissioner Coulter. And on
24 behalf of the Commissioner, I'd like to
25 thank you for giving the Police Department

1 to identify the procedures that have been
2 established because of Act 79 which became
3 effective on April 10, 2019.

4 As you know, Act 79 made certain
5 changes to both the Pennsylvania Crimes
6 Code as well as the Domestic Code as it
7 relates to the relinquishment of firearms.
8 Therefore, explaining the steps the Police
9 Department as taken along with our partners
10 and to comply with Act 79, please allow me
11 to provide briefly what the Act
12 accomplishes: Key changes from the
13 Domestic Code, all final protection from
14 abuse orders adjudicated in the court by a
15 judge now require weapon relinquishment.
16 Friends and family members are no longer
17 qualified or as eligible safekeepers for
18 firearms which was previously the case.

19 In place of friends and family,
20 defendants may relinquish to an appropriate
21 law enforcement agency, commercial armory
22 or to a license attorney and the attorney
23 cannot be a family member. The defendant
24 may request the return of firearm, count a
25 dismissal of the expiration of the PFA,

1 must meet certain conditions, and
2 importantly the plaintiff must be notified
3 of the request.

4 Law enforcement is now to
5 accompany by law the plaintiff during the
6 service of a PFA. Just for the record,
7 we've been doing this for years. We've
8 always -- we've never allowed a plaintiff
9 to serve a PFA independently. When we're
10 notified, the Police Department has always
11 served. But now, it's actually a matter of
12 law which I think is the safest bet to go
13 by.

14 Without having to prove new
15 instances of abuse, plaintiffs may extend
16 the PFA against an incarcerated individual
17 who has been or will be released from
18 custody from 90 days. That's incredibly
19 important because the time periods lapse
20 when he's in jail. Now, they can be
21 extended automatically.

22 The key changes under the
23 Pennsylvania Crimes Code are the period
24 which are relinquishment for when -- for a
25 misdemeanor crime of domestic violence has

1 been reduced from 60 days to 24 hours. So
2 those who don't understand, once you're
3 convicted of a domestic crime of violence,
4 you're prohibited by state or federal law
5 of owning or possessing that firearm. The
6 previous code section under the state law
7 allowed for 60 days for the individual to
8 basically disown the firearm or have it
9 removed from their possession, but it's
10 been reduced to 24 hours.

11 As is currently the case under
12 federal law, a final PFA whether entered by
13 order or agreement is a qualifying
14 protective order under federal law
15 prohibiting defendants from possessing or
16 acquiring a firearm while the order is in
17 effect even if the PFA did not order of the
18 firearm relinquishment. Act 79 makes this
19 enforceable under state law.

20 Failure to relinquish firearms
21 pursuant to PFA or a misdemeanor -- is now
22 a second degree misdemeanor. Also upon
23 conviction of this new crime,
24 relinquishment of firearm pursuant to a PFA
25 will be prohibited from owning a firearm

1 for a period of five years in addition.

2 The crucial element for the
3 criminal justice partners with respect to
4 Act 79 is communication and coordination as
5 been previously mentioned by my partners.
6 I'm happy to say that we've all worked
7 together long before the Act's effective
8 date.

9 So please let me explain the
10 current processes that we have in place.
11 Effectively, there are two pipelines now
12 for which the PPD now receives information.
13 The first is the existing pipeline from the
14 Philadelphia Family Court. We have refined
15 this connection to ensure that we received
16 information regarding all final PFAs and
17 any other PFAs that require gun
18 relinquishment.

19 This is important because
20 offenders now have a 24-hour period to
21 relinquish any firearm. Firearm licenses
22 will provide affidavits explaining why the
23 24-hour deadline cannot be met. Once the
24 24-hour period is elapses without any
25 relinquishment, the responsibility falls on

1 the PPD to begin an investigation. And
2 that's critical. That's really what we're
3 very thankful for here.

4 There are quite a few moving parts
5 in this process to ensure that no balls are
6 dropped. The Philadelphia Police
7 Commissioner has identified the Gun Permits
8 and Tracking Unit as the central repository
9 for this information. This unit will not
10 only track information but also conduct a
11 preliminary investigation to determine to
12 the extent possible that a defendant has
13 any firearms regardless of what may be on
14 or may not be on the actual order.

15 This is important because some of
16 these orders, the individual may or may not
17 have a firearm. The individual getting the
18 PFA may not know what firearms they have.
19 So what we do preliminarily to the best
20 amount possible, the Gun Permits and
21 Tracking Unit will do a run to see what
22 purchases they have. So in the event they
23 have any guns that they didn't declare or
24 that the plaintiff did not know about, we
25 will. So they're still required to

1 relinquish those guns.

2 Next, for a relinquishment that is
3 required and a defendant has failed to do
4 so, it now becomes a potential criminal
5 investigation. And in this case, the Gun
6 Permits and Tracking Unit will coordinate
7 with the appropriate detective division for
8 a possible criminal investigation for
9 failing to relinquish a gun and report back
10 to the court which they are required to do
11 so.

12 In addition, the Gun Permits and
13 Tracking Unit will also notify the
14 Philadelphia Sheriff's Office. We've had a
15 great relationship with the Sheriff's
16 Office which serves as a repository for all
17 relinquished -- that's the unit that
18 actually collects all the firearms. So
19 even if the 24 hours has elapsed, we notify
20 the courts, we notify the detective
21 division, we begin an investigation, we
22 also notify the Sheriff's Department who
23 has the resources.

24 Even though we can't search a
25 residence, we can't kick down doors, they

1 go out and actually knock on people's doors
2 and say you were supposed to relinquish a
3 gun, where is it. So they've been very
4 successful with having people relinquish
5 that on the doorstep quite honestly.

6 So the second pipeline that was
7 effectively created by Act 79 deals with a
8 domestic-related conviction. This is an
9 important one. A domestic-related
10 conviction for a misdemeanor offense is a
11 permanent firearm prohibition or disability
12 against the defendant. They can no longer
13 possess or own a firearm under federal
14 and/or state law. These defendants must
15 relinquish or otherwise transfer the
16 firearm out of their custody within 24
17 hours. It used to be 60 days, so that's an
18 incredible change.

19 In Philadelphia, all the
20 domestic-related criminal cases are heard
21 in one of three possible courtrooms. The
22 Philadelphia -- I'm sorry, the police, the
23 District Attorney's Office and the courts
24 are in the process of implementing a system
25 to ensure the Police Department is made

1 aware of the domestic-related convictions
2 in the second pipeline.

3 Once finalized in these case where
4 a defendant is convicted of a domestic-
5 related misdemeanor or felony, the assigned
6 District Attorney -- Assistant District
7 Attorney will be submitting an order to the
8 judge for a signature and it will be
9 presented to the defendant while in court.
10 The ADA will then scan it to the
11 Philadelphia Police Department and the Gun
12 Permits and Tracking Unit will then handle
13 these cases as they do the other PFAs, the
14 24-hour clock starts to tick.

15 The Gun Permits and Tracking Unit
16 conducts the preliminary investigation as
17 indicated and then if the defendant fails
18 to produce any firearms within the 24
19 hours, we're notifying the detective
20 division to conduct the investigation as
21 well as the Sheriff's Department again.

22 So as you can see, the criminal
23 justice partners in Philadelphia have taken
24 great steps to communicate and coordinate
25 for the safety of our domestic violence

1 victims. Act 79 has provided additional
2 safeguards for these victims and we have
3 made every effort to ensure they utilize
4 every provision of this law to the maximum
5 extent possible. The domestic violence
6 victims deserve nothing less. This
7 concludes my testimony. I'm happy to
8 answer any questions.

9 COUNCILMAN JONES: Sir, I just
10 want to say thank you to the Police
11 Department, to the Law Department for
12 working with us. We come up with great
13 ideas but someone has to implement them and
14 there should be systems and measures in
15 place to do so, and I just want to say
16 again I think including the District
17 Attorney's Office that this process has
18 been thoughtful, I'm going to let you
19 speak, but it has been a thoughtful process
20 and thus, allowing us to have a system in
21 place because that covers such a great many
22 different occurrences that has tightened
23 things a little bit and hopefully,
24 hopefully save some lives.

25 CAPTAIN HEALY: I will say I

1 always ask for more from the state level.
2 There are other states that actually when
3 PFAs are issued that actually issue search
4 warrants --

5 COUNCILMAN JONES: Right away,
6 right.

7 CAPTAIN HEALY: So that gives the
8 officers immediately to go into the house
9 rather than putting the onus on the
10 individual to produce the weapon. We can
11 actually proactively go get it. That would
12 be one step from a law enforcement
13 perspective that would be incredibly
14 helpful. I understand the concerns in
15 Harrisburg, but these are domestic violence
16 victims that need immediate service. So I
17 think that will be the next step if you
18 have anyone here in Harrisburg. I
19 appreciate that. Thank you.

20 COUNCILMAN JONES: Different
21 county. District Attorney's Office?
22 Ms. Williams, will this be the -- do we
23 have others to testify?

24 THE CLERK: No.

25 COUNCILMAN JONES: Okay. First

1 shall be last. Last shall be first.

2 MR. LEE: Perfect. And good
3 afternoon, Councilman Jones and Greenlee
4 and to the rest of the Public Safety
5 Committee. Thank you for holding today's
6 hearings and the continuity and theme of
7 them today, and the Resolution 910260(sic)
8 kind of highlights how all of these things
9 come together.

10 The District Attorney believes
11 that gun violence should be addressed with
12 public health perspective as well as
13 criminal justice and public safety
14 considerations. And Act 79 really
15 demonstrates how those two things
16 interrelate and connect. So there was a
17 public health issue of people convicted of
18 domestic violence offenses still being able
19 to possess a firearm for 60 days after
20 their conviction.

21 Now, it's down to 24 hours. And
22 it's fitting that our Office speaks last on
23 this panel because we are the last stop in
24 our system of interactions and relations to
25 make sure that the convictions occur and

1 the firearms are relinquished within the
2 state law.

3 As Mr. Healy said, the District
4 Attorney -- and I think very eloquently
5 outlined the procedures that we're still
6 developing for the implementation plan,
7 particularly around the timeliness of
8 notification to relinquish and the fact
9 that it's being relinquished.

10 Time, as helpful as it is, on the
11 public safety perspective can be a barrier
12 on the criminal justice perspective,
13 especially when you're talking about so
14 many different agencies and people relaying
15 accurate information, so we're very
16 grateful to all of our domestic violence
17 partners who have been working with us,
18 both before the Act came into place, while
19 the Act has been implemented and as we iron
20 out and start to fulfill more of our
21 requirements under state law. So we are
22 very supportive of this resolution and look
23 forward to our continued development of an
24 implementation plan in working with all the
25 other stakeholders involved, whether they

1 be from a public health perspective, from a
2 public safety perspective or from just a
3 more universal perspective, so thank you.

4 COUNCILMAN JONES: Thank you. Any
5 questions?

6 COUNCILMAN GREENLEE: Yeah, could
7 I, just a couple?

8 COUNCILMAN JONES: Go ahead.

9 COUNCILMAN GREENLEE: Thank you,
10 Mr. Chairman. Thank you everybody for
11 their patience. I know it's been a long
12 day so far. Just a couple of things, and I
13 don't know that maybe the Inspector has
14 this or if there's a way to find out. I
15 would just be interested in how many
16 through this program numbers of guns have
17 been turned in. Do we have any figures at
18 all or any estimates or anything like that?

19 CAPTAIN HEALY: I don't have
20 those. I mean, I could probably research
21 them. The Sheriff's Department actually
22 would track more the seizure of the
23 firearms --

24 COUNCILMAN GREENLEE: Right.

25 CAPTAIN HEALY: -- would actually

1 track them, and domestic-related firearms
2 have to be treated differently and quite
3 frankly than guns that we keep in our
4 possession --

5 COUNCILMAN GREENLEE: Sure.

6 CAPTAIN HEALY: -- so it works
7 very well. We don't -- it's very -- if we
8 test a gun and then we damage the guns,
9 we're responsible for the guns so these
10 domestic-related seizures actually go to
11 the Sheriff's Office. And there's a
12 process -- importantly, in Act 79 there's
13 also a process for getting rid of the guns.
14 So if people don't respond back within a
15 certain period of time, the guns can be
16 destroyed so they don't have to sit in
17 inventory forever which cost a lot of money
18 to maintain.

19 COUNCILMAN GREENLEE: Got you, got
20 you. It does look like everybody is
21 cooperating very well in this process.
22 Now, I know we invited the courts and the
23 sheriff. They were not able to send
24 anybody. So let me just ask particularly
25 on the courts, is there anything -- how has

1 that interaction been? Have you found
2 courts -- Molly, maybe you're best to
3 answer this. Have the courts been pretty
4 cooperative in following through and
5 whatever?

6 MS. CALLAHAN: So the court has
7 come to --

8 COUNCILMAN JONES: State your name
9 again. State your name.

10 MS. CALLAHAN: I'm sorry. Molly
11 Callahan again. So the court has come to a
12 number of meetings with us and has been
13 working with us, both the Family Court
14 where of course the PFAs are heard as well
15 as the criminal court system which will
16 have responsibility for the other pipeline.

17 We've had a number of meetings
18 with them relating to this and discussing
19 how we can again better coordinate, better
20 communicate. So they have been at the
21 table helpful coming up with solutions.

22 COUNCILMAN GREENLEE: They have
23 been a good partner, in other words?

24 MS. CALLAHAN: Yes, they've been a
25 good partner.

1 COUNCILMAN GREENLEE: And I know
2 the sheriff was mentioned. I know at a
3 bunch of hearings Sheriff Williams has
4 talked about how he intensified serving the
5 PFAs and all. Again, I assume they've been
6 a good partner in this in your opinion?

7 MS. CALLAHAN: They have, yes,
8 yes. Again, I think one of just the
9 hardest pieces is that there's so many --
10 so much communication that has to happen
11 between the sheriff, the courts, the
12 police --

13 COUNCILMAN GREENLEE: Sure.

14 MS. CALLAHAN: -- and then back to
15 the petitioner. So we are working out I
16 think a few of those glitches. But again,
17 all of our partners have been very helpful
18 and want to have this happen and absolutely
19 want to get the guns out of the hands of
20 abusers.

21 COUNCILMAN GREENLEE: Right,
22 great. And let me just ask you and this is
23 sort of an aside, because you mentioned
24 what, 9,000 PFAs; is that what you said?

25 MS. CALLAHAN: Yes, yes.

1 COUNCILMAN GREENLEE: Is there
2 still a problem because we hear and
3 unfortunately somebody that was very close
4 to us might have fallen into this
5 situation, was there still some reluctance
6 of victims to file PFAs for maybe dealings
7 with custody or financial issues, that kind
8 of thing? Are you still finding that as an
9 issue or --

10 MS. CALLAHAN: So a PFA I would
11 say is one tool that a victim can use to
12 try to become safer. We do know that
13 sometimes filing a PFA can actually
14 exacerbate the situation. So some victims
15 just may decide that at this point it's not
16 the right time for them to file. It really
17 is just one tool within various tools they
18 can use.

19 COUNCILMAN GREENLEE: All right.
20 Okay. But I know one -- well, I won't get
21 into all the specifics, but we know
22 somebody really close that may have been an
23 issue by not filing that. Unfortunately,
24 tragedy happened.

25 MS. CALLAHAN: Right. And we do

1 also know at the same time that we know
2 it's only one tool, it is a tool that
3 works --

4 COUNCILMAN GREENLEE: Right.

5 MS. CALLAHAN: -- and that police
6 are enforcing and is a way to get guns out
7 of the hands of abusers.

8 COUNCILMAN GREENLEE: Right.

9 CAPTAIN HEALY: If I can comment
10 just for a moment?

11 COUNCILMAN GREENLEE: Sure.

12 CAPTAIN HEALY: Police officers
13 respective who have served lots of these
14 orders, and please correct me if I'm wrong,
15 there's a cycle. The women just don't get
16 abused one day and realize they had enough.

17 COUNCILMAN GREENLEE: Oh, yeah.

18 CAPTAIN HEALY: They're demeaned,
19 they're broken down psychologically,
20 mentally, in a whole lot of different ways
21 that they don't really believe they can get
22 help and that's really what they're fed.
23 So a lot of times it takes a very strong
24 woman to actually get out of that and they
25 need help, the individuals like to my right

1 here.

2 COUNCILMAN GREENLEE: Right.

3 CAPTAIN HEALY: But it's a long
4 process. It's not something that happens
5 overnight. So I think that's some of the
6 reasons why a lot of the victims don't
7 immediately look into the PFA, because I've
8 said it multiple times. I've gone to
9 houses over and over again. I need to help
10 you, you need to help yourself.

11 COUNCILMAN GREENLEE: Right.

12 CAPTAIN HEALY: And as a police
13 officer, quite frankly in the weeds I never
14 understood why they just didn't do it but I
15 understand now. There's a long cycle.
16 Like I said, the fear and the intimidation
17 that goes along with it, it's very, very --
18 it's quite frightening.

19 MS. CALLAHAN: If I may, leaving
20 really is a process. It takes many, many
21 victims 7 to 12 times. And the point of
22 leaving can be the most dangerous time for
23 a victim. One of the things that I think
24 is really important for everyone to know is
25 three months to a year after that

1 separation is the most dangerous time for a
2 victim.

3 So some victims may decide that
4 they are sort of going to slowly leave
5 without totally disengaging from the abuser
6 and there -- it's just again a process and
7 every victim is different.

8 MS. UGARTE: I also would like to
9 add that leaving an abusive relationship
10 doesn't end the abuse, so that abusive
11 partner is going to keep trying to go after
12 the survivor in different ways, especially
13 if there are children together. So it
14 requires a lot of different tools,
15 different strategies and have a very clear
16 safety plan, where I'm going to go and how
17 I'm going to deal with the person after I
18 leave.

19 Just one more thing about abusive
20 partners. They also sometimes could behave
21 like really nice people, I promise a lot
22 and I'm never going to do it again.

23 COUNCILMAN GREENLEE: Absolutely.

24 MS. UGARTE: And that's one of the
25 reasons why survivors, they take steps and

1 then go back or maybe the person changed, I
2 should give him the opportunity, he's the
3 parent of my children. They go back and
4 they go back and forth, back and forth.

5 COUNCILMAN GREENLEE: Yeah, we've
6 heard lots of instances. But I guess if
7 you're looking for positives here,
8 Mr. Chairman, I know Councilman Green has
9 been involved in this issue. I think
10 there's a lot more awareness and
11 understanding of the issue. There's still
12 way too many tragedies. We're nowhere
13 close to solving the problem, if you will.
14 But there is certainly, and this is an
15 indication when everybody is working, I
16 think the Inspector mentioned there's
17 things he's learned through this process
18 and certainly I have over time, and it's a
19 shame that it's so many examples that we
20 can still cite, but I think there's
21 certainly improvement.

22 I think it's noted as I started
23 when this particular issue came up, that
24 the state even though we've criticized the
25 state on some things on not stepping up,

1 they certainly have stepped up on this.
2 And I think they've realized -- people
3 realize the problem. It's in the news and
4 all over the place. And it affects
5 everybody. It's not just a poor person.
6 It's not just a rich person. It's not just
7 in certain neighborhoods. Domestic
8 violence is all over the place
9 unfortunately.

10 So again, we thank everybody for
11 their involvement. Mr. Chairman, if I can
12 just on an aside to the Inspector, I don't
13 know if I'll have a chance to say it
14 anymore in a public hearing, so I just want
15 to thank you for all these years that
16 you've been helpful certainly to me and I
17 think to the Committee.

18 COUNCILMAN JONES: Yes.

19 COUNCILMAN GREENLEE: You are a
20 wealth of information. You always give us
21 the straight facts and it made us --
22 certainly made my job easier and I think a
23 lot of people, so thank you, sir. I
24 appreciate it. Thank you.

25 CAPTAIN HEALY: You haven't heard

1 anything about me leaving, have you?

2 COUNCILMAN GREENLEE: What's that?

3 CAPTAIN HEALY: You haven't heard
4 anything about me leaving, have you?

5 COUNCILMAN GREENLEE: No, I'm
6 leaving. That's the reason I'm saying it.
7 No, no, no, let me make that clear.

8 CAPTAIN HEALY: I'm kidding with
9 you, sir. I'm not going anywhere. Don't
10 worry about it.

11 COUNCILMAN GREENLEE: Well, that's
12 good because this issue is going to
13 continue and the next Council, I'm sure we
14 will have people here, including these two
15 gentlemen, that are certainly going to keep
16 on and I know that. So again, no, I want
17 to make that clear. I'm the one leaving,
18 not you, sir.

19 CAPTAIN HEALY: Thank you, sir.

20 MS. CALLAHAN: And if I may for
21 Women Against Abuse, just thank you again,
22 Councilman Greenlee, for all of your years
23 of support. You have truly made a
24 difference for the clients that we serve
25 and we really appreciate it.

1 COUNCILMAN GREENLEE: I appreciate
2 that. Thank you.

3 MS. CALLAHAN: Thank you.

4 COUNCILMAN JONES: I echo what
5 Councilperson Greenlee has said. We always
6 listen to your testimony with bated breath
7 because we are in our emotions about
8 legislation, you're in the law about the
9 legislation and sometimes those things
10 don't neatly come together but somehow we
11 manage to work our way through the issues
12 and we are grateful.

13 I echo again you are going to miss
14 this Councilperson. Beyond his passion for
15 the issues that he puts forth, he shows up
16 on time; am I right? He's a dependable
17 vote. So on today's issues, and we thank
18 you for your testimony, I'll end where I
19 began. Maya Angelou said when people show
20 you who they really are, we should believe
21 them.

22 If somebody does an act of
23 violence, we should have a red flag that
24 continues to move us to protect those
25 people who they have victimized. And I

1 think today's hearings on both the
2 ordinances and this resolution have moved
3 the needle in the right direction in a
4 thoughtful manner and we are thankful for
5 the cooperation with the District
6 Attorney's Office, the advocacy groups, the
7 Police Department, the Mayor and this
8 Council.

9 So with that if there are no other
10 questions, this concludes the business of
11 the Committee on Public Safety for City
12 Council today and thank you all very much.

13 MS. CALLAHAN: Thank you.

14 CAPTAIN HEALY: Thank you.

15 (Committee on Public Safety
16 concluded at 12:26 p.m.)

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

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

Court Reporter - Notary Public

(The foregoing certification of
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