I. PHILADELPHIA CRIME TRENDS: FOCUSING ON VIOLATORS AGES 18 TO 24

Firearms are the weapon of choice for murderers in Philadelphia. After dropping from 309 homicides in 2001 to 290 in 2002, the city’s homicides increased to 350 in 2003 and appear to be remaining steady in 2004, according to the Philadelphia Police Department. Traditionally, the vast majority of these homicides – as many as 80 percent – involved firearms. Crime statistics for the city’s youth – ages 18 to 24 – are breathtaking. The city’s young men are literally killing each other. Nearly nine of every ten shooting victims are African-American, and the majority of shooting victims were between 18 and 20 years old. Nineteen-year-olds were the most likely defendants to face shooting charges, and the overwhelming majority of defendants in shooting cases were between 18 and 24 years old.

Young adults with criminal intent find ways to access guns. In 2003, firearm tracing by the Department of Justice’s Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”) established that 1,051 of the firearms recovered by police had been possessed by teenagers and young adults. This figure accounts for more than 41 percent of all firearms recovered in the city and was triple the total for any other age group. Although juveniles age 17 and under possessed 175 firearms recovered by police, that figure skyrockets to 1,569 for the 18 to 30 age category, and accounts for more than 55 percent of the city’s seized firearms.

The city’s most violent districts are the 25th Police District in North Philadelphia and the 12th Police District in Southwest Philadelphia. (See Crime Statistics, Attachment #1) Police records establish that shootings in 2003 increased in almost every police district, despite a sustained deployment of uniformed police presence in high-crime sections of the city. In the 25th District, for example, shootings increased from 140 in 2002 to 154 in 2003. In the 12th District, the pattern continued, with an increase from 129 shootings in 2002 to 153 in 2003.
II YOUTH VIOLENCE REDUCTION PARTNERSHIP:
THE NEED FOR EXPANSION

In 1999, Philadelphia launched the Youth Violence Reduction Partnership (“YVRP”) to target the city’s most dangerous and at-risk younger citizens for intensive monitoring by police, probation, and streetworkers. The program operates in the 12th, 24th, and 25th Police Districts and selects approximately 100 youth in each District ages 24 and under who appear to face the greatest risk of killing or being killed.

In the three years prior to the start of YVRP in the 24th District, an average of 9.7 people aged 7 to 24 were murdered each year. In the five years since YVRP has been in the 24th District, there has been an average of four homicides in that age group per year. In the 25th District in the three years prior to the start of YVRP, there was an average of 26 young people killed each year. In the three years since YVRP, the average has decreased to 11.7 per year. In the three years prior to the existence of YVRP in the 12th District, there was an average of 14 murdered youth per year. In 2003, the first full year of YVRP operating in the 12th District, there were eight young people killed. Of the more than 1,000 youth who have been selected for YVRP participation, three have committed a murder and seven have been murdered.

Intensive monitoring and support by a combination of police officers, probation officers, and streetworkers has helped reduce violence in this evolving program at a cost of about $1.8 million in each district per year. This will pay for police overtime, additional juvenile and adult probation officers, project coordination and evaluation, job services and other supportive services. Officials at the National Institute of Justice (“NIJ”) who study and monitor criminal justice trends throughout the nation, recently commended YVRP’s coordinated approach to tackling violence among at-risk youth in defined geographic regions of the city.
Funding is needed to continue and expand this important venture to additional districts and to reach additional youth within the existing districts. To give local law enforcement authorities, streetworkers, and other partners the resources needed to help save the city’s greatest resources – its youth – YVRP will cost approximately $12 million a year. A portion of that money would be earmarked for researchers to quantitatively measure the program’s long-term results.

Finally, the addition of the Pennsylvania Board of Probation and Parole as a partnering agency would strengthen YVRP’s efforts.

III. SAFE NEIGHBORHOOD INITIATIVE: A NEW FOCUS ON YOUNG ADULT OFFENDERS.

Local and federal law enforcement have concluded that some principles of Youth Violence Reduction Partnership must be expanded to a new program – the Safe Neighborhood Initiative (“SNI”) – which will serve the city’s young adults aged 24 to 30. In the Safe Neighborhood Initiative, the police, ATF, and state and federal prosecutors will partner with probation and parole authorities to intensely supervise young adults in high-crime police districts. New state funds totaling $1 million will be needed for police officer overtime and to hire additional probation officers to engage in focused supervision and follow-up of dangerous offenders in the five police districts with the highest crime rate. Patrol officers must be reassigned from responding to routine police calls to working hand-in-hand with probation and parole officers to make meaningful weekly contacts to appropriately supervise offenders under age 30.

The Philadelphia Police are already focusing on high crime intersections for intense patrol. Moreover, this summer, federal law enforcement will launch the Violent Crime Impact Team (“VCIT”), which will focus on selected areas in Philadelphia. This initiative will expand
its focus beyond violent drug traffickers. The targeted areas for the Violent Crime Impact Team program will be the Southwest Detective Division, comprising the 12th, 16th, 18th, and 19th police districts. The Violent Crime Impact Team program will focus its investigative efforts in Philadelphia’s most violent areas and on the criminals who perpetuate this violence through the criminal use of firearms. The strategy will be to dramatically reduce gun crime, specifically in targeted “shooting hot spots” by using all available resources to “follow the gun” after a shooting in the targeted districts.

To support the Violent Crime Impact Team program, ATF will provide all of its available resources to stem the flow of gun violence in these targeted zones. ATF will analyze all firearms traces in these areas to identify, apprehend, and incarcerate the sources of these crime guns. ATF will investigate any and all criminal misuse of firearms by convicted felons, armed drug traffickers, and prohibited persons to remove them from these high crime areas shrouded in gun violence.

Finally, local and federal law enforcement will work closely together on the Violent Traffickers Project (“VTP”), to identify violent drug dealers in targeted areas. As part of this initiative, law enforcement will dedicate the resources of the region’s High Intensity Drug Trafficking Area (“HIDTA”) operation as a center to gather and analyze intelligence, and then to coordinate investigative and prosecutorial resources. The intelligence initiative will be closely tied to the expansion of the Youth Violence Reduction Partnership and the proposed Safe Neighborhoods Initiative program for young adults with a history of violence and firearm offense. To fully implement the intelligence gathering and analysis needed to properly focus these programs, additional funding of approximately $116,000 is needed to fund additional police analysts to work full-time at HIDTA so that they can interface the data collection
programs. Currently, there is one Philadelphia Police officer assigned to intelligence gathering and analysis at HIDTA. State funding is needed to create specific, high-level positions for police officers who have the training and expertise to process intelligence on violent crime trends and to analyze the data to assist in developing law enforcement responses to crime trends.

IV. EDUCATION CURRICULUM AND COMMUNITY EDUCATION

A. Juvenile/Criminal Justice Curriculum (See Juvenile/Criminal Justice Curriculum Proposal, Attachment #2)

Law enforcement is working with the Philadelphia School District to create a year-long curriculum to sensitize middle school students to the dangers of violence, to educate them on criminal justice consequences, and to teach them to make responsible choices. It is anticipated that this curriculum will be used in the 2004-2005 academic year.

B. Community Education and Involvement

The vast undertaking to address the current crisis of violence in Philadelphia will require that all aspects of the community get involved in the effort. There should be a community education effort to increase participation. Law enforcement will have an impact, but it can’t do it alone. Local leaders, including state legislators, must challenge the business community, clergy, and community groups to contribute to the anti-violence initiatives.

Local media outlets should be encouraged to increase media attention on the anti-violence efforts through profiles of crime victims and in-depth stories about the new initiatives. Entities such as cable companies and cellular phone providers who send monthly correspondence to subscribers will be asked to include inserts on gun safety and crime prevention.

For example, in recent months the Police Department and the District Attorney's Office have collaborated with community groups and others to establish a billboard program, profiling victims of unsolved murders. Billboards have been erected in North Philadelphia, offering a
reward for tips leading to an arrest in these killings. People are encouraged to come forward with information, and witness relocation is available for those willing to testify.

Funding for faith-based initiatives may be available through the federal government. It is a matter of organizing the strength and conviction of the numerous religious groups toward the involvement in crime preventing measures.

V. JUDICIAL REFORM: GUN COURT AND ZONE COURTS

A. Zone Courts

In this time of rising gun crime and dwindling resources in the criminal justice system, we can use our resources in the most effectively by implementing geographic prosecution. Most agencies and governing bodies – the Legislature, City Council, the Police Department – are broken down by districts. The criminal justice system, however, is not. Cases are assigned based on the type of crime, not on the area in which the crime is committed.

In the Zone Court program, criminal cases will be assigned to courts by Police Division, not by case type. This approach requires the cooperation of the Philadelphia Courts to schedule cases in special courtrooms based on areas that correspond to the six Police Divisions.¹ Assistant District Attorneys would be assigned to those courtrooms to handle all cases committed in the particular Police District.

The Zone Court can be developed as a pilot program in the East Division, a high-crime area comprised of the 24th, 25th and 26th Districts. This Division generates approximately 20% of the felony cases in the system. (See Crime Statistics, Attachment #1). The Zone Court approach would enable one of the Zone Court judges to preside over all of the violation of probation (VOP) hearings of the Youth Violent Reduction Partnership participants, as is done in the

¹ The Police Divisions are: South Division, made up of the 1st, 3rd, 4th, 17th Districts; Central Division - 6th, 9th, 22nd, 23rd Districts; Southwest Division - 12th, 16th, 19th, and 19th Districts; East Division - 24th, 25th, 26th Districts; Northwest Division -5th, 14th, 35th, 39th Districts; and Northeast Division - 2nd, 7th, 8th, 15th Districts.
Juvenile Courts. One fifth of the cases in the Common Pleas Court’s Section and List Programs would be assigned to courtrooms on the same floor of the Criminal Justice Center. Because police officers could get from one courtroom to another easily, this reorganization would result in higher appearance rates for police, a reduction of police overtime, and ultimately fewer discharged cases.

Under the current system of assigning cases to courtrooms, if a police officer needs to be in court to testify in four cases on any given day, she could find herself running all over the Criminal Justice Center. Judges are hesitant to put the officer on call even knowing she is in the building because it is impossible to predict the officer’s availability. If the officer is testifying in the courtroom next door, as proposed by the Zone Court, the judge will be less inclined to continue or dismiss a case.

Furthermore, Zone Courts will create a better partnership with the police in each division. The officers and the Assistant District Attorneys will be more familiar with one another, with the repeat offenders in the districts, and with the community and its needs. The intelligence gathered by ATF, High Intensity Drug Trafficking Area, and other investigative agencies will allow the police to identify recidivist offenders and to track crime trends a particular district. Investigations and prosecutions will be much more efficient and effective.

B. Gun Courts

To deter the use of firearms and to protect the law-abiding public, there must be swift disposition of gun-related offenses in our courts and there must be the certain prospect of prison terms for those who are convicted of such crimes. At the initial meeting, legislators and public officials discussed the implementation of a pilot program in Philadelphia that would create a special Gun Court. This program will require a courtroom dedicated to a caseload of all the gun
possession cases and trafficking cases, i.e., violations of the Firearms Chapter of the Crimes Code. The Courts would assign senior judges from out of county to preside over the cases.

The program will have significant effects on the criminal justice system. First, the senior judges will address the proliferation of illegal guns on the streets of Philadelphia by focusing particular attention on cases involving illegal firearm possession. The sentences will be appropriately severe, considering the dangers that gun crimes create in the City’s neighborhoods. Second, the limited resources of the justice system will be more effectively allocated. The special judges will be required to have an expertise in the area of firearms laws and the detrimental effects of gun crime so that they will factor in the seriousness of the offense, the effect on the communities, and the potential for future dangerousness.

Another important element of the Gun Court would be the active participation by the District Attorney's Office through the special assignment of Assistant District Attorneys to each new courtroom; and by Probation and Parole though increased supervision of the offenders.

There would be pre-trial and post-trial components to the Gun Court designed to prevent further crime by educating the offenders about the dangers of firearms and the consequences of gun-related crime. Discussions with National Institute of Justice have begun to identify the best practices throughout the nation. For example, we should examine a program in Detroit where the Handgun Intervention Program includes a successful pre-trial program. As a condition of bail, every person arrested in Detroit for illegally possessing a gun must participate in a one-day program that focuses on educating the offenders about the consequences – to the individual and the community – of gun crime. The program also offers services such as drug and alcohol counseling and job training and placement.
An existing program in our Juvenile Court is a model for a post-trial firearm violence prevention initiative. "Don't Fall Down in the 'Hood" was developed by the District Attorney's Office, the Philadelphia Department of Human Services, the Juvenile Court, and the Youth Homicide Review Team. The program is administered by the Institute for Development of African-American Youth in conjunction with St. Gabriel's Hall, and funded by Department of Human Services. "Don't Fall Down in the 'Hood" is a three-month program specifically designed for those juveniles who are adjudicated delinquent for the offense of carrying a gun, not using one. Participation is required by the court as a condition of the juvenile offender’s probation.

To prevent the increasing proliferation of illegal firearms on the streets and to prevent further violent gun crimes, the Gun Court will take a multi-disciplinary approach to the issue. This court will more efficiently focus resources where they will have the impact on the reduction of gun crimes.

VI. STATUTORY REFORM:
TARGETING ARMED AND DANGEROUS CRIMINALS

A. Five-Year Mandatory for Guns and Drugs

In three consecutive legislative sessions, the Pennsylvania House of Representatives has overwhelmingly approved legislation providing for a five-year mandatory sentence for possession of firearms while in the commission of drug-trafficking offenses (the possession can be either by the dealer or the dealer’s accomplice). Each time, the legislation has died in the Senate. This legislation is critical to our efforts to reduce the use of firearms by drug traffickers in the city.

The 1982 law, creating a five-year gun mandatory for use of a gun during the commission of a violent crime, has proven that tough mandatory sentencing for gun crimes is effective. A
1986 study (See The Justice Analysis study, Attachment #3) by the Pennsylvania Commission on Crime and Delinquency showed that robberies with firearms dropped by 40% in the three years following enactment of the gun mandatories for use of a gun during a violent crime. Significantly, the impact on aggravated assaults (a more impulsive crime) with firearms showed a smaller deterrent effect, resulting in a 27% reduction in those crimes.

Drug-trafficking is more like robbery than aggravated assault in the level of premeditation generally involved. Drug-trafficking with firearms – like robbery with firearms – is a highly deterrable offense. The number of drug dealers with guns will go down significantly if the General Assembly enacts Senate Bill 915 (See SB 915, Attachment #4), which effectively adds drug-trafficking to the list of offenses subject to the five-year gun mandatory legislation, and provides for advertising of the new law in high drug-trafficking neighborhoods.

House Bill 752 (providing for the same five-year mandatory but lacking advertising provisions) passed the House on December 16, 2003 by a vote of 196-1 (the same legislation has passed the House in three consecutive sessions) but once again is stalled in the Senate. Similarly, Senate Bill 109 was amended on the House floor last year and returned to the Senate with the same legislation. Approval by the Senate of any of these three bills, so long as they contain the advertising provisions of Senate Bill 915, would save lives in Philadelphia.

B. Amendments to strengthen 18 Pa.C.S. §6105 and §6108

Sections 6105 and 6108 of Title 18, Firearms Not to be Possessed Without a License, should be amended. (See Proposed Amendment to 18 Pa.C.S. §6106 and §6108, Attachment #5). Under current law, a prior illegal gun possession conviction is not a triggering offense to prohibit a person from eligibility to carry a firearm.

This amendment does several things:
-- clarifies that a juvenile adjudication of any of the enumerated offenses is a qualifying former felony that prohibits an individual from possessing a gun;

-- creates a one-year sentencing enhancement;

-- upgrades 18 Pa.C.S. §6108 to a felony of the third degree; and,

-- adds prior felony convictions of 18 Pa.C.S. §§6106 and 6108 to the enumerated offenses.

This proposal strengthens the current law to ensure that those offenders who continue to possess illegal firearms will face severe penalties.

C. Armed Violent Career Criminal Statute

The Legislature must enact strong gun laws to deter gun crime. The proposed legislation (See Armed Violent Career Criminal draft language, Attachment #6) creates the Armed Violent Career Criminal Act, which would create mandatory sentences for violent criminals who possess firearms. This proposal is based on the federal firearms statute in Title 18, United States Code, Section 924(e) (fifteen-year mandatory for career violent and drug-trafficking criminals carrying firearms). The bill would create a five-year mandatory sentence for possession of a firearm if the person has been convicted of two prior crimes of violence and drug-trafficking offenses, and a ten-year mandatory sentence for possession of a firearm if the person has been convicted of three or more crimes of serious violence or drug-trafficking offenses. The laws will be sufficiently severe to deter violent criminals from arming themselves.

VII. INCREASED FUNDING TO PROMOTE THE PROJECT SAFE NEIGHBORHOODS AND STATE ALTERNATIVE PROSECUTION PROGRAMS

Philadelphia law enforcement officials currently coordinate with federal law enforcement authorities on several initiatives to stem firearm violence. Under the federal Project Safe Neighborhoods (“PSN”) program, federal funds pay for police and assistant district attorneys to prosecute serious firearm violations in federal court, which features strict mandatory minimum
sentences, such as a mandatory 15-year prison terms for career criminals who possess a firearm. Although effective, this program is necessarily limited in scope. The U.S. Attorney’s Office charges about 200 firearms cases per year involving the most serious offenders throughout its nine-county district, with Philadelphia County as a major focus. With increased police resources committed to the joint local/federal firearms reduction effort however, the U.S. Attorney’s Office could charge additional cases in targeted Philadelphia neighborhoods. Further, any intensified effort on gun violence will create an even greater volume of gun seizures by the Philadelphia Police Department, thereby increasing the backlog of firearms to be examined by the Firearms Identification Unit. To help clear the significant backlog of cases in the Firearms Identification Unit, the Police Department requests a one-time emergency state appropriation of $51,000 to hire a recognized outside expert to work as a consultant for one year in the Firearms Identification Unit. In addition, to expand the number of career criminals prosecuted federally under Project Safe Neighborhoods, state funding of $140,000 is needed for two additional detectives.

One innovative way that law enforcement has increased the impact of Project Safe Neighborhoods in Philadelphia is through the State Alternative Prosecution (“SAP”) program. Under SAP, a defendant facing a substantial federal sentence (e.g., fifteen years) and whose case will be adopted for federal prosecution is given the option of entering a guilty plea in the Court of Common Pleas to an agreed-upon lower state sentence (e.g., three and a half to seven years). This program avoids the expenditure of substantial resources for trial, but enables the District Attorney to secure a significant state sentence in the local court system. Currently, about 30 serious firearms cases are disposed of each year under SAP. That number should be doubled. Increasing the SAP caseload, however, will require funding of $140,000 for two additional
Philadelphia Police detectives to assist in identifying and investigating cases that would be appropriate for disposition in SAP.