

5

Crime Commission Recommendations

In the Pennsylvania Crime Commission's 1984 Report it was reported that Commission personnel presented, on February 22, 1983, eight pieces of legislation to a joint subcommittee of the Pennsylvania House and Senate Judiciary Committees for review. Many of these recommendations have taken the form of House and Senate Bills which have been introduced into the General Assembly. A report on the recent status of the legislation follows, as well as a recap of the Commission's original recommendations.

Included were proposals to:

■ Block the printing or other dissemination of material that would aid or abet the obtaining of any telecommunication (telephone) service by fraud. This proposal addresses the telephone/utility "freak" underground which educates individuals and groups in how to steal services. The education has been accomplished by the publication and dissemination of false or counterfeit telephone and credit card numbers, as well as plans, diagrams or methods for the construction, assembly and/or use of any device, instrument or gadget which may be used to avoid payment of lawful telephone/utility charges. Such activity ultimately causes increased rates for legitimate users.

The substance of this proposal was incorporated in Senate Bill 938 and House Bill 1378 which were introduced into the Legislature and subsequently referred to Committee for further review.

■ Clarify and remove inconsistencies in Pennsylvania's Electronic Surveillance Act thus bringing it into conformity with federal law. This proposal would remove certain definitional ambiguities, expand the number and types of crimes subject to electronic surveillance, conform 18 Pa.C.S.A. 5709 to its counterpart, 5708, broaden the emergency situation provisions, liberalize disclosure and dissemination requirements, provide for a prospective amendment legitimizing continued interception of once unanticipated conversations and reconcile certain rules of criminal procedure.

The substance of this proposal was incorporated in Senate Bill 976 and House Bill 1779.

■ More effective loansharking control laws. In 1972, a law was passed (Act of December 29, 1972, 18 P. S. subsection 4806.1) providing strict penalties for loansharking. This law was inadvertently repealed when the Crimes Code was enacted in 1973. In 1983, House Bill 1379, Printer's No. 1665, and Senate Bill 940, Printer's No. 1147, were introduced into the Pennsylvania General Assembly providing for control of loansharking. It is unrealistic that Pennsylvania has attempted to fight organized crime for almost 14 years without a provision specifically making loansharking illegal. Hopefully such legislation will deter one of organized crime's major areas of income and stop related crimes committed by victims to pay debts.

This recommendation was introduced into the General Assembly as Senate Bill 940, as well as House Bill 1665.

■ Permit the Attorney General, the Commonwealth's 67 district attorneys and the Pennsylvania Crime Commission to obtain personal income tax data by court order. This proposal is an amendment to 42 Pa.C.S.A. 872, *et seq.* If the statute is amended it will permit those who already have statutory authority to obtain other confidential information for criminal investigations to obtain personal income tax data. While a court would still be required to review and pass judgment on applications for access to such information, there would be a separate, more stringent standard for access to most personal income tax data.

This proposal was introduced into the Senate as Senate Bill 978 and into the House as 1778.

■ Expand and clarify certain aspects of Pennsylvania's Corrupt Organizations Act, a statute that mirrors the federal RICO (Racketeer Influenced and Corrupt Organizations) law. This expands forfeiture rights of the Commonwealth, enlarges "standing" for purposes of suit, awards treble damages and broadens the definition of racketeering activity.

This recommendation was introduced into the General Assembly as Senate Bill 975 and House Bill 1780.

■ Permit a judge, in certain instances, to find that a defendant is a "dangerous special offender" and thus increase the defendant's sentence to a term not to exceed 25 years. This proposal is, in form and substance, a recidivist statute. Of such, it demonstrates an appreciation that repetitious criminal conduct aggravates the guilt attached to the latest offense and, therefore, justifies a heavier penalty once the person is actually

Subpoenas issued in 1984

| | |
|--|-----|
| Garment Industry | 96 |
| J.I.R.B. | 23 |
| Coal Investigations | 39 |
| Organized Crime | 78 |
| Narcotics | 22 |
| <i>Total</i> | 258 |
| Number of subpoenas to individuals: | 132 |
| Number of subpoenas to businesses: | 91 |
| Number of subpoenas to financial institutions: | 33 |
| Number of subpoenas to state agencies: | 2 |
| <i>Total</i> | 258 |

convicted. The purpose of this legislation is to provide a more effective sentencing procedure for habitual offenders.

This proposal was introduced into the Senate and House as Senate Bill 977 and House Bill 1464.

■ The passage of legislation to allow for the civil seizure of all monies used in and all assets acquired from illegal drug trade. This is a necessary element for the prosecution of large-scale drug operations. It will hopefully serve as a deterrent and will permit recovery of costs involved in the investigation and prosecution of illegal drug activity in Pennsylvania.

Legislation of this type was introduced as Senate Bill 924 with several additional amendments which included recommendations of the Pennsylvania Crime Commission. The bill passed and was signed into law on Dec. 14, 1984.

In its 1983 Report the Pennsylvania Crime Commission exposed the nature and extent of major theft and fencing operations in Pennsylvania, particularly in relation to precious metals and individuals who operate buy-and-sell shops. The Pennsylvania Crime Commission in that report and as part of that investigation recommended regulation and registration of such operations. Senate Bill 417, which was introduced into the Pennsylvania Senate, would require a dealer in precious metals to obtain a license from the sheriff in each county in which the dealer operates. This bill would additionally require the dealer to record all transactions, and would call for the inspection of such metals by law enforcement officials, as well as institute time limits regarding how long such metals are held prior to resale.

6

La Cosa Nostra: Prosecutions on the Rise

In the spring of 1984, Salvatore Testa, son of the late Philadelphia La Cosa Nostra boss Philip Testa, told a friend: *"I'm not going to go natural, so I may as well live it up."*

Testa's bullet-riddled body was found the night of Sept. 14, 1984, dumped along a road in Gloucester Township, Camden County, N. J.

He had been initiated into the Philadelphia LCN by his father, who had succeeded the late Angelo Bruno as the family's boss.

Sal Testa was in his late 20s when he died. His father, killed by a nail bomb that ripped through his body the night of March 15, 1981, was 54. Both were victims in a mob war that began March 21, 1980, the date Bruno was assassinated in front of his south Philadelphia home.

Sal Testa had the reputation of a cocky young man who relished being a "tough guy and a gangster." He also had a reputation of being hard to control.

Once, after the son of another mob figure had committed suicide apparently out of fear of meeting with Testa, Testa had remarked: *"I don't have to hit anybody anymore, all I have to do is tell them I want to talk to them and they will do the job for me."*

After Philip Testa's death, Nicodemo "Little Nicky" Scarfo assumed control of the Philadelphia family. He took Sal Testa under his wing, allowing him to aid in the recruitment of new young members for the family. Testa relished his new position of favor and apparent power, actively recruiting a following of "young turks" in south Philadelphia. Some law enforcement authorities strongly suspect that it was one of these new members that set up Testa's assassination.

Testa began hanging out with his followers in the back of an old store on the northeast corner of Christian and Hutchinson streets in South Philadelphia. In late 1982, he moved the hangout around the corner to 820 South 9th Street.

Testa's cockiness did not sit well with Scarfo or his lieutenants—Salvatore Merlino, Lawrence Merlino, Philip Leonetti and Joseph Ciancaglini. Testa was told to shut down his "clubhouse" and to keep a lower profile.

Since Testa's death, one of his close associates, Joseph "Joe Pung" Pungitore has opened a bar called "Lenny's Lounge" at 15th and Wolf Streets which has become a regular meeting place for LCN members.

