

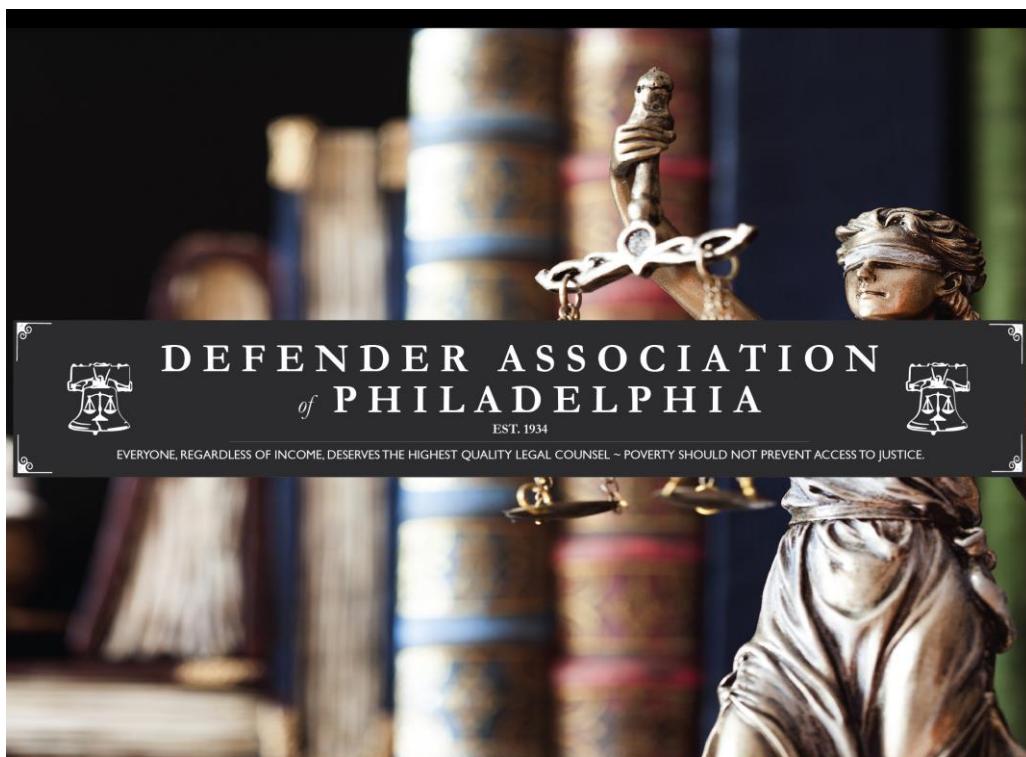
DEFENDER ASSOCIATION OF PHILADELPHIA

Philadelphia City Council Budget Testimony

FISCAL YEAR 2018

Keir Bradford-Grey, Chief Defender

5/3/2017



INTRODUCTION

Good Afternoon, Council President Clark and esteemed Members of City Council. My name is Keir Bradford-Grey and I am the Chief Defender for the Defender Association of Philadelphia. I come here to you today to present testimony in support of the Defender Association's Fiscal Year 2018 budget appropriation. With me today are James McHugh, First Assistant Defender and Kristen Muhl, Chief Financial Officer.

I am really grateful to have the opportunity to serve as the Chief Defender of the Defender Association of Philadelphia. It's a true honor to be the executive director of a nationally recognized organization that has produced some of Philadelphia's finest leaders. Many of the Defender Alumni have gone on to serve in some very prominent positions. They are members of our Judiciary at both State and Federal levels, and they are partners in major law firms in the City of Philadelphia. We even have an alumna that was appointed under the Obama administration to serve as the Department of Justice's top expert in juvenile justice. Most importantly our current staff helps shape the legal landscape throughout the state and the country. Our office has helped to improve Juvenile Justice Practice throughout the state by forming a non-profit organization called JDAP, or the Juvenile Defender Association of Pennsylvania, aimed at state-wide training on juvenile justice best practices. We are the largest criminal and child welfare agency in the state and the 5th largest in the country. As such, we are leaders in the field of trial practice and legal analysis.

Our office was an active partner in local and national work that changed the legal standards by which juveniles can be sentenced in the United States, leading to a landmark decision by the Supreme Court forcing all states to re-evaluate life without parole sentences for juveniles. Our city was tasked with providing lawyers for over 300 individuals. Our office stepped in and agreed to represent 220 of Philadelphia's juvenile lifers. Philadelphia has the highest number of Juvenile lifers than the entire state combined. Our city alone leads the nation in the number of juveniles sentenced to life without parole. This unit was developed by my First Assistant, Jim McHugh a little over a year ago. Our office gladly took on this task due to our unique expertise and knowledge. Our lawyers have been steadfast in working to develop a rapport with our clients who are housed all over the state from Graterford prison in Montgomery County to Erie PA. They work to develop an understanding of who they were when they were teenagers and who they are now some as senior citizens. Our lawyers analyze the trial transcripts to understand what the facts of the case were and the role the then juvenile played and provide information of the type of obstacles they have worked to overcome behind the walls and how they can contribute to society when they are released.

This is the type of legal analysis and constitutional expertise that the Defender Association has been traditionally been capable of and the work we will continue to do. However, given the current landscape of our criminal justice system, the Defender Association has expanded our mission to create meaningful opportunities for criminal justice reform.

THE ERA OF TRANSFORMATIONAL CRIMINAL JUSTICE REFORM

It is important that I begin this testimony by discussing the present landscape of criminal justice. The United States has less than 5% of the world's population, but almost 25% of the total prison population. A significant percentage of the more than 2 million Americans incarcerated today are nonviolent offenders. Men and women of color are far more likely to be stopped and searched by police, charged with crimes, and sentenced to longer prison terms than other citizens of our City.

As the Public Defender in Philadelphia, I have witnessed firsthand how our criminal justice system exacerbates inequality by taking people and trapping them in an endless cycle of marginalization and punishment. Our City's families torn apart by excessive incarceration, young people threatened and humiliated by racial profiling, and children growing up in homes shattered by prison and poverty. How we police our communities and the kinds of problems that we ask our criminal justice system to solve can have a profound impact on the extent of trust and significant implications for public safety.

Where there is crisis, there is also opportunity- an opportunity for real criminal justice reform that can reverse policies with negative outcomes. Our Mayor and City Council have committed to this belief through their efforts to invigorate, support, and bring about reform. We, at the Defender Association, believe that in order for such reform to be successful, we must work to strengthen the bonds of trust with our communities, advocate for non-discriminatory policing and law enforcement policies, end mass incarceration, reform our cash bail system, and ensure the successful transition of individuals from prison to home.

Criminal justice reform is not a concept limited to certain communities. All Philadelphians have an interest in living in safe and vibrant neighborhoods, in raising their children in a City of equal treatment and second chances, and in entrusting their liberty to a justice system that remains true to our highest ideals.

THE ROLE OF THE DEFENDER

In addition to our absolute commitment to excellent court room advocacy and constitutional expertise the Defender Association can offer helpful recommendations to inform and elevate efforts to improve criminal justice systems. Transforming talk into action is no small feat and the Defender is uniquely positioned to effectuate change and put policies into practice with creative, collaborative solution-driven initiatives. We are necessary partners in system reform.



EXPANDING OUR MISSION

To realize and accomplish the goals that true reform requires, we have expanded our mission by applying our expertise. Our office has traditionally fought against system abuse. We worked to tell our clients stories in the courtroom and hoped to receive a fair result for our clients. Due to many of the system imbalances we were not always able to achieve a just result. Our office's focus was primarily to train lawyers to become great trial lawyers. Now we train our lawyers to be great advocates. Not just at trial, but both pretrial and post-trial. We work to offer prevention strategies and policy advocacy.

We are using data to help inform us about trends and patterns of our justice system. Data helps us make the best decisions on how to use our resources and helps to shape our priorities. Our lawyers are now multi-dimensional, which is what 21st century defending calls for. You have to be able to use your knowledge and access to information to be a problem solver at all stages of the client's case. As such our work has expanded to:

I: Identifying the Needs of Our Clients:

Increasing the Role of Social Workers in our Practice to Understand Root Causes

2: Advocating for Systems Change:

The Creation of Our Policy for Data-Driven Solutions

3: Untapping the Power of Our Community

Connecting, Educating, & Collaborating with our Community for Better Outcomes



IDENTIFYING THE NEEDS OF OUR CLIENTS

Problem:

Process over People- Mass Incarceration over the Understanding of Individual Needs

Strategy:

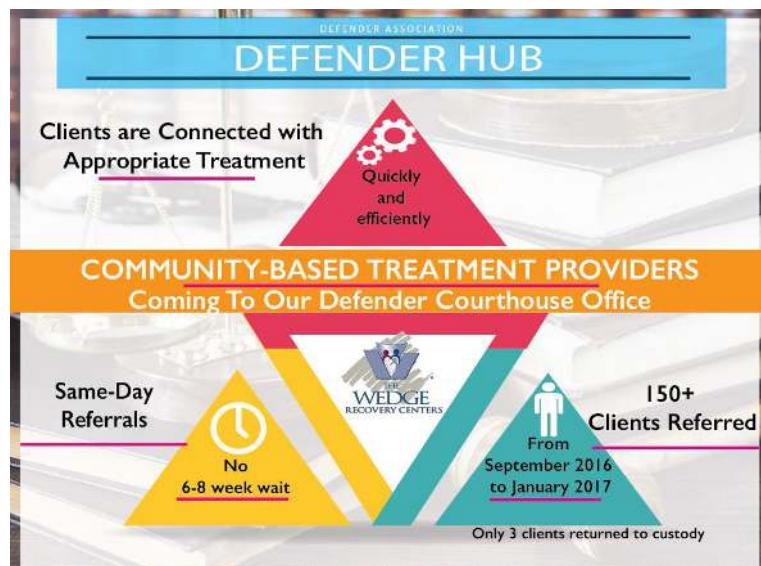
Increasing the Role of Social Workers in Our Practice in Order to Understand Root Causes

Along with expanding our mission, we have increased the role of Social Workers in our practice. Our Social Workers focus on outreach and service connection to clients at the front-end of the criminal justice system by developing community-based treatment plans so that there is quicker identification and focus on issues underlying charges, a longer connection to services & supports, and more alternatives to incarceration at early hearings. Through meeting with clients at the earliest possible point in the case, our Social Workers are creating informed defense advocacy to humanize our clients so that the decision makers (i.e. Judges) are making decisions about the person and not just the crime. Additionally, our social workers notify our clients in advance of court dates which reduces issuance of bench warrants, arrests, and detention- all savings to the City and taxpayer.

Because the Defender Association believes that how we police our communities and the kinds of problems that we ask our criminal justice system to solve can have a profound impact on the extent of trust and significant implications for public safety, we have created the following solution-driven initiatives:

The Defender HUB: Providing same-day referrals for substance abuse

On a daily basis, we represent clients with substance abuse issues that are at risk of violating probation and facing detention. The traditional, City-funded Forensic Intensive Recovery / FIR requires a 6-8 week waiting period for clients out on bail and longer for clients in custody. The extended wait can result in potential relapse, continued substance abuse, potential for reoffending, or potential for overdose and possibly death while awaiting a referral for treatment.



In FY 2017, the Defender Association created what we have named the Defender Hub, which brings Drug and Alcohol Treatment Providers into the courthouse enabling us to quickly and efficiently connect the client with the appropriate treatment. Specifically, Defender Social Workers and treatment provider, The Wedge, partner in the courthouse to provide same-day referrals to treatment with no wait time to receive treatment. From September 2016 to January 2017, 150+ clients were referred to the HUB with only 3 clients returning to custody and no 6-8 week placement wait.

Breaking the Mass Incarceration Pipeline: Violence Reduction Program

With targeted resources, our aim is to provide specialized representation and social service assistance to young adults, primarily 18-26 year olds, with no prior contact with the justice system who are charged with gun possession (but not with using the gun). These youth are at a crossroads between a life without crime and falling deep into the justice system. We have been reaching out to community partners, including CeaseFire PA, to provide mentoring and supportive services to our clients.

Donafy Smartphone App: Bridging the digital divide to share resources and break the cycle

Having grown up in abject poverty and experiencing firsthand what it means to be homeless, Nikki Johnson-Huston, Esq., founded Donafy, a free smartphone app to help less fortunate Philadelphians in need of community-based services and resources. Creating a mobile app that identifies community-based service providers that are responsive, effective, and committed is no small undertaking. This is where the Defender Association entered the partnership considering that we not only represent 70% of the people arrested in Philadelphia, but also use a defense approach that includes Social Workers. We applied our Social Workers' direct knowledge and understanding of proven community-based resources to enhance the apps resource base and effectiveness. The result, an app that went from 300 listed resources to over 1,200 that can readily connect people with the help that they need right in their our community. Now housing, food, medical care, mental health, job assistance, LGBTQ services, and civil legal support can be easily found and accessed with a few simple swipes.



ADVOCATING FOR SYSTEMS CHANGE

Problem:

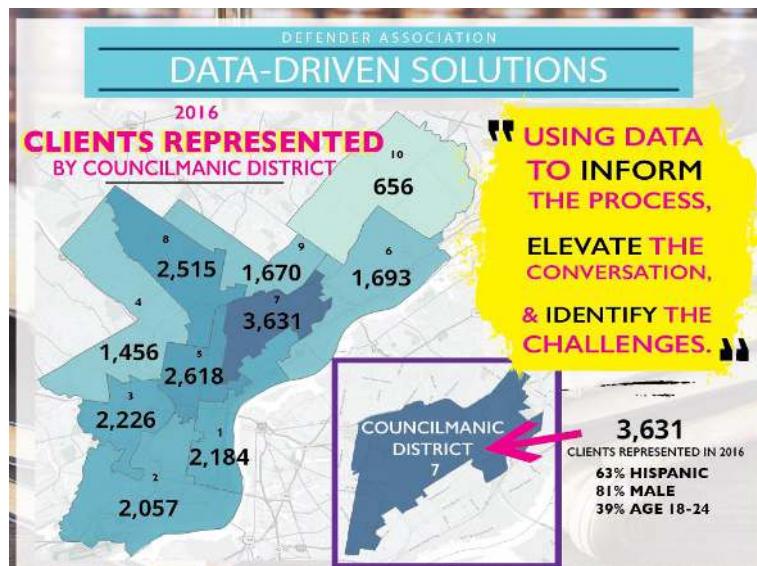
Using and Relying on Traditional Practices: Yet, Expecting Better Outcomes Strategy:

The Creation of Our Policy Unit for Data-Driven Solutions

Strategy:

The Creation of Our Policy Unit for Data-Driven Solutions

We share our knowledge and expertise in order to positively influence the policy decisions being made at all levels of government. We collect and use data to inform the process, elevate the conversation, and identify quality of life issues and challenges that are unique to specific council districts within our City.



By addressing the underlying factors that lead people into the criminal justice system, we enhance the lives of our clients, reduce reoffending, improve public safety, and save our City money. In all aspects of the criminal justice system, I think we can all agree that we share the common goals of: promoting public safety, creating a fundamentally fair system, and fostering a system that can be cost effective with our limited dollars. Our Policy Unit helped us to take a look at best practices and understand the effective use of representation.

Pretrial Advocate Pilot Program: Informed Defense Advocacy Prior to a Release Decision

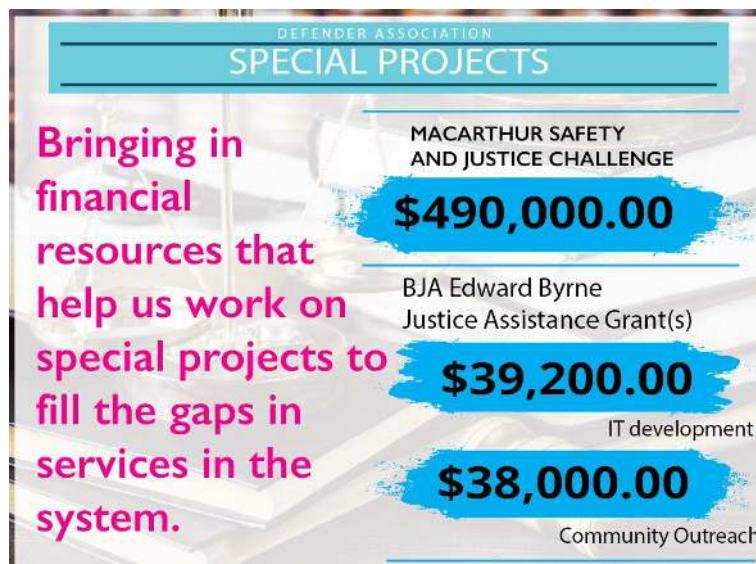
This program is funded as part of the MacArthur Safety and Justice Challenge. It provides meaningful representation for clients at preliminary arraignment. Before individuals appear before the Bail Magistrate at police headquarters, they have an in-person interview with our Defender Bail Advocate to

collect bail equity information and explain the arraignment process. Follow-up work is done after the interview to help ensure release (such as verifying employment, contacting family members, confirming housing, etc.); relevant information is then conveyed to the attorney. The goal is to spread this service to other police districts throughout the City.

Bringing in Resources to Work on Special Projects

We also bring in financial resources that help us work on special projects to fill the gaps in services in the system. With regard to our adult system work, we recently received \$500,000.00+ in grant funding to expand our services. This includes the following projects:

- The MacArthur Safety and Justice Challenge in the amount of \$490,000 over the course of three years. This includes representation to decrease the number of people held in jail pretrial, a social worker at the jail to identify individuals with serious mental illness and provide linkages to supportive services, and increasing the number of parole plans we create to ensure people are successful on supervision upon release from jail.
- The BJA Edward Byrne Justice Assistance Grant(s)
 - \$39,200.00 (one year) for information technology/ IT development
 - \$38,000.00 (one year) for the Community Outreach Coordinator project, designed to increase community collaboration, identify community needs, and ensure families of those incarcerated are supported and understand the process.



UNTAPPING THE POWER OF OUR COMMUNITY

The Problem:

Having the Conversation on Criminal Justice Reform without those that Are Closest to the Problem and See it Every Day on the Streets

Our Strategy:

Connecting, Educating, & Collaborating with our Community for Better Outcomes

It is the Defender Association's philosophy that collaboration amongst criminal justice stakeholders is the key to reform and critical to increasing positive life outcomes beyond court cases. To that end, we do the heavy lifting to coach our clients throughout the court process, make partnerships function, and guide diversionary program outcomes toward success- money well spent is money well saved.

We also directly collaborate with community service organizations to enlarge the scope of services and support delivered to our clients with respect to social services, reentry support, rehabilitation programs, incarceration avoidance, and educational resources. Here are just a few examples:

"Back on Track Philly Girls" Partnership with Big Brothers Big Sisters

On average, 1 in 5 juveniles will return to the justice system within one year of their first contact with law enforcement. And because the Defender Association and Big Brothers Big Sisters share the common belief that every child should have the ability to succeed and thrive in life, we have forged a unique partnership with Big Brothers Big Sisters to help first-time female offenders in the juvenile justice system improve their lives. It pairs female youth between the ages of 11 and 18, who have committed minor offenses, with specially trained volunteer adult mentors from Big Brothers Big Sisters of Southeastern PA.



These mentoring matches meet at least three times a month for at least a year and participate in activities they both enjoy. Youth in the program gain a positive role model and advocate, which are two critical pieces in preventing a return to the justice system. This partnership between Big Brother Big Sister and the Defender Association is made possible through the generous support of the Pennsylvania Commission on Crime and Delinquency/ PCCD via a \$150,000.00 grant. The partnership aims to save the City thousands of dollars in incarceration costs, but more importantly, save a generation of Philadelphia's girls.

Working with the City Council Criminal Justice Reform Committee

Our office, along with Council President, Darrell Clark, the City Council Criminal Justice Reform Committee, with Co-Chair Councilman Curtis Jones, Jr. have been working together to advance criminal justice reform. This work on the local level is critical given the national landscape.

Working with the Reentry Think Tank

In terms of quality of service, our work with the Reentry Think Tank, a group of formerly incarcerated individuals, has enabled us to learn from those with lived experience how to better serve our clients moving through the system, and develop tools and resources to ensure people are respected and supported. By knowing our clients and their communities better, we can provide individualized, humanizing, information to the courts to address disparities and ensure people feel they have been treated fairly.



Bringing our Legal Expertise to the Streets through Community Engagement

Working toward the elimination of barriers attached to arrests & convictions by providing resource tables, educational sessions, and expungement clinics at local community events throughout the City's recreational centers, parks, churches, and schools.



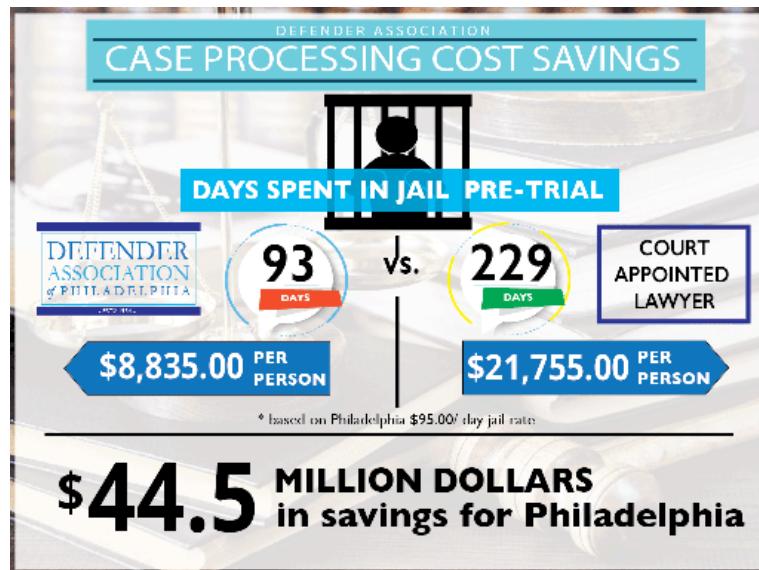
SAVINGS TO THE CITY AND TAXPAYERS MONEY

In the past year, we have worked tirelessly to improve the quality of legal services that we deliver to our clients. We have focused on expanding our representation to an earlier stage in the process to reduce the number of our clients in custody, jumpstart our representation, and provide more meaningful support and services to our clients. These improvements have resulted in substantial cost savings to the City.

We prioritize cases where someone is incarcerated to ensure people don't unnecessarily languish behind bars, using up costly prison bed days. Based on a snapshot of the jail population taken for the MacArthur Safety and Justice Challenge, we begin to see the dramatic cost savings we provide. Individuals represented by private court appointed lawyers had been in jail awaiting trial for 229 days, while our Defender clients were in custody for only 93 days. This translates to a savings of more than \$11,000 per client.

Since the snapshot provides only information on those in jail on one date, we used a full set of data from a previous year to calculate cost savings. We looked at a year's worth of data to compare individuals charged with the exact same offenses and with the same records. We compared the length of time

individuals stayed in jail awaiting their cases when one person had the Defender, and another had a court appointed attorney. We cut jail wait time by more than 1/3 for 11,700 clients, and saved the city of Philadelphia \$44.5 million dollars in pretrial jail costs alone.

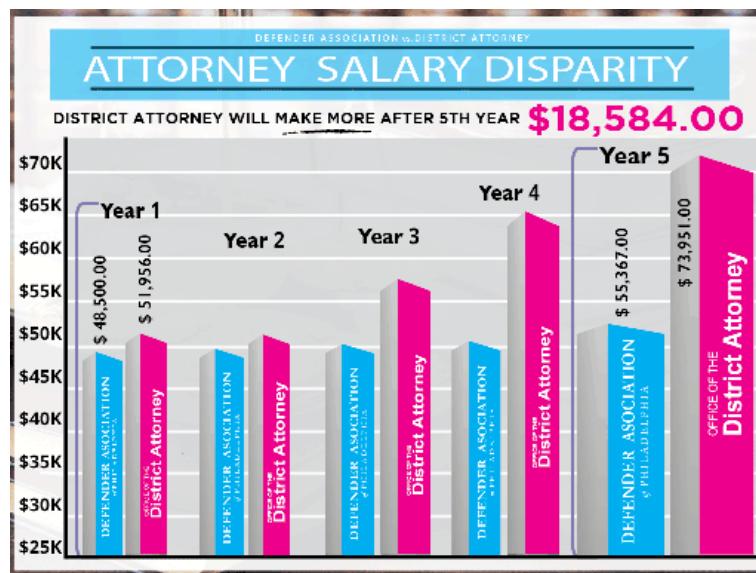


Another way that our office works to cut down on the cost of jail is through reentry advocacy. When Judges deem individuals with low-level offenses eligible for parole, our Reentry Sentencing Unit develops *individualized* reentry plans and files petitions that significantly reduce wait times in prison and save tax payer dollars. In 2016, we saved the City approximately \$7.08 million dollars by saving 74,529 days in jail costs through filing early parole petitions for 1,640 individuals and having 90% of those petitions granted.

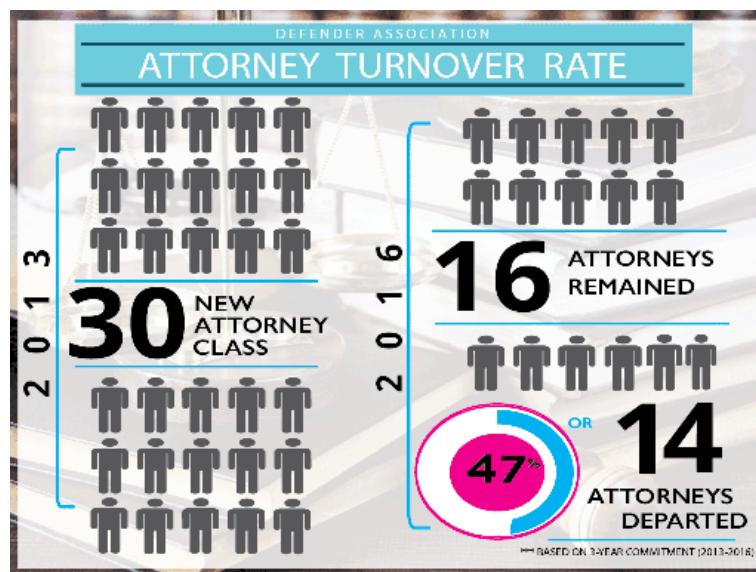


PAY PARITY FOR THE DEFENDER ASSOCIATION EQUALS SAVINGS TO THE CITY

A Public Defender in Philadelphia starting salary is \$48,500.00 and a District Attorney starts at \$51,956.00; a \$3,456.00 disparity. After 5 years, a Defender will make \$55,367.00 and a DA will make roughly \$73,951.00; a disparity of over \$18,584.00. Meaning that a Defender will see a salary increase of \$6,867.00 after 5 years and a DA will see an increase of \$21,995.00.



We provide nationally-recognized extensive, expert training and supervision in the first 3 years of a new Defender's employment. When taking a look at a class of 30 attorneys that we recruited in 2013, by the end of their 3-year of commitment in 2016, approx. 47% or 14 attorneys had left our office. This means that out of 30 attorneys after 3 years, only 16 remained. It is critical that after the 3rd year that we retain our attorneys in order to gain a return on our training investment.



Furthermore, in comparison to other Public Defender's offices in major cities, our first Defender Association attorneys make significantly less than Public Defenders in cities such as Denver, Atlanta, Chicago, Nashville, Omaha, Dayton, or Providence.



Additionally, our attorneys do not receive a City pension- they are offered participation in a 403(b) program. However, this requires the employee to contribute in order to receive a contribution from the office; no contribution equals no retirement.

Given the current climate of the Federal Government and the Department of Justice it is clear that reform must be pursued locally. In the Defender Association, you have a partner in the community that is ready, willing, and able to deliver on meaningful and enduring criminal justice reform. A strong, well-resourced Defender will use an array of tools and avenues that will make the criminal justice system smarter, fairer, and more effective at keeping our community safe. I want to end by thanking you, Members of Council, for leading the fight in criminal justice reform. I, as the Chief Defender, look forward to working with you in the upcoming year to meet these challenges.

