

**DISTRICT ATTORNEY  
FISCAL YEAR 2019 BUDGET TESTIMONY  
APRIL 24, 2018**

**INTRODUCTION**

Good morning, ladies and gentlemen of Philadelphia City Council. Thank you Council President Clarke for the opportunity to present testimony on the District Attorney's Office's Fiscal Year 2019 Budget Request. On a personal note, thank you all for making my transition into office a smooth one, and for making your staff available to my team as we got our footing this past January. I will be presenting an executive summary of the submitted written testimony, and look forward to answering any questions you have at the conclusion.

I am joined here today by Keith Daviston, CFO, and behind me and in the chamber are:

- Carolyn Engel Temin, First Assistant District Attorney;
- Robert Listenbee, First Assistant District Attorney;
- Arun Prabhakaran, Chief of Staff;
- Movita Johnson-Harrell, Supervisor, Victim Witness Services and Restorative Justice;
- Andrew Jenemann, Interim Supervisor of the Public Nuisance Task Force and Forfeiture;
- Chip Junod, Supervisor of Diversion Court;
- Mike Lee, Interim Supervisor of Government Affairs;
- Cecilia Madden, Assistant Director of Administration;
- Jan McDermott, Interim Supervisor, Trial Division;
- Ben Waxman, Director of Communications;
- Nancy Winkelman, Supervisor of my Law Division;
- Peter Carr, Interim Supervisor of Civil Litigation in the Law Division; and
- Ebony Wortham, Interim Director of Juvenile Justice Policy.

**DEPARTMENT MISSION & PLANS**

**Mission:** The District Attorney's Office provides a voice for the victims of crime and protects the community through zealous, ethical, and effective investigations and prosecutions.

**Plans for Fiscal Year 2019:**

The Criminal Justice movement is pushing all of us – my colleagues in this esteemed body, the Mayor, the Judiciary, the Defenders' Association, the Police, and other public safety stakeholders – to work as one to right a terrible wrong: mass incarceration. At the very same time, correcting this wrong cannot happen without addressing the reality that there are serious crimes happening in our city, jeopardizing public safety and community well-being.

We intend to make the Philadelphia District Attorney's Office the best progressive prosecutor's office in the nation. The team that we are building will be a diverse group of talented attorneys and staff able to take advantage of this once in a generation reform opportunity. They will employ modern, fair, and just prosecution models based on the best practices and thinking in the nation. We will use technology to drive our investigations and aid in our prosecution efforts.

My first priority is to focus on retention, recruitment, and training of personnel. There are many talented attorneys in our office. There are many more around this city, and across this nation who want to become public servants. My colleagues at the Defenders' Association enjoy a best in class reputation and successfully recruit some of the best attorneys nationally. Through our reforms, we are creating a similar reputation at the District Attorney's Office. These reforms will retain and attract a diverse set of the best

and the brightest lawyers to Philadelphia and encourage homegrown talent to stay and return. We need to invest in these talented attorneys. Our submitted materials show that the average male employee makes \$69,577 while the average female makes \$60,089. There are dozens of examples like this throughout the organization. My Human Resources Department is looking at everyone's salaries to create pay scales matching salaries with experience and work product, eliminate gender pay disparity, and adjusting salaries to offer the most competitive salaries we can offer. We need to train them in progressive prosecution techniques and practical trial advocacy skills. Through this focus on staffing and training, we will be able to modernize the Office's prosecutorial practices, creating policies and directives that result in fair and just outcomes in our cases.

My second priority is to increase the transparency surrounding the prosecution of crime in Philadelphia. This transparency begins internally at the District Attorney's Office as we leverage technology to understand and measure the impact of policy and procedure changes. Transparency will extend externally to the public and researchers to hold us accountable and help us improve. Advanced technologies and improved data strategies such as predictive analytics, social media feeds, data sharing and mining, will make the Office more responsive, more thoughtful, and more effective. To achieve these levels of transparency, we must invest in the following projects:

- Upgrade our servers, hardware, software, and patches for the Novell data management system so we can migrate from Novell to a Microsoft AD data management system. Currently, Novell is outdated and not compatible with many other systems. These upgrades are necessary to prepare for a full migration to Microsoft AD.
- Fix EDiscovery so we can preserve the data we have, receive new data like body camera video, expand capacity for additional data, and prevent blackout periods and the hundreds of hours our IT staff spends each month keeping this key system up and running; and
- Purchase equipment like iPads, servers, computers, IT-related accessories, and some digital investigative equipment upgrades so we can make all the other technology investments – hardware and people – count.

These priorities will work together with the following initiatives:

- Conviction Integrity Unit: Expanding this unit to a broader mission to review wrongful convictions, and to review viable claims of unfair sentences. Earlier this year, we recruited a national expert from Texas, Patricia Cummings, to redesign and lead this unit.
- Evidence Based-Approaches to Services for Victims and Witness: Developing policies that help victims and witnesses of crime through innovative evidence-based strategies. Working with the newly created Crime Victim's Advisory Committee, or CVAC, we will discuss current and available victim services, share service delivery and crime victim support best practices, and establish measurable performance standards.
- Intelligence-Driven Prosecution: Collecting and assembling data from various databases to use for informed prosecutorial decisions is almost an impossible task, so we want to create a "dashboard" where Assistant District Attorneys have real-time access to view, edit and share meaningful information related to a case including Forensic Data and crime mapping capabilities.
- Deepen Community Engagement Efforts to Build Trust with Citizens: Investing in a more robust Community Engagement unit will help this Office become a trusted institution in the community, focus on targeted programming and building strategic partnerships to establish mutual respect and address a wide array of complex public safety issues.
- Immigration Reform: Continuing to invest resources to recognize and respond to the threat of deportation in immigrant communities and its impact on community safety, which supports

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Philadelphia's commitment to being a sanctuary city. There is a dedicated Assistant District Attorney in place now to advise Assistant District Attorneys on immigration consequences, and to develop initiatives and policies to help us understand the impact our prosecutorial decisions have on immigration issues.

The Office will continue to focus on:

- Expanding our ability to continue our Training Program,
- Declining more cases,
- Diverting more people out of the criminal justice system,
- Fight fraud and corruption, and
- Expand our efforts to enhance our communication strategies and transparency initiatives.

On behalf of the entire staff of the District Attorney's Office, thank you for inviting me to testify today, and for your consideration and approval of our FY19 budget request. We look forward to continuing to partner with this Council and all other Criminal Justice stakeholders on criminal justice reform.

**BUDGET SUMMARY & OTHER BUDGET DRIVERS**

<b>Staff Demographics Summary (as of December 2017)</b>				
	Total	Minority	White	Female
Number of Full-Time Staff	568	177	391	320
Number of -Exempt Staff	451	119	332	258
Number of Executive Staff (deputy level and above)	11	3	8	5
Average Salary, Full-Time Staff	\$64,119	\$57,370	\$67,338	\$60,089
Average Salary, Exempt Staff	\$65,915	\$59,872	\$68,081	\$63,633
Average Salary, Executive Staff	\$153,976	\$163,789	\$150,297	\$156,900
Median Salary, Full-Time Staff	\$56,077	\$51,956	\$58,199	\$52,251
Median Salary, Exempt Staff	\$56,199	\$51,956	\$57,699	\$55,478
Median Salary, Executive Staff	\$163,500	\$177,868	\$156,178	\$170,000

<b>Employment Levels (as of December 2017)</b>		
	Budgeted	Filled
Number of Full-Time Positions	594	568
Number of Exempt Positions	472	451
Number of Executive Positions (deputy level and above)	14	11
Average Salary of All Full-Time Positions	\$65,297	\$64,119
Median Salary of All Full-Time Positions	\$56,199	\$56,077

Note: Staffing numbers include all funding sources.

<b>General Fund Financial Summary by Class</b>						
	FY17 Original Appropriations	FY17 Actual Obligations	FY18 Original Appropriations	FY18 Estimated Obligations	FY19 Proposed Appropriations	Difference: FY19-FY18
Class 100 - Employee Compensation	\$33,800,485	\$32,689,069	\$34,686,670	\$34,075,547	\$34,668,476	\$592,929
Class 200 - Purchase of Services	\$2,597,257	\$2,394,931	\$2,594,296	\$2,719,296	\$2,994,296	\$275,000
Class 300/400 - Materials, Supplies & Equipment	\$546,328	\$546,153	\$529,521	\$529,521	\$529,521	\$0
Class 500 - Contributions	\$0	\$627,500	\$0	\$0	\$0	\$0
	<b>\$36,944,070</b>	<b>\$36,257,653</b>	<b>\$37,810,487</b>	<b>\$37,324,364</b>	<b>\$38,192,293</b>	<b>\$867,929</b>

<b>Contracts Summary (Professional Services only)</b>						
	FY13	FY14	FY15	FY16	FY17	FY18 YTD (Q1 & Q2)
Total amount of contracts	\$1,008,157	\$1,332,992	\$1,417,457	\$1,468,761	\$1,671,457	\$1,378,551
Total amount to M/W/DSBE			\$60,000	\$60,000	\$60,000	\$35,000
Participation Rate	0%	0%	4%	4%	4%	3%

<b>Total M/W/DSBE Contract Participation Goal (Public Works; Services, Supplies &amp; Equipment; and Professional Services combined)</b>			
	FY17	FY18	FY19
M/W/DSBE Contract Participation Goal	NA	NA	NA

## **PROPOSED BUDGET OVERVIEW**

### **Proposed Funding Request:**

The proposed Fiscal Year 2019 General Fund budget totals \$38,192,293, an increase of \$867,929 over Fiscal Year 2018 estimated obligation levels. This increase is primarily due to additional financial support related to cost of hiring key personnel to implement the reformation agenda, and additional support to improve some of the outdated technology systems currently deployed in the agency.

The proposed budget includes:

- \$34,668,476 in Class 100, a \$592,929 increase over FY18. This funding will support the mandated DC33 union increases and the mandated 3.5% FOP salary increases. The FOP increase was partially offset by a deduction related to last year's FOP funding. In addition, the DAO received \$500,000 in additional support for salary related reform initiatives.
- \$2,994,269 in Class 200, a \$275,000 increase over FY18. This funding was comprised of a \$400,000 increase for technology related projects, offset by (\$125,000) reduction related to the Juvenile Life Without Parole initiative. The Juvenile Live Without Parole funding was appropriated in 2017. The DAO is requesting to transfer the remaining funds related to this effort to the FY19 budget.
- \$529,521 in Class 300/400 equated to flat funding in FY19. There was no funding increase year over year.

**STAFFING LEVELS**

The department is requesting 589 budgeted positions for FY19, a decrease of 5 positions compared with FY18. The decrease is attributed to the loss of budgeted positions related to Forfeiture funds. As the Forfeiture balances has declined, staffing has been adjusted accordingly.

**NEW HIRES**

New Hires (from 7/1/2017 to December 2017)							
	Total Number of New Hires	Bangla	Spanish	French	Chaldean	Italian	Arabic
Black or African American	6	0	0	0	0	0	0
Asian	1	1	0	0	0	0	0
Hispanic or Latino	3	0	3	1	0	0	0
White	33	0	3	1	1	1	1
Other		0	0	0	0	0	0
Total	43	1	6	2	1	1	1

New Hires (from 1/1/2018 to 4/6/2018)						
	Total Number of New Hires	Malayam	Spanish	French	Hebrew	German
Black or African American	13	0	0	0	0	1
Asian	2	1	0	0	0	0
Hispanic or Latino	3	0	1	0	0	0
White	29	0	7	2	1	0
Other	1	0	0			0
Total	48	1	8	2	1	1

**PERFORMANCE, CHALLENGES, AND INITIATIVES**

<b>Performance Measures</b>			
Measure	CY15	CY16	CY17
Median time to disposition for felony Common Pleas dockets (months)	8	7.5	7.5
Median time to disposition for misdemeanor Municipal Court dockets (months)	4.4	4.2	4.2
Percent of misdemeanor cases resolved through diversion programs	29.2%	27.6%	25.9%
Percent of cases diverted out of Charging Unit <sup>1</sup>	20%	20%	20%
Percent of felony Common Pleas cases resolved through early offer disposition in a Smart Room	19%	20%	34%

<sup>1</sup> The Charging Unit is responsible for reviewing police investigations including all available discovery, and assess incoming cases for criminal charges. The unit identifies cases for early diversion, handles arraignments, and argues conditions of bail.

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**OTHER BUDGETARY IMPACTS**

**Federal and State (Where Applicable)**

N/A



**CONTRACTING EXPERIENCE**

<b>M/W/DSBE Participation on Large Professional Services Contracts</b>											
<b>Top Five Largest Contracts, FY18</b>											
Vendor Name	Service Provided	Dollar Amount of Contract	RFP Issue Date	Contract Start Date	Ranges in RFP	% of M/W/DSBE Participation Achieved	\$ Value of M/W/DSBE Participation	Total % Participation - All DSBES	Total \$ Value Participation - All DSBES	Local Business (principal place of business located within City limits) [yes / no]	Waiver for Living Wage Compliance? [yes / no]
Drugscan, Inc.	Testimonial services related to blood/urine analysis	\$210,000	NA	7/1/2017	MBE:		\$0	0%	\$0	No	No
					WBE:		\$0				
					DSBE:		\$0				
GRM Information Management Services	File storage and management services	\$150,000	NA	7/1/2017	MBE:		\$0	0%	\$0	Yes	No
					WBE:		\$0				
					DSBE:		\$0				
Lyta Corp. DBA Best Transit (MWBE Certified)	Performs shuttle passenger operations to/from Traffic Court	\$70,000	NA	7/1/2017	MBE:	100%	\$70,000	100%	\$70,000	Yes	No
					WBE:		\$0				
					DSBE:		\$0				
IQ Business Group	Technology Consultant for ediscovery and case management system	\$58,500	NA	7/1/2017	MBE:		\$0	0%	\$0	No	No
					WBE:		\$0				
					DSBE:		\$0				
Stellar Services, Inc. (Currently under contract, awaiting conformance, to replace IQ Business Group)	Technology Consultant for ediscovery and case management system (MBE Certified)	\$200,000	11/27/2017	4/2/2018	MBE: 0	100%	\$200,000	100%	\$200,000	No	No
					WBE: 0		\$0				
					DSBE: 0		\$0				

<b>Non-Profit Vendor Demographics</b>		
<b>Center City Crime Victim Services</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	60.00%	80.00%
Executive	0.00%	100.00%
Board	57.10%	71.40%
<b>Council of Spanish Speaking Org.</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	100.00%	81.80%
Executive	100.00%	83.30%
Board	100.00%	44.40%
<b>Families of Murder Victims - AVP</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	60.00%	73.30%
Executive	33.30%	100.00%
Board	25.00%	37.50%
<b>JEVS Human Services</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	76.00%	68.00%
Executive	11.76%	58.82%
Board	4.00%	32.00%
<b>Northeast Victim Services</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	25.00%	100.00%
Executive	0.00%	100.00%
Board	0.00%	33.30%
<b>North Central Victim Services</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	100.00%	75.00%
Executive	100.00%	0.00%
Board	66.70%	50.00%
<b>Northwest Victim Services</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	100.00%	100.00%
Executive	100.00%	100.00%
Board	76.90%	53.80%
<b>Support Center for Child Advocates</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	17.50%	92.50%
Executive	0.00%	0.00%
Board	15.60%	53.10%
<b>Victim Services of South Philadelphia</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	100.00%	42.90%
Executive	0.00%	100.00%
Board	55.60%	44.40%
<b>West/Southwest Victim Service-AVP</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	60.00%	73.30%
Executive	33.30%	100.00%
Board	25.00%	37.50%
<b>Women Against Abuse</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	70.20%	83.90%
Executive	27.30%	100.00%
Board	28.00%	84.00%

**EMPLOYEE DATA**

<b>Staff Demographics (as of December 2017)</b>					
<b>Full-Time Staff</b>			<b>Executive Staff</b>		
	Male	Female		Male	Female
	African-American	African-American		African-American	African-American
<i>Total</i>	45	78	<i>Total</i>	0	2
<i>% of Total</i>	8%	14%	<i>% of Total</i>	0%	18%
<i>Average Salary</i>	\$60,114	\$51,435	<i>Average Salary</i>	N/A	\$163,934
<i>Median Salary</i>	\$51,956	\$42,557	<i>Median Salary</i>	N/A	\$163,934
	White	White		White	White
<i>Total</i>	189	202	<i>Total</i>	5	3
<i>% of Total</i>	33%	36%	<i>% of Total</i>	45%	27%
<i>Average Salary</i>	\$71,847	\$63,119	<i>Average Salary</i>	\$149,148	\$152,210
<i>Median Salary</i>	\$62,589	\$53,779	<i>Median Salary</i>	\$142,356	\$170,000
	Hispanic	Hispanic		Hispanic	Hispanic
<i>Total</i>	7	18	<i>Total</i>	1	0
<i>% of Total</i>	1%	3%	<i>% of Total</i>	9%	0%
<i>Average Salary</i>	\$93,655	\$61,918	<i>Average Salary</i>	\$163,500	N/A
<i>Median Salary</i>	\$77,870	\$59,394	<i>Median Salary</i>	\$163,500	N/A
	Asian	Asian		Asian	Asian
<i>Total</i>	5	17	<i>Total</i>	0	0
<i>% of Total</i>	1%	3%	<i>% of Total</i>	0%	0%
<i>Average Salary</i>	\$45,581	\$66,198	<i>Average Salary</i>	N/A	N/A
<i>Median Salary</i>	\$40,020	\$60,725	<i>Median Salary</i>	N/A	N/A
	Other	Other		Other	Other
<i>Total</i>	2	5	<i>Total</i>	0	0
<i>% of Total</i>	0%	1%	<i>% of Total</i>	0%	0%
<i>Average Salary</i>	\$43,689	\$45,343	<i>Average Salary</i>	N/A	N/A
<i>Median Salary</i>	\$43,689	\$51,956	<i>Median Salary</i>	N/A	N/A
	Bilingual	Bilingual		Bilingual	Bilingual
<i>Total</i>	14	33	<i>Total</i>	1	0
<i>% of Total</i>	2%	6%	<i>% of Total</i>	9%	0%
<i>Average Salary</i>	\$65,015	\$55,679	<i>Average Salary</i>	\$163,500	\$0
<i>Median Salary</i>	\$51,956	\$51,956	<i>Median Salary</i>	\$163,500	\$0
	Male	Female		Male	Female
<i>Total</i>	248	320	<i>Total</i>	6	5
<i>% of Total</i>	44%	56%	<i>% of Total</i>	55%	45%
<i>Average Salary</i>	\$69,577	\$60,089	<i>Average Salary</i>	\$151,540	\$156,900
<i>Median Salary</i>	\$61,089	\$52,251	<i>Median Salary</i>	\$152,928	\$170,000

## **LANGUAGE ACCESS**

**1) Has your leadership received language access training?**

No, a training is planned for later this fiscal year.

**2) Do you currently have a language access coordinator?**

No, a language plan is being developed in partnership with the Office of Immigrant Affairs.

**3) Has your department written a language access plan and is it posted online?**

No, a language plan is being developed in partnership with the Office of Immigrant Affairs.

**4) Explain what your departments has done to improve language access services over the past year.**

In partnership with the Office of Immigrant Affairs, the District Attorney's Office is developing a language access plan for all staff. The Office of Immigrant Affairs held a training for staff on April 13, 2018, and we are planning additional trainings.