

## Introduction

Good afternoon, Members of City Council. My name is Keir Bradford-Grey, Chief Defender of the Defender Association of Philadelphia and I am honored to present our budget for Fiscal Year 2020 appropriation. I am here with Carolyn Jester, our Chief Financial Officer and Jim McHugh, the First Assistant Defender. It has been a pleasure to work on behalf of the City of Philadelphia to provide not only the constitutionally mandated legal representation but also to advance meaningful justice reform that reflects the goals of our city. The three pillars of justice reform--to better use taxpayer dollars, to craft a system that is fundamentally fair, and to promote public safety--require looking beyond the traditional tools of a purely punitive system to one that represents justice in its many forms--legal justice, economic justice, racial justice, and social justice. That is what we are doing every day at the Defender Association.

We take our responsibilities to the city and the community very seriously and remain committed to first-rate advocacy - the cornerstone of the Defender Association since its founding in 1934. We employ rigorous training for our lawyers, social workers, and support staff to provide high-quality, client-centered representation. However, the realities of mass incarceration, perpetuated by decades of "tough on crime" policies, have made it clear that our organization and our city must advance fundamental reforms that reflect what a truly just system looks like: a system that does not trap a group of people--disproportionately poor and non-white--in a continuous cycle of poverty, a system that rehabilitates rather than devastates, a system that involves the community's conception of justice. The Defender Association is key to reversing the tide of mass incarceration, the greatest civil rights issue of our generation.



We play an essential role in reimagining our justice system because we are the sole defenders of people who bear the crushing burden of an unjust system. As we push for more ambitious reforms, it has become clear that improvements to our justice system have not and will not erode public safety. In addition to our work with stakeholders to craft better policies, the Defender Association is key to ensuring that these policies translate into better outcomes for the thousands of clients we represent. Last year, our office represented thousands of clients, including 26,554 adult criminal cases, 1,578 juvenile criminal cases and 3,687 child welfare cases. We also represented clients on 15,850 alleged violations of probation, a total of 47,714 cases. Philadelphia residents rely on our services, and our interdisciplinary team approach not only supports better legal outcomes but addresses social challenges by connecting people with community-based supports.

Our representation of tens of thousands of cases each year gives us a unique understanding of the criminal justice system’s impact on people, families, and communities. As defense counsel, we maintain detailed records about our clients that other stakeholders simply cannot have. This information provides extensive institutional memory that we apply in our practice to develop policies and strategies to achieve meaningful reform.

### **Addressing the Drivers of Mass Incarceration**

Our practice has shown that the many challenges our clients face and the many flaws in a system defined by mass incarceration require us to look beyond courtroom advocacy to advance fundamental system reform. What follows is an explanation of the understanding and strategies we have developed, both for individual clients and for the

system at large, to ensure that our system embodies the three pillars of justice reform while integrating the voice of the community every step of the way. We prioritized our policy goals by identifying the main drivers of mass incarceration in our city: our pretrial process and our probation and parole system. The Defender Association is redesigning the pretrial process for our clients with a focus on early intervention and connection to community supports coupled with an overhaul of a pretrial system that continues to rely on wealth-based detention.

## Drivers of Mass Incarceration

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### Pretrial



Cash bail punishes people in poverty and exacerbates racial disparities in the criminal justice system

19.5% of Philadelphia's jail population are people who cannot afford to pay cash bail

### Probation & Parole



1 in 22 Philadelphians are on supervision

54.6% of Philadelphia's jail population has a probation or parole detainer

## Pre-Entry

We recognize that in order to successfully reduce our jail population, we cannot be narrowly focused on bringing our clients home; we must address the many obstacles they face and work collaboratively to help people overcome them. As partners in the MacArthur Safety and Justice Challenge, we have filled a necessary gap and shifted our model to use a holistic and community approach to support those who had cash bail set on low level cases, focusing on those with social service needs on the front end.

We understand that waiting until “re-entry” to work with people impacted by the justice system does everyone a disservice. People who are released after 30 days come out of jail much more desperate. Our new pre-entry program uses advocates to transform a person’s experience by creating supportive interventions and building trusting relationships early. Pre-Entry advocates help clients overcome the trauma and turmoil of arrests and incarceration and support pretrial compliance and success. They use a collaborative approach to support clients by working with them to obtain ID, benefits, employment, starting treatment and education programs, and finding community support. They ensure clients understand all of the pretrial instructions that can be filled with legal-ese and confusing information.

**Pre-Entry**

**Pre-Entry Advocate Process**

Work with clients to obtain:

- ID
- Benefits
- Employment
- Substance abuse treatment
- Mental health treatment
- Community support

**Three Months of Excellent Outcomes**

**101 Clients serviced**

- 9 out of 10 of clients showed up to court
- 3 out of 4 actively followed their release plans, showed up for court, and stayed arrest-free, leading to better outcomes

**Example:** After a recent client interview, a Pre-Entry Advocate helped the client apply for insurance and find free-of-charge drug and alcohol treatment and anger management classes. At the next court hearing, the Pre-Entry Advocate confirmed the client's participation in these programs, leading **the prosecution to withdraw charges.**

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## Pre-Entry Coalition

In order to make this pre-entry vision a reality, community organizations willing to support people and help them navigate the pretrial process must step up. We have teamed up with a host of community service programmers to create a pre-entry coalition.

**Pre-Entry Coalition Community Providers**

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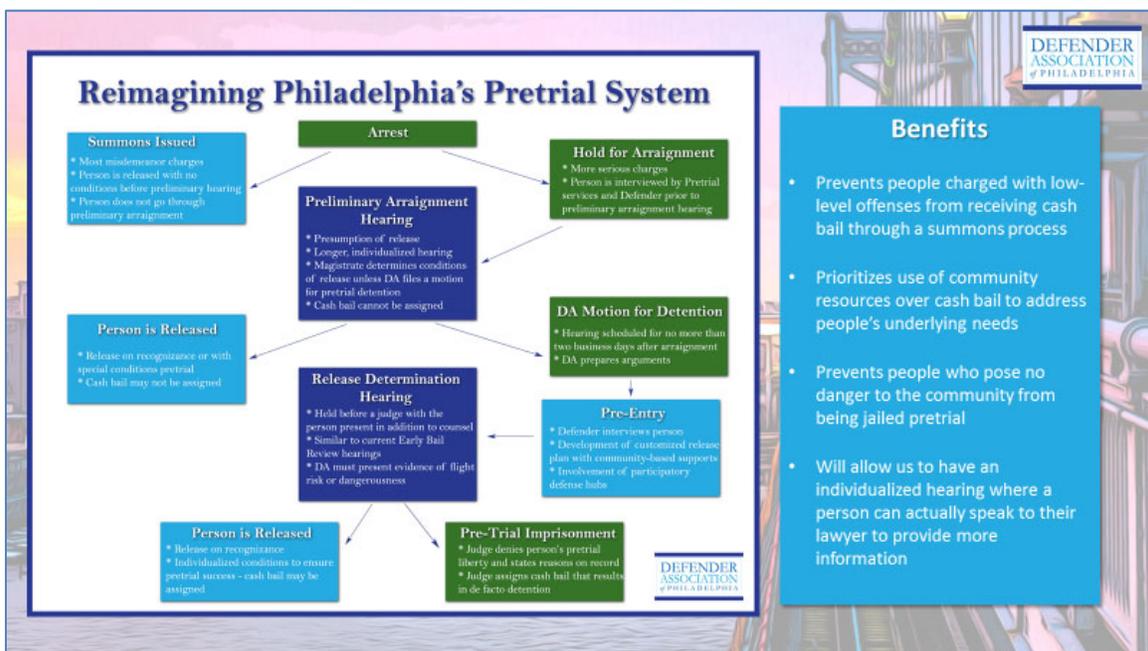
- Treatment**
  - JJPI
  - COMHAR
  - Wedge Recover Centers
  - Centers for Excellence
  - Mental Health Partnership
  - Asociación Puertorriqueños en Marcha
  - Northeast Treatment Centers
  - Prevention Point
  - Casa De Consejeria
  - Congreso
  - Merakey
  - PHMC
- Housing**
  - Valley Youth House
  - Why Not Prosper
  - Stop and Surrender
  - One Day At A Time
- ID**
  - Impact Services
  - Municipal ID
- Education**
  - My Place
  - Philadelphia Technical Training Institute
- Jobs**
  - Opportunities Industrialization Center
  - Trinity
  - Phila Unemployment Project
  - Baker Industries
  - Uplift Solutions
  - Impact Services
  - Philly Auto & Parole
  - MenzFit
- Support**
  - Participatory Defense Hubs
  - Action Wellness: ReLink
  - Broad Street Ministries
  - Project DAD
  - Institute for Community Justice
  - People Paper Co-Op
  - Mothers in Charge
  - Community Bail Fund
  - FrontLine Dads

The members of the pre-entry coalition, many of whom work in the re-entry arena, understand the wisdom of working with people on the front end while they still have some support systems rather than working with them to rebuild and repair their lives after a period of incarceration. Coalition members have worked to hold people accountable for making their appointments and creating goals so they aren't re-arrested during their pretrial release.

## The Defender's Vision for A New Pretrial system

The work of our pre-entry advocates and growing coalition is revolutionary, but to achieve meaningful reform, the pretrial legal system must also be reimagined. Our current system of cash bail needlessly incarcerates, it punishes people simply for being poor, it prevents individualized determinations of a person's needs, and it is rife with racial disparities.

With these goals in mind, we are proud to present our new vision for Philadelphia's pretrial system, one that promotes public safety and saves money while ensuring fundamental fairness. This system allows for individualized determinations and ends the practice of incarcerating people simply because they cannot afford bail. It provides more time for hearings so we can understand each person's unique situation and ensure pretrial success. There are many talented people who worked on this plan but I want to send a special note of appreciation to Aaron Marcus, one of our appellate attorneys and Aaron Siegel, our policy and data analyst. They combed through the state and local rules of criminal procedure to identify rule changes to make this vision a reality in Philadelphia and to serve as a model for the rest of the state.



In addition to analyzing the rules and statutes, we researched the different state models of no cash bail systems to design a system that reflects and incorporates best practices from around the country. We drafted proposed rule changes to expedite implementation of a finalized plan and presented this system to the First Judicial District and District Attorney's Office for their careful consideration.



### It's time to move forward

Meaningful bail reform is a critical piece of changing the culture of mass incarceration and is the best way to reduce racial disparities that plague the justice process. Statistics show that minorities are five times more likely to be held pretrial in a system that relies on cash bail, more likely to receive higher cash bail, and are more likely to plead guilty in exchange for release from jail onto probation.

We know that fear and race were - and still are - at the core of decision making, especially pretrial. Mitigating this bias requires us to humanize every person who goes through the pretrial process. Our reimagined system involves more than the two minutes we currently have for a bail hearing and much more information, allowing bail magistrates to make individualized determinations as to whether a person should be in or out of jail. Most importantly, we would ultimately spare more people the burden of being branded with a lifetime criminal conviction simply because they were too poor to pay for their freedom.

Working on the criminal justice reform committee formed by Council President Darrell Clarke and co-chaired by Councilperson Curtis Jones and myself has allowed us to explore the other states that have ended the use of a cash bail system and these policies' promising results. DC has used a no cash bail system for decades and has

reported great benefits, including reallocating funds to community programs which allowed them to hire people in the communities where the justice system has its largest impact. Santa Clara County, California, works with community groups to support its pretrial system and has seen unprecedented rates of people appearing for court and avoiding re-arrest.

Philadelphia must join the growing list of places that embrace bail reform. We know that this important work is incomplete without understanding the role the Defender Association plays in this process: we humanize our clients, we connect them to community-based supports, and we defend them against a system designed to trap them in a cycle of poverty and incarceration.

### **Fighting Mass Incarceration Through Probation and Parole Reform**

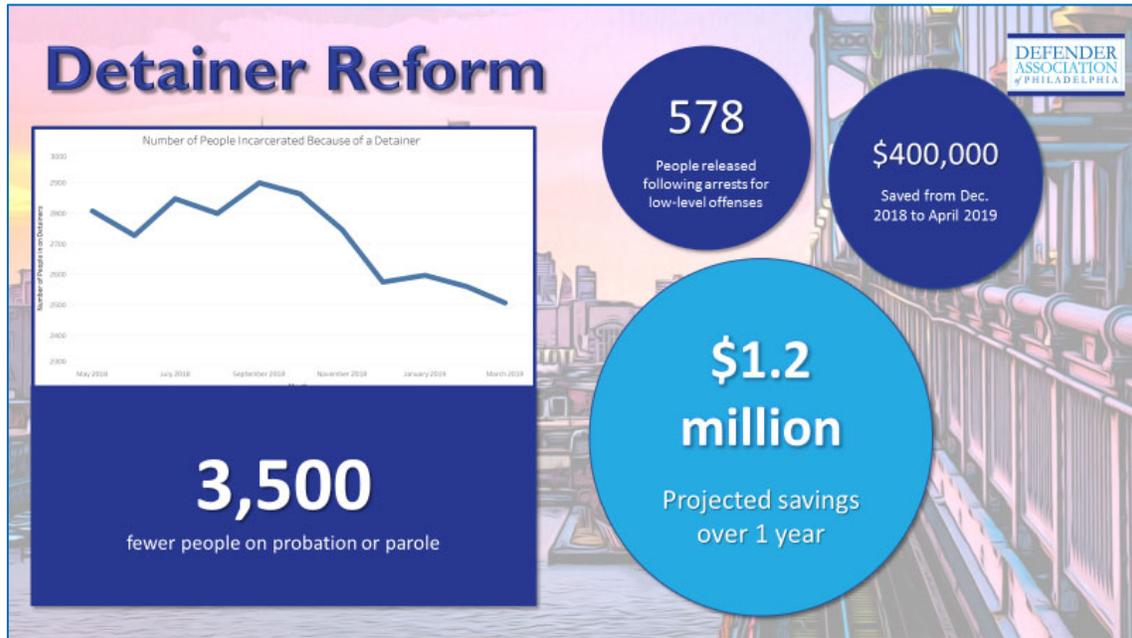
Another major driver of mass incarceration, increasingly referred to as “mass supervision,” is the vast number of Philadelphians who are on probation and parole. One out of every 22 adults in Philadelphia is supervised, often for extremely long periods of time, which earns Philadelphia the ignominious distinction of being one of the most heavily supervised cities in the country. Research has shown that after the first year, unnecessary supervision can prevent, rather than support, people getting back on their feet and contributing to their community. People who allegedly violate the conditions of their supervision, even for minor infractions, can be incarcerated with no opportunity for release. While Meek Mill’s case brought much attention to this issue and he was ultimately released, hundreds of people remain in our city’s jails because of alleged violations of supervision with no opportunity for release.

### **The Defender’s Work to Advance Detainer Reform**

Addressing “mass supervision” must include efforts of enabling our clients to be successful while on probation and parole and not incarcerating them again for minor issues while trying to get back on their feet. In 2017, [we sent the FJD a letter](#) outlining why they should follow the existing rules of criminal procedure to ensure our client’s due process rights were honored. After a collaborative process with the FJD, the FJD has changed its process regarding detainers. Since December, as a result of our careful preparation and zealous advocacy, 578 people who would have been held in jail because of an arrest for a low-level charge have been released and connected to services, which translates to an annualized savings of over \$1.2 million.

The clients whose detainers were lifted are showing up to court: their appearance rate is over 96%. This illustrates an underlying philosophy of our approach: with proper supports, people, especially those with allegations of minor violations of supervision, can be successful without being incarcerated. We have also significantly increased our filing of early probation termination petitions and are now filing about 20 petitions per

week. These terminations remove unnecessary barriers to success for those who have proven a willingness and ability to reintegrate into the community.



### Early Parole Petitions

In simple terms, reducing the footprint of mass incarceration means avoiding unnecessary incarceration. Our Alternative Sentencing Unit filed more than 1,110 early parole petitions last year, 944 of which were granted. These granted petitions represent 944 people who would have needlessly sat in jail for months but instead are reintegrating into their communities. Assuming one day of incarceration costs \$120, this effort also saved the city an estimated \$6.8 million in 2018 alone.



## **The Defender's Leadership of Systemic Reform of Probation and Parole**

Our commitment to mitigating the effects of unnecessary supervision extends beyond individual client advocacy to systemic reforms. For instance, we assisted in the drafting of a statewide bill, SB14, that would limit probation terms and prohibit lengthy periods of incarceration for minor technical violations. We are also working with the District Attorney's Office and the First Judicial District to develop criteria for large-scale probation terminations for individuals who have demonstrated success and shown an ability to contribute positively to their community. Our Alternative Sentencing Unit has also leveraged relationships with various innovative programs across the city to equip clients with the tools they need to succeed after a period of incarceration or supervision.

### **Defender Efforts Achieving Meaningful Results**

These myriad initiatives have paid off; since March of 2018, approximately 500 fewer people sit in Philadelphia jails because of minor violations of supervision. This means 500 more people who can contribute to their community and work to move past their involvement with the criminal justice system. It also translates to enormous savings to the taxpayers who no longer have to pay for this unnecessary incarceration. There are approximately 3,500 fewer Philadelphians on county probation or parole than at the end of 2017, saving money and reducing unnecessary obstacles to success. We are working to advance policies to ensure that these declines in unnecessary incarceration continue even after this period of reform has passed.

### **Supporting People Re-Entering The Community**

Even after a person's period of incarceration or supervision ends, they are still branded with the mark of a criminal conviction. While the new Clean Slate law is a good start, many people remain ineligible for an expungement, and the 927 statutes in our state laws punishing people with records remain on the books. That is why we believe it is critical we help Philadelphians overcome these barriers by filing expungement petitions, pardon petitions, and record sealings. In 2018, we filed a total 4,509 expungements and sealing petitions.

We would not be able to perform this critical service without the diligent work of our administrative staff, who help clients understand the expungement process and help prepare these thousands of petitions. In an effort to expand this capacity, our motions unit is building an expungement generator to expedite this process and increase the number of expungement petitions we file each year. In addition, we collaborated with community leaders to bring expungement clinics to the community to ensure access to services in communities where information about expungements is often not available or travel to Center City is difficult.

# Helping People Overcome Barriers

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## Expungement Clinics

- 12 community expungement clinics
- Clinic partners include Councilwoman Parker, Rep. Joanna McClinton, Sen. Anthony Williams, Participatory Defense Hubs, and Community Legal Services
- Estimated 750 expungement petitions filed as a result of these events



**Helen Ubillas** @NotesFromHel

Robert Mayes was the first in line at a record expungement clinic at the Classics Hub barbershop this morning. The 29-year-old has been looking for full-time work, but as the text shows, his record is making it difficult. He's hoping he can get his record expunged.



He's hoping he can get his record expunged.

Hi Bob, unfortunately your background disqualifies you from working with that company. I have a short-term assignment starting here in Malvern for tomorrow and Friday in a warehouse. Pays \$12/hr. Are you interested?

**4,509**  
Total Expungements for 2018

## Tackling Racial Disparities in Vehicle Stop-and-Frisk

As we continue to fight the drivers of mass incarceration within the justice system, we are also working to reduce the egregious racial and ethnic disparities that plague the system by beginning at the first point of contact: policing. Because of our unique vantage point that comes with representing 70% of the Philadelphians charged with crimes each year, we are able to detect patterns in police department behavior that suggest racial profiling of certain communities.

# Reducing Racial Disparities

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**In racially diverse 14th District, Philly police target black drivers 3 times more than whites, analysis shows**

By Bobby Allyn, Maura Ewing - January 11, 2019



“The police department is using [stops for] traffic violations to invade the privacy of citizens in the hope of finding something illegal,” Defender Mike Mellon said. “People of color and neighborhoods of color are facing this intrusion at much higher rates than white people or white communities.”

Despite the increased attention paid to pedestrian stop and frisk practices, vehicle stops operate in much the same manner and are plagued by the same racial disparities. For instance, Black drivers are three times more likely to be stopped and more than twice as likely to be frisked than white drivers. We hear time and time again: what begins as a supposed broken tail light leads to questioning, a search, and rarely an arrest but almost always a degradation of police-community relations.

### **Analyzing Policing Data**

These stories from our clients and community members tell us where to look and what to look for in the citywide data that is collected. Through careful quantitative analysis, we identify patterns that exacerbate the existing disparities in the criminal justice system. We are also changing our practice to process body-worn camera footage. As the only organization that can provide an independent check on the police department, we are creating a system to adapt to the increased use of body-worn cameras. We are also ensuring we receive all the footage that is required in our cases, that all police directives around their use are being followed, and that video can be stored and reviewed in an organized manner.

Along with our scrutiny of police practices, we believe that addressing racial disparity and stemming the tide of mass incarceration must involve innovative practices to get better outcomes for our children.

### **Advancing Children and Youth Justice Reform**

Children in underserved communities that bear the brunt of harsh policing practices are not immune from the justice system, and they should not be punished simply because they were not provided the services necessary to be successful early in life. Many of the clients we see as children come to us as adult clients years later because of the traumatic and destabilizing effect an arrest can have on a child's life. By shifting from punishment to rehabilitation, we can decrease the likelihood of children involved in the juvenile justice system becoming adults involved in the adult justice system.

With this goal in mind, Leola Hardy, the new chief of our Juvenile Delinquency Unit, put this vision into action renaming the unit to better represent its mission. Our newly renamed Children and Youth Justice Unit takes a holistic approach to serving the needs of children in our system and Leola is using decades of practice and policy experience to craft an innovative approach to our work and get better outcomes for our kids.

# Better Outcomes for Kids

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## Defender Children and Youth Justice

- 1,578 juvenile criminal cases
- Supported the launch of the nation's first participatory defense hub for youth justice
- Funding for Project SUCCESS to end the school-to-prison pipeline
- Wrote the city's grant for Vera Institute assistance to end the incarceration of girls and LGBTQ youth
- Started a task force to bring kids closer to home

## Responding to Abuse at Glen Mills

- Defender incident review led to the closure of intake at Glen Mills in July 2018
- Developed home-based service plans to bring nearly every Philly kid at Glen Mills back home following closure
- Joined justice advocates to call for the closure of Glen Mills

Developing plans to bring these youth home saved

**\$670,000**

## Youth Justice in Our Communities

The Children and Youth Justice Unit is being reorganized to meet our children where they are – even literally. Attorneys and social workers now hold office hours in the community at the Kingsessing Recreation Center so that youth clients can meet with attorneys after school without having to spend extra time navigating public transportation to get to our office. The unit has partnered with Councilpersons Gym and Johnson on strategizing how best to keep kids in their homes and communities instead of going to residential placement. The unit was also instrumental in the launch and ongoing support of the nation's first participatory defense hub devoted to children and youth caught in the criminal justice system.

## Ending the School to Prison Pipeline with Project SUCCESS

A major focus of improving the lives and outcomes of children involves focusing on education. We received a state grant from the Pennsylvania Coalition for Crime and Delinquency (PCCD) for a program called Strengthening and Understanding Court-Involved Children's Education Supports & Services, or Project SUCCESS.

In 2016, educational issues such as lateness, truancy, and poor performance/behavior were cited as a primary reason for a third of juveniles sent to placement. The PCCD grant will fund the hiring of an education attorney and a case manager to problem-solve educational issues and develop plans that keep kids at home and in school, and help the Defender to develop practices to continue this model long-term.

For children and youth who are sent to placement, we specially assigned attorney Ellyn Sapper to focus on educational issues and conditions of confinement. With the help of

two fellows from Penn and Georgetown Law, we now log and prescreen videos from residential placements and compare the video with incident reports to identify concerning incidents and trends to allow us to increase our advocacy for our kids. As defense counsel, we are uniquely positioned to do this level of analysis.

### **Protecting Our Kids: Closure of Glen Mills**

This level of advocacy led to the closure of intake at the Glen Mills School last summer, when Children and Youth Justice Chief Leola Hardy became aware of possible abuse. While the availability of video from Glen Mills was very rare, the incident occurred in a part of the facility where cameras were mandated. Comparing the video to the incident report and statements showed far more severity and violence. While Glen Mills actively opposed the release of the video, the Defender worked with DHS and the probation department to close intake at Glen Mills.

When Philadelphia ended its contract with Glen Mills in early 2019, the Defender developed community-support plans to bring kids home. All but two of the children held in residential placement through the juvenile system ultimately came home, saving as much as \$670,000 in DHS payments to Glen Mills.

### **Supporting Our Girls and LGBTQ Youth**

The Children and Youth Justice Unit continues to expand its work on getting better outcomes for our kids in the coming year by working with the Vera Institute and city partners to end the incarceration of girls and LGBTQ and gender nonconforming youth, who currently do not have comparable options of community-based supports as are available to boys in the juvenile justice system. The Unit has also joined a taskforce to develop a Bloomberg-supported Juvenile Assessment Center – a trauma-informed, children-only processing center for children who have been arrested.

### **The Defender is Engaging Community to Drive Justice Reform**

Community involvement is at the heart of every aspect of criminal justice reform. For too long, our communities have been on the sidelines of these systems. Meaningful reform requires bringing the community to the table and leveraging their knowledge and perspective.

## Expanding the Revolutionary Model of Participatory Defense

**Participatory Defense**

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- Four active community hubs that hold weekly meetings
- Two new hubs in development in high-need neighborhoods
- Supported more than 55 cases in the first year
- First youth hub in the nation
- Hub clients: 100% appearance rate with no FTAs
- Only 1 new arrest (drug use)

**Youth Hub**  
Institute for Community Justice  
Tuesdays at 4:30 p.m.

**West Philly Hub**  
Kingsessing Rec Ctr  
Thursdays at 6 p.m.

**South Philly Hub**  
Circle of Hope  
Mondays at 6 p.m.

**East Outcomes Hub**  
Mothers in Charge  
Tuesdays at 6 p.m.

Philadelphia's participatory defense hubs use a process-oriented empowerment model to support people navigating the criminal justice system and help them achieve just outcomes. Over the past year, four new hubs have begun holding weekly meetings, earning Philadelphia the distinction as the only city in the country with multiple participatory defense hubs. This month, the city's and the nation's first participatory defense hub dedicated to children and youth was opened. In 2019, two additional hubs will open in North Philadelphia. The hubs have supported more than 55 cases this year, and clients achieved better outcomes with the help of trained facilitators and informed, engaged community volunteers. Weekly meetings are open to anyone in the community who needs support and provide a meaningful way for community members to support and help to hold people accountable through every stage of a case, including showing up to court. Defender attorneys and staff volunteer their time at hub meetings each week, so there is no cost to the city.

Hub clients have made 100% of their court appearances and of the cases that have closed, only one client was re-arrested for a nonviolent charge. Eight former hub clients have returned as volunteers to support others through their cases.

Philadelphia is the only city to operate more than one participatory defense hub and is a national model for success. Along with supporting people in court and during weekly meetings, participatory defense hubs are partnering with community groups to hold expungement clinics and engaging other partners to help hub participants with other issues like landlord/tenant and utility problems that often go hand-in-hand with involvement in the justice system. Hubs operate at no cost to the city.

## Defenders in the Community

Defenders understand what policies contribute to mass incarceration and are working with City Council, Justice Stakeholders – and most importantly the community – to reverse these harmful practices. We have participated in over 65 community events focused on bail reform, listening and learning from the public and sharing information to work together to make shared visions of justice a reality.

Defenders held 15 Know Your Systems trainings at community events, churches, barber shops, and other venues to educate Philadelphians on the steps of the criminal justice system and where community intervention can make a difference. We co-organized 11 expungement clinics and shared information about our services with community members at more than 20 events.



In addition to finding new ways to bring community to the table when it comes to policy reforms, we're continuing to expand our presence in the community and develop new partnerships. This year, we partnered with POWER and the Philadelphia Community Bail Fund to hold a three-part series on "Imagining Philadelphia Without Cash Bail," to foster dialogue on the need for pretrial reforms.

We've strengthened our partnership with the Players Coalition, encouraging them to focus on the devastating human costs on cash bail. Malcolm Jenkins and his colleagues worked with us to hold a Thanksgiving bailout that connected people to our pre-entry coalition members. The Eagles' newly-created Social Justice Fund further strengthened these efforts by awarding a total of \$195,000 in grants to seven pre-entry organizations.

## Building New Community Partnerships





The Players Coalition and the Eagles expanded their criminal justice reform work to focus on Pre-Entry and Ending Cash Bail

POWER partners with the Defender to 'Imagine Philadelphia Without Cash Bail' in events across the city



\$195,000

Eagles Social Justice Fund grants to Pre-Entry Coalition partners



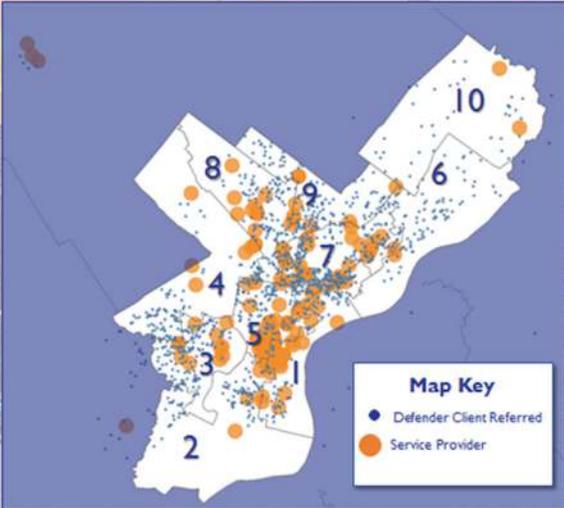


### Advancing Better Client and Community Outcomes With Social Services

The Defender Association’s team of social workers and social service advocates are the glue that connects our community partnerships to real change. These dedicated professionals meet with our clients to understand their circumstances and move mountains to connect them with resources as quickly and efficiently as possible. We have changed our practice to integrate social services into every stage of the justice process from pretrial to disposition.

## Social Service Advocates





Map Key

- Defender Client Referred
- Service Provider

Defender Social Service Team:  
**9 full-time professionals**

1,800

Client Referrals in the past year

|            |             |
|------------|-------------|
| District 7 | 361 Clients |
| District 5 | 212 Clients |
| District 8 | 184 Clients |
| District 3 | 163 Clients |

Our nine-person social service team provided referrals to 1,800 people in the last year, connecting them with more than 200 different social service providers across the city tailored to their individual needs. Social services engages with clients through the Early Bail Review program, the Defender Social Service Hub, and outreach in the Philadelphia jails.

This process gives us a unique opportunity to identify gaps in service including a lack of cultural competence. For instance, in West Philly, there are few resources that align with the needs of our Muslim clients, and in the Kensington area, there is a dearth of Spanish-speaking resources despite the large population of Hispanic clients in that area.

### Same-Day Referrals at the Defender Hub

Social workers at the Defender Hub, which connects clients to same-day services so they don't have to spend six weeks in jail waiting for a FIR referral, served 442 clients last year, representing referrals from 61 different judges. The majority of clients that are served at the Hub are facing substance abuse issues and by connecting them to services within 24 hours, clients can avoid the destabilizing effects of jail time. Connecting clients with services is not only the right thing to do, avoiding unnecessary incarceration and getting Philadelphians the help they need, it also saves the city money: an estimated savings of \$2.2 million last year alone.



These innovative solutions are made possible because of the extraordinary dedication of our support staff and social service staff. They are the ones who work tirelessly with service providers to find services that suit our clients' needs. They are the ones who prepare the petitions for early parole. They are the ones who help people reintegrate

into their community after returning from periods of incarceration. They are the ones who build a system that addresses more than just a client's charges, a system that addresses the underlying needs of our city's most vulnerable residents. And they barely make a living wage.

### **Commitment to Diversity and Inclusion**

As we work to advance meaningful criminal justice reform policies that reduce racial disparities and address the drivers of mass incarceration, we believe the continuous examination and improvement of our own policies and practices are critical to creating lasting change. The Defender has been intentional and strategic in its efforts to build a team that reflects the diversity of our city. In January 2018, we created our first position dedicated to diversity and inclusion to increase our focus on diversity in recruiting and spearhead our internal initiatives, which have included intensive implicit bias training for 100% of our staff and members of our board of directors, training on LGBTQ issues, and professional development and inclusion initiatives to retain top talent and a diverse team.

### **Retaining Highly-Trained Attorneys**

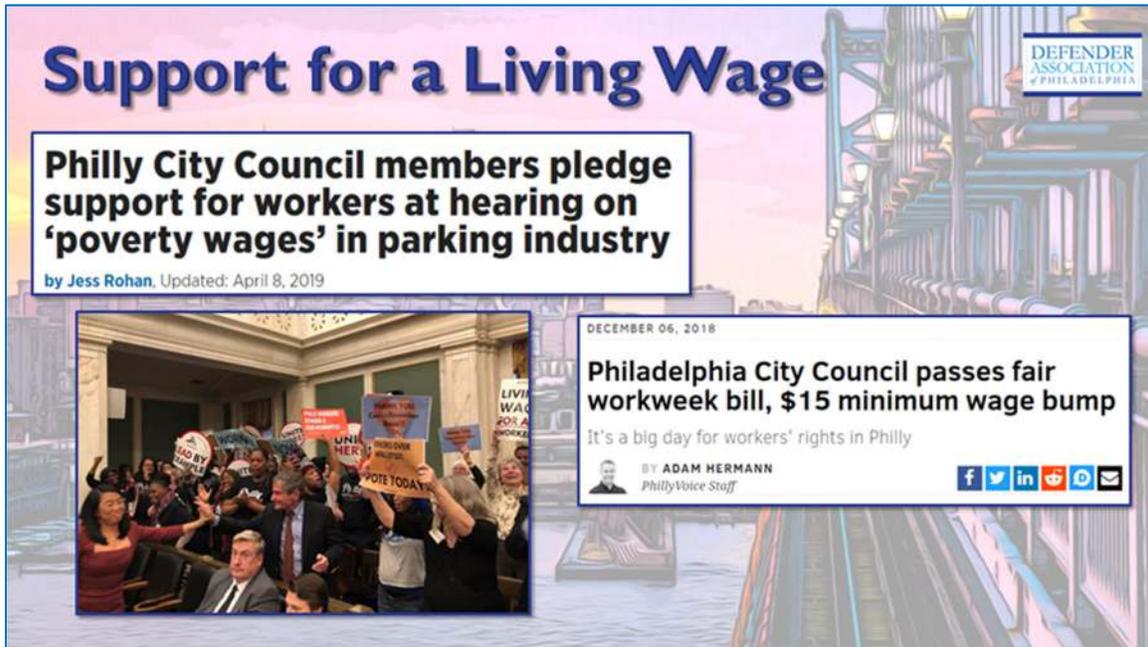
The Defender's essential role in these innovative criminal justice reform efforts can only be done with a highly-trained, committed staff. In the past two years, with City Council's assistance, we have been able to provide our clients with attorneys that are better trained and more experienced. In 2017, I appeared before you and identified a significant problem: Defender attorneys were being paid significantly less than their counterparts in the District Attorney's Office. This disparity resulted in an attrition rate after 4 years of service of 62%.

We were spending extensive time and effort to train attorneys only to see them leave for greener financial pastures. I am happy to report to you that because of your demonstrated and significant financial commitment to attorney salary parity over the last two years – we have been able to cut that attrition rate by 50%.

Your financial commitment has resulted in a fairer compensation scale that has helped us build a team of experienced lawyers who not only provide solid, high-quality legal representation but work strategically with community to collaborate on justice reform efforts that benefit our city. This important work could only happen with experienced lawyers who are not overwhelmed and are confident in their trial skills. We are grateful to serve Philadelphia in this unique way and appreciate your efforts to ensure we retain dedicated staff. But attorneys are only one part of this equation.

## A Living Wage for Our Non-Attorney Professionals

While we have worked hard to achieve parity for our lawyers, our administrative staff has been severely underpaid for far too long. The Defender Association asks for an appropriation of \$1,188,000 to provide a salary increase for our administrative staff and reflect an equitable wage that Philadelphia's working-class citizens deserve.



The Defender Association's non-attorney staff are the backbone of the organization. Our attorneys would not be able to provide the same level of high-quality, client-centered representation without a dedicated team working behind the scenes at every stage of the process. The hard work and dedication of Defender non-attorney staff cannot be overstated. And they are long overdue for a raise.

Unfortunately, too many of the Defender's non-attorney staff paychecks fall at or just below living wage calculations for our City. This is something we believe must be immediately remedied. Many non-attorney staff have second jobs to help make ends meet for themselves and their families. Twenty-five dedicated employees who have worked for the Defender for more than three decades still earn less than \$35,000 per year. They did not receive the 8.5% cost of living increase that DC-47 workers received over the last ten years

Compounding this pay gap is the fact that unlike city employees, Defender employees are not currently a part of the city's pension plan, which means they must actively set aside salary to plan for their retirement. Among the 25 employees with more than three decades of service who still earn less than \$35,000 per year, only 60 percent have been able to make contributions to the Defender's 403(b) plan.

The dedicated service of Defender investigators, mitigators, social workers, clerks, paralegals, and administrative staff ensures that the outcomes secured by our attorneys are implemented on the ground. They make sure that people get out of jail in a timely manner. They process client expungements. They remind clients of court dates and attorney interviews, and provide helpful information to clients and their families when they call or come to our offices for help. Defender non-attorney staff work hard to meet our clients where they are and offer the help they need – including people struggling with mental health issues, homelessness, or addiction. They make sure that clients and their families who do not speak English have access to an interpreter.

They are the first faces clients see when they come to our building. They are the patient voices on the other end of the telephone. They connect clients with essential social services at the front-end of the justice process and assist clients as they return to their communities following incarceration.