

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE OF THE WHOLE

Room 400, City Hall  
Philadelphia, Pennsylvania  
Wednesday, April 24, 2019  
10:21 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE  
COUNCILWOMAN JANNIE L. BLACKWELL  
COUNCILMAN ALLAN DOMB  
COUNCILMAN DEREK S. GREEN  
COUNCILMAN WILLIAM K. GREENLEE  
COUNCILMAN BOBBY HENON  
COUNCILMAN CURTIS JONES, JR.  
COUNCILMAN DAVID OH  
COUNCILWOMAN CHERELLE L. PARKER  
COUNCILMAN AL TAUBENBERGER

BILLS 190152, 190153, and 190154  
RESOLUTION 190164

- - -

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN GREENLEE: We're  
3 going to start our hearing. Good  
4 morning. Can I have everybody's  
5 attention, please.

6 This hearing is called to  
7 order. This is the public hearing of the  
8 Committee of the Whole regarding Bill  
9 Nos. 190152, 190153, 190154, and  
10 Resolution No. 190164.

11 Mr. Stitt, please read the  
12 titles of the bills and the resolution.

13 THE CLERK: Bill No. 190152, an  
14 ordinance to adopt a Capital Program for  
15 the six Fiscal Years 2020 through 2025  
16 inclusive.

17 Bill No. 190153, an ordinance  
18 to adopt a Fiscal 2020 Capital Budget.

19 Bill No. 190154, an ordinance  
20 adopting the Operating Budget for Fiscal  
21 Year 2020.

22 Resolution No. 190164,  
23 resolution providing for the approval by  
24 the Council of the City of Philadelphia  
25 of a Revised Five Year Financial Plan for

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           the City of Philadelphia covering Fiscal  
3           Years 2020 through 2024, and  
4           incorporating proposed changes with  
5           respect to Fiscal Year 2019, which is to  
6           be submitted by the Mayor to the  
7           Pennsylvania Intergovernmental  
8           Cooperation Authority (the "Authority")  
9           pursuant to the Intergovernmental  
10          Cooperation Agreement, authorized by an  
11          ordinance of this Council approved by the  
12          Mayor on January 3, 1992 (Bill No.  
13          1563-A), by and between the City and the  
14          Authority.

15                   COUNCILMAN GREENLEE: Thank  
16           you.

17                   Today we continue the public  
18           hearing of the Committee of the Whole to  
19           consider the bills read by Mr. Stitt that  
20           constitute proposed operating and capital  
21           spending measures for Fiscal Year 2020, a  
22           Capital Program, and a forward-looking  
23           Capital Plan for Fiscal Year 2020 through  
24           Fiscal Year 2025.

25                   Today we will hear testimony

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           from these City departments: The First  
3           Judicial District, District Attorney, Law  
4           Department, and Defender Association,  
5           which promises will be a long day, may I  
6           add.

7                       The first person to testify  
8           today, Mr. Stitt, is?

9                       THE CLERK: Honorable Judge  
10          Fox.

11                      COUNCILMAN GREENLEE: Good  
12          morning, Your Honor and team.

13                      (Witnesses approached witness  
14          table.)

15                      COUNCILMAN GREENLEE: We have  
16          your written testimony, so whatever you'd  
17          like to add, and then we'll open to  
18          questions, Your Honor.

19                      JUDGE FOX: Good morning. My  
20          name is Idee Fox and as of November of  
21          last year, I was elected to President  
22          Judge of the First Judicial District.

23                      COUNCILMAN GREENLEE:  
24          Congratulations.

25                      JUDGE FOX: Thank you. And the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Chair of the Administrative Governing  
3           Board.

4                     Let me start by saying as a  
5           Philadelphia native and a public school  
6           graduate, Girls' High girl, I'm very  
7           proud to be here today, and this is a  
8           real honor.

9                     I'm here on behalf of my  
10          colleagues of the Administrative  
11          Governing Board - Judge Dugan, President  
12          Judge of Municipal Court; Judge Jackie  
13          Allen, Administrative Judge of the Trial  
14          Division; Judge Margaret T. Murphy, the  
15          Administrative Judge of the Family Court  
16          Division; Judge Matthew D. Carrafiello,  
17          the Administrative Judge of the Orphans'  
18          Court; Judge Gary Glazer, the  
19          Administrative Judge of the Traffic  
20          Division; and Joe Evers, the District  
21          Court Administrator. Also in attendance  
22          next to me is Kevin Cross, our Deputy  
23          Court Administrator, to answer any  
24          questions from members of the City  
25          Council about the First Judicial District

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           budget request.

3                       The Courts of the First  
4           Judicial District adjudicate cases and  
5           resolve disputes following the statutory  
6           and legal requirements subject to the  
7           Constitution of the United States and the  
8           Constitution of this Commonwealth, and  
9           ensure fair and timely disposition, with  
10          accessible justice to the citizens and  
11          litigants of the City and County of  
12          Philadelphia.

13                      This testimony will highlight  
14          innovative programs implemented to  
15          shorten the distance between our court  
16          and our community; emphasize the FJD's  
17          commitment to partnering with other  
18          justice agencies to achieve unprecedented  
19          results in reducing prison population;  
20          effectuate other criminal justice  
21          reforms; and illustrate our dedication to  
22          supportive services to aid and assist our  
23          most vulnerable citizens - seniors,  
24          people experiencing behavioral health  
25          challenges, and children.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Our courts and our judges  
3 reflect the values of our communities and  
4 understand the challenges facing the  
5 people who appear in our courtrooms. We  
6 remain committed to fairness, equity, and  
7 shortening the distance between the court  
8 and the community.

9 Fairness and due process are  
10 constitutionally rooted concepts and  
11 serve as the foundation of laws that all  
12 citizens want equally and fairly applied,  
13 no matter their race, religion, gender,  
14 or socioeconomic condition. The role of  
15 the Judiciary is to ensure that fairness  
16 and due process apply to all.

17 I am proud to work alongside  
18 judges who are dedicated to the  
19 maintenance of the dignity of our courts  
20 and committed to fairness and equal  
21 protection. Our citizens have a right to  
22 their day in court, and they can trust  
23 that the judge presiding over their case  
24 will be evenhanded, fair, and impartial.

25 Our city is fortunate to be

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           comprised of a diverse urban population,  
3           and the FJD is committed to providing  
4           fair and equal employment, representative  
5           of this diversity. To achieve this goal,  
6           we retained the services of a diversity  
7           and inclusion consultant to survey and  
8           assess the structural and cultural  
9           barriers that affect the diversity of our  
10          staff. We hope the resultant report will  
11          contain recommendations for training of  
12          staff and the Judiciary so as to ensure  
13          that as we move forward, our employees  
14          are representative of the diverse  
15          population of our city.

16                         Four years ago, the Criminal  
17          Justice and Advisory Board instructed the  
18          justice partners to collaboratively  
19          submit an application to the MacArthur  
20          Foundation.

21                         I know that you've heard a lot  
22          about the MacArthur Foundation. This  
23          grant has been a real asset to the Courts  
24          and the justice partners.

25                         Since the submission of the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           initial application, the FJD has been at  
3           the forefront of the MacArthur Safety and  
4           Justice Challenge strategies taking place  
5           in Philadelphia. Today our dedication to  
6           the MacArthur Safety and Justice  
7           Challenge remains steadfast.

8                         One of the most successful  
9           initiatives under the MacArthur umbrella  
10          is Municipal Court's Early Bail Review  
11          program. This collaborative effort  
12          revisits initial bail decisions made at  
13          arraignment and allows for an in-depth  
14          screening of candidates by the justice  
15          partners. Within one to five days of  
16          incarceration, individuals in custody at  
17          the prison who have cash bail amounts of  
18          \$50,000 or less and charged with  
19          non-violent misdemeanors and have no  
20          other holds or detainers are eligible for  
21          Early Bail Review hearings, at which  
22          most, 87.5 percent of the people who come  
23          before these hearings, are released.

24                         This has increased now to those  
25          being held for cash bail in the amounts

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 of \$100,000 or less.

3 The Detainer Alternative  
4 Program is a MacArthur initiative  
5 implemented by Adult Probation and  
6 Parole, in conjunction with the justice  
7 partners. This alternative to  
8 incarceration provides eligible offenders  
9 substance abuse treatment and other  
10 supportive services, coupled with a  
11 graduated sanction component, if needed.  
12 As of February 2019, 278 participants  
13 completed the program.

14 This is a small sample of the  
15 MacArthur reform strategies led by the  
16 FJD.

17 Lastly, part of the MacArthur  
18 Safety and Justice Challenge is to reduce  
19 racial and ethnic disparities in the  
20 criminal justice system. All current and  
21 future FJD employees will partake in an  
22 implicit and explicit bias training.  
23 Components of the training include  
24 role-playing, videos, group activities  
25 based on vignettes relevant to each

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           agency, and presentation of science  
3           surrounding biases people have. The FJD  
4           has completed the Train the Trainer  
5           program, which provided training to  
6           select employees and judges who are  
7           now -- who can now continuously deliver  
8           training to other existing staff and new  
9           hires.

10                   The MacArthur initiatives are  
11           not the only efforts being taken by the  
12           Court to increase access to justice and  
13           reform the system. One such endeavor was  
14           the discontinuance of the collection of  
15           cash bail fees. In October 2018, the FJD  
16           and the City's Criminal Justice Advisory  
17           Board ended the policy of retaining 30  
18           percent of cash bail posted to secure a  
19           defendant's release from custody, pending  
20           the final disposition of the case. This  
21           fee was previously paid to the City's  
22           General Fund. The Court concluded that  
23           the interest of justice would be best  
24           served if the entire amount of cash bail  
25           posted to secure a defendant's release

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           was returned.

3                       I'm going to jump ahead to the  
4           issue of March of 2019, the Pretrial  
5           Services and Adult Probation and Parole  
6           Department opened its new facility at 714  
7           Market Street and vacated its previous  
8           location at 1401 Arch Street. This  
9           location was selected for its cost  
10          effectiveness, proximity to public  
11          transportation, its design efficiencies,  
12          including a more accommodating  
13          client-oriented environment with a  
14          centralized lobby space to allow clients  
15          to wait inside the building, also  
16          internal waiting and interview rooms  
17          which provide easier access to  
18          supervising officers. Also the cashier's  
19          window has street access so that clients  
20          do not have to enter the main building to  
21          make payments.

22                      Our commitment to specialty  
23          courts continues. Specialty courts and  
24          diversion programs are to assist and  
25          provide alternative to incarceration for

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           carefully screened defendants. Instead  
3           of confinements, defendants are provided  
4           counseling, treatment for any addiction  
5           or mental health illness, educational  
6           assistance, and healthcare support.  
7           While the progress of each participating  
8           defendant is strictly monitored by a  
9           judge, success is predicated upon a  
10          partnership between the defendant, the  
11          court, and numerous caseworkers and  
12          service providers.

13                        The Philadelphia Family Court  
14          Juvenile Probation Department remains a  
15          leader in providing critical probation  
16          services to youth and families, and  
17          strives to promote policies and reforms  
18          consistent with the mission of the  
19          juvenile justice system in Pennsylvania.

20                        Outcomes for Pennsylvania's  
21          most disadvantaged youth while under  
22          probation supervision continue to trend  
23          positively in 2018, including  
24          approximately 32,000 successful contacts  
25          with youth and families through office,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           school, residential, and community site  
3           visits. Approximately 23,000 hours of  
4           meaningful community service are  
5           completed by youth. Over 800 youth,  
6           while in residential care, received  
7           either a high school diploma, a GED  
8           certificate, or a vocational certificate  
9           through Juvenile Probation's commitment  
10          to academic achievement and vocational  
11          training. Dedicated diversionary efforts  
12          supported through court and stakeholders'  
13          programs collectively diverted 508 youth  
14          from further penetration into the  
15          juvenile justice system.

16                        As to evictions in  
17          landlord-tenant matters, the Court is  
18          implementing task force -- the  
19          Philadelphia Bar Association formed the  
20          Civil Gideon Access to Justice Task  
21          Force. A number of our judges are  
22          included as members.

23                        The Court, in implementing the  
24          Task Force's suggestions, reviewed and  
25          updated its forms, educated judges and

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           court staff about licenses and  
3           certificates required by City ordinances,  
4           and continued efforts to ensure that the  
5           Court is accessible.

6                     The Court further believes  
7           expanding rental assistance and housing  
8           subsidies would have a beneficial effect  
9           on reducing evictions.

10                    In addition, the Municipal  
11           Court is partnering with the Philadelphia  
12           Eviction Prevention Program, a  
13           City-funded program that provides  
14           information to both landlords and  
15           tenants. These services include  
16           expanding the Help Center, the presence  
17           of a courtroom navigator, and a Lawyer  
18           for the Day program. The Court worked  
19           with PEPP on the creation of a revised  
20           resource guide and modified the  
21           informative videos. Municipal Court also  
22           provides a private office to meet with  
23           represented tenants, modified the initial  
24           statement read by the trial commissioner  
25           to advise litigants about the Lawyer for

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           the Day program and the court navigator,  
3           and arranged a secure space for the  
4           program to maintain and store files.

5                         In the Orphans' Court Division,  
6           the Guardian Tracking System, to quote  
7           Pennsylvania Supreme Court Justice Debra  
8           Todd, Pennsylvania ranks fourth in the  
9           nation for the highest population  
10          percentage of elders, and the  
11          Commonwealth's aging population continues  
12          to grow. It is increasingly important to  
13          ensure the protection of some of our most  
14          vulnerable citizens. The Administrative  
15          Office of Pennsylvania Courts developed a  
16          web-based Guardian Tracking System in  
17          which court-appointed guardians of adults  
18          of all ages, court staff, and judges can  
19          file, manage, track, and submit  
20          guardianship reports. This initiative is  
21          intended to protect vulnerable citizens,  
22          improve how the court monitors guardians,  
23          and ensures potential problems are  
24          identified and responded to quickly.

25                         One item I'd like to add is,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           families protect families. They take  
3           care of families. And in the  
4           guardianship program, often times it's a  
5           family member not really familiar with  
6           the requirements of this Guardian  
7           Tracking System. The Court is working to  
8           provide access and information to family  
9           members so that they can prepare the  
10          records that -- maintain the records that  
11          they need and properly prepare these  
12          forms.

13                         In March of 2017, the Supreme  
14          Court of Pennsylvania adopted a  
15          comprehensive plan to improve access to  
16          justice for those with limited English  
17          proficiencies and those who are hearing  
18          impaired. The language access plan is  
19          designed to guide the Judiciary in  
20          meeting language challenges brought by  
21          the growing diversity of Pennsylvania's  
22          population. It further solidifies the  
23          Supreme Court's commitment to fair and  
24          equal access to justice by providing  
25          quality language access services to

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           non-speaking -- non-English-speaking and  
3           hearing impaired court users.

4                   COUNCILMAN GREENLEE: Your  
5           Honor, if I could just ask, because we  
6           want to get to questions, do you have  
7           much more you would like to add?

8                   JUDGE FOX: You're getting  
9           tired of me reading here. I'm good.  
10          Then I will simply say, the only thing  
11          I'd like to add is, the FJD does seek  
12          parity with other City agencies regarding  
13          our law clerk salary.

14                   COUNCILMAN GREENLEE: That was  
15          going to be our first question, by the  
16          way.

17                   JUDGE FOX: Okay. The increase  
18          afforded to these other agencies puts the  
19          FJD at a disadvantage when seeking  
20          entry-level attorneys for law clerks.

21                   I'll conclude there and wait  
22          for your questions.

23                   COUNCILMAN GREENLEE: On that  
24          line, Your Honor, it leads right into the  
25          first question I know the Council

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           President wanted to ask. Your budget  
3           proposal includes 957,000 in funding not  
4           included in the Mayor's proposed budget,  
5           and specifically what are the differences  
6           in the Mayor's proposal and your proposal  
7           regarding the law clerk pay equity? I  
8           think the Administration includes 250,000  
9           for pay parity. So could you explain the  
10          differences there, please?

11                   MR. CROSS: Hello. My name is  
12          Kevin Cross, Deputy Court Administrator.

13                   We're seeking \$1.2 million in  
14          total for the pay parity for the law  
15          clerks. The Administration has provided  
16          \$250,000, so we're seeking an additional  
17          \$957,000 that would enable us to bring  
18          the salaries of our law clerks closer to  
19          those of our justice partners in the  
20          District Attorney's Office, the Public  
21          Defender's Office, and also in the Law  
22          Department.

23                   COUNCILMAN GREENLEE: So you  
24          need that much just to be equal?

25                   MR. CROSS: Yes. We have 109

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           law clerks of various different  
3           capacities.

4                   COUNCILMAN GREENLEE: Has there  
5           been, do you know -- because obviously  
6           that's a big difference. The  
7           Administration seems to think that that  
8           250,000 will do it, clearly. Has there  
9           been discussion with the Administration  
10          on that? It's a big difference  
11          obviously.

12                   MR. CROSS: Yes. We are  
13          working with the Administration and  
14          trying to negotiate a settlement or an  
15          agreeable amount that we both can work  
16          with.

17                   COUNCILMAN GREENLEE: Okay.  
18          All right. Good luck.

19                   MR. CROSS: Thank you.

20                   COUNCILMAN GREENLEE: I know  
21          your department is structured differently  
22          because your relationship both with the  
23          City and the State, and I think there's a  
24          zero growth budget requirement; is that  
25          correct?

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 MR. CROSS: That is correct,  
3 yes.

4 COUNCILMAN GREENLEE: That's a  
5 state requirement, correct?

6 MR. CROSS: It's an agreement  
7 that's an ongoing agreement with the City  
8 Administration. Now, it started as a  
9 state requirement and now has been just  
10 an agreement that has been upheld between  
11 the Administration and the court system.

12 COUNCILMAN GREENLEE: Okay.  
13 Now, can the Courts roll over unspent  
14 funds from one year to the next?

15 MR. CROSS: Yes. We have the  
16 ability to retain our savings at the end  
17 of each fiscal year.

18 COUNCILMAN GREENLEE: And have  
19 you been able to do much of that?

20 MR. CROSS: We were able to  
21 roll over funds last year into FY19, yes.

22 COUNCILMAN GREENLEE: About how  
23 much; do you know?

24 MR. CROSS: It was about \$5.9  
25 million last year.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN GREENLEE: Okay. So  
3 they're held over and are used for --  
4 proposed for this year, right?

5 MR. CROSS: The court system,  
6 the FJD, does not have -- is not like  
7 other City agencies. We don't have a  
8 capital budget. We have to pay our IT  
9 technology expenses internally, so we use  
10 those funds for major facility projects  
11 or IT-based projects and for technology  
12 projects.

13 COUNCILMAN GREENLEE: Okay.

14 MR. CROSS: One of the most  
15 current projects was the move from 1401  
16 Arch Street to 714 Market Street, which  
17 is going to cost us about \$2.5 million.  
18 So that's pretty much been funded  
19 internally through these carried over  
20 merged funds.

21 COUNCILMAN GREENLEE: Okay.  
22 One thing I think frustrates a whole lot  
23 of folks, there's been two Supreme Court  
24 rulings that it's the state's  
25 responsibility to fund, and I'll quote,

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 direct court employees and for personal  
3 court-related offices.

4 They haven't been doing that.  
5 Has there been discussion with the state  
6 on this? Because obviously that might  
7 solve some of our differences in our  
8 budget discussions. I guess the question  
9 is, have you had better luck than we  
10 have?

11 JUDGE FOX: I think the  
12 response is no.

13 COUNCILMAN GREENLEE: That's  
14 what I thought, yeah. That is certainly  
15 one of our more frustrating  
16 circumstances. I'm sure with you folks  
17 too.

18 One last thing and then I'll  
19 turn to Councilman Domb. I'll do what  
20 the Council President usually does. Pure  
21 advertising here. He has a proposal  
22 here, Narrowing the Gap, and one thing  
23 has to do with something in the Court,  
24 which is eliminating punitive supervision  
25 fees. Are you familiar with what I'm

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 talking about?

3 MR. CROSS: In Adult Probation?

4 COUNCILMAN GREENLEE: Yeah.

5 Because it says, I'm reading this, The  
6 First Judicial District requires that all  
7 fines and fees be paid before these  
8 records can be expunged. And because of  
9 this policy, it certainly hurts  
10 lower-income people. What's your  
11 position on that? The report says  
12 changing that could have significant  
13 benefits for those -- again, as we try to  
14 narrow the gap for poor people.

15 JUDGE FOX: It affects a few  
16 things. With legislation, Clean Slate  
17 legislation regarding your ability to  
18 either seal your record or for  
19 expungement, those fees and -- those  
20 fines and costs are there. That's  
21 something we grapple with, because some  
22 of these are mandated by state law that  
23 we have no control over, and that's been  
24 an issue that we've been discussing and  
25 trying to resolve. So it is something

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 that is on our radar. We're very aware  
3 of it and trying to work through ways  
4 that we can deal with that.

5 COUNCILMAN GREENLEE: Okay.  
6 All right. And if you could keep  
7 particularly the Council President  
8 apprised of that.

9 JUDGE FOX: Yes.

10 COUNCILMAN GREENLEE: Because I  
11 know it's something he feels strongly  
12 about.

13 I know Councilwoman Reynolds  
14 Brown is not here. She has a number of  
15 questions regarding childcare and the  
16 Courts, and I know you have some answers  
17 on that, but before we do that, I want to  
18 turn to Councilman Domb.

19 Councilman.

20 COUNCILMAN DOMB: Thank you,  
21 Mr. Chairman.

22 And good morning.

23 MR. CROSS: Good morning.

24 COUNCILMAN DOMB: I want to go  
25 back to Chairman Greenlee's question on

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           the Pennsylvania Supreme Court decision  
3           from 1987 where the state is supposed to  
4           fund the payroll costs of the First  
5           Judicial District, and it was reiterated  
6           in 1996. And I'm trying to figure out,  
7           because it says in our budget this year  
8           we've provided 106 million in personnel  
9           costs, excluding benefits. In 2017 and  
10          2018, do you know how much in dollars the  
11          City's General Fund paid to the First  
12          Judicial District?

13                   MR. CROSS: Our budget amount  
14                   for Fiscal Year '19 is about \$107  
15                   million.

16                   COUNCILMAN DOMB: No. I'm  
17                   saying in '17 and '18, what were the  
18                   actual dollars that came out of the  
19                   City's budget to fund the court system?

20                   MR. CROSS: I'll have to look  
21                   that up to get that exact amount for you,  
22                   Councilman.

23                   COUNCILMAN DOMB: Because I'd  
24                   like to know the exact amount for '17 and  
25                   '18. Because I'm looking at this and

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           saying 106 million is in personnel costs,  
3           and then in your testimony on Page 11,  
4           you have some tables, Table 1 and Table 2  
5           in the testimony.

6                       MR. CROSS: Correct.

7                       COUNCILMAN DOMB: And it looks  
8           like there's reimbursement in grant and  
9           aid from other governments. Is that from  
10          the state?

11                      MR. CROSS: That's from the  
12          state and the federal government, yes.

13                      COUNCILMAN DOMB: And that's  
14          like 15 million?

15                      MR. CROSS: Correct.

16                      COUNCILMAN DOMB: And then  
17          there's filing fees, fines, and costs.

18                      MR. CROSS: Correct.

19                      COUNCILMAN DOMB: Is that a  
20          realistic number?

21                      MR. CROSS: Yes. That's a  
22          collection of our filing fees and fines  
23          and costs.

24                      COUNCILMAN DOMB: Then it says  
25          Jenkins Law Library fees collected and

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 paid on the City's behalf is 3 million.

3 MR. CROSS: Yes. That's from a  
4 filing fee. The City doesn't have to pay  
5 for the public library, public law  
6 library.

7 COUNCILMAN DOMB: And what is  
8 waived fees for City agencies, 5.3  
9 million?

10 MR. CROSS: Other City agencies  
11 like the Law Department don't have to pay  
12 filing fees to file petitions in matters  
13 with the Court.

14 COUNCILMAN DOMB: So what  
15 you're basically saying is that the fund  
16 budget amounts 169 million. That's your  
17 total budget?

18 MR. CROSS: That's our General  
19 Fund and Grant Revenue budget.

20 COUNCILMAN DOMB: And so I'm  
21 trying to understand the numbers. It  
22 says here that there's 58 -- I guess  
23 total revenue from offsets is 57.8  
24 million?

25 MR. CROSS: Yes.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN DOMB: And then  
3 you're using Grants Revenue of 52.5  
4 million?

5 MR. CROSS: 52.5, correct, yes.

6 COUNCILMAN DOMB: And has that  
7 been the case for the last few years?

8 MR. CROSS: It has been  
9 consistent, yes, around \$50 million.

10 COUNCILMAN DOMB: So I'd like  
11 to see that detail for '17 and '18.

12 MR. CROSS: Sure.

13 COUNCILMAN DOMB: And so what  
14 you're saying is with the combination of  
15 the Grants Revenue budget, the  
16 combination of these fees that are being  
17 reimbursed, the cost to the City is 58.6  
18 million?

19 MR. CROSS: Correct.

20 COUNCILMAN DOMB: And it's been  
21 that way for a while, I assume?

22 MR. CROSS: It's been  
23 consistent, yes.

24 COUNCILMAN DOMB: And that's  
25 what Councilman Greenlee is referring to,

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 I guess, that that should be picked up by  
3 the state. And over the last 23 years,  
4 it sounds like it's over a billion  
5 dollars that should have been picked up  
6 by the state. And why are we not  
7 enforcing that?

8 JUDGE FOX: I don't think --  
9 well, again, we're not enforcing it  
10 because we can't enforce something  
11 against the Supreme Court. The Supreme  
12 Court dictates to us. We don't dictate  
13 to the Supreme Court.

14 COUNCILMAN DOMB: But it's  
15 reaffirmed -- it was passed and it was  
16 reaffirmed. We have no recourse to say,  
17 you know what, you're supposed to be  
18 paying these costs?

19 JUDGE FOX: Well, Councilman, I  
20 can't give you legal advice as to what  
21 recourse you have, but we don't have that  
22 recourse as a court.

23 COUNCILMAN DOMB: Do we as a  
24 city have that recourse?

25 JUDGE FOX: I can't advise you

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 of that. I can't answer that question.

3 COUNCILMAN DOMB: Because it  
4 was averaging this number over --

5 JUDGE FOX: That would be  
6 giving you legal advice, and that I can't  
7 do.

8 COUNCILMAN DOMB: It's just a  
9 lot of money that's costing the City,  
10 which can't afford it, which the state is  
11 supposed to fund. It's over a billion  
12 dollars probably in 23 years.

13 Okay. Let me ask a few other  
14 questions. How much do you expect to  
15 bring in -- well, this is your budget, so  
16 I guess that's what you're expecting to  
17 bring in is \$33 million this year  
18 roughly?

19 MR. CROSS: For the filing fees  
20 and fines and costs, that's an accurate  
21 assessment, yes, an accurate projection.

22 COUNCILMAN DOMB: And that all  
23 goes to your costs of operating the  
24 courts?

25 MR. CROSS: That goes to the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           City's General Fund, yes.

3                   COUNCILMAN DOMB:   And what  
4           happens if someone fails to pay a  
5           court-ordered fine or fee?  Are they  
6           reincarcerated if they fail to pay?  What  
7           happens?  What is the action that occurs?

8                   JUDGE FOX:   Well, if it's a  
9           fine or fee, part of the issue that has  
10          to be done by the analysis that's done by  
11          the judge is whether or not at that  
12          moment that person is economically able  
13          to pay that fine and fee.  If it's not,  
14          no, you cannot incarcerate.

15                   COUNCILMAN DOMB:   I guess a lot  
16          of my questions I'm going to ask have to  
17          do with are we hurting people with the  
18          system by punishing them if they can't  
19          afford it, it shows up on their credit  
20          report, just puts them deeper into  
21          poverty, and prevents them from getting  
22          back onto the right course.

23                   JUDGE FOX:   Again, as I said  
24          previously to the issue of fines and  
25          costs and those being there and how we

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           deal with them, some of these are  
3           mandated by state law. The FJD is  
4           grappling with that issue, especially  
5           with now the enactment of Clean Slate and  
6           trying to deal with that to allow people  
7           to seal their records or expunge their  
8           records. So I think that's an issue that  
9           we're trying to address. How much  
10          ability we have may depend more on the  
11          State Legislature than with us as the  
12          Court or even the City Council.

13                   COUNCILMAN DOMB: In your  
14          budget, how much does it cost, what's the  
15          allocation for the collection of these  
16          fines and fees and so forth? What is  
17          your allocated cost for that work?

18                   MR. CROSS: The collection of  
19          the fines and fees are done through the  
20          Office of Judicial Records, and the  
21          budget for -- their job is also to accept  
22          filings and to staff courtrooms with  
23          court clerks, but the overall budget is  
24          about \$5 million.

25                   COUNCILMAN DOMB: I ask that

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           question because in the last ten years or  
3           so, there have been \$427 million of fines  
4           and fees, restitution, and 123 million  
5           collected, and in the past year, 2018, we  
6           collected 5.8 million of 23 million  
7           outstanding that was charged in that  
8           year. And my question I guess is, again,  
9           is there a better way to do this? And  
10          maybe we should revisit this whole  
11          system, because it might be actually  
12          costing us more than what we're  
13          collecting at the end of the day, and it  
14          might be a better way to treat people  
15          than having them pay money, which they  
16          can't afford, and just putting them  
17          deeper into poverty, which is crazy. So  
18          I think the whole system needs to be  
19          revamped personally, because I don't  
20          think we're helping people. I think  
21          we're hurting them with this system.

22                    JUDGE FOX: Thank you.

23                    COUNCILMAN DOMB: Does the  
24          Court assess the defendant's ability to  
25          pay prior to charging them fees?

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 JUDGE FOX: Not -- so when  
3 you're talking about fees -- and I think  
4 we're using different language. In a  
5 criminal matter, the judge in finding  
6 someone guilty, the judge is mandated to  
7 assess certain costs and fees. There are  
8 certain costs and fees that a judge can  
9 choose to waive, but right now there is  
10 some issue as to whether or not that has  
11 to be done -- the ability to pay  
12 assessments done then or when it hasn't  
13 been collected and there's some attempt  
14 to enforce.

15 COUNCILMAN DOMB: Okay. Thank  
16 you very much. I'll come back on the  
17 next round.

18 Thank you, Mr. Chairman.

19 COUNCILMAN GREENLEE: Thank  
20 you, Councilman.

21 Let me get some of Councilwoman  
22 Reynolds Brown's questions in here and,  
23 again, it goes to an issue that she  
24 brings up many times here with different  
25 departments dealing with diversity and

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           inclusion. And she notes that in a 2016  
3           report of the Pennsylvania Interbranch  
4           Commission for Gender, Racial, and Ethnic  
5           Fairness found that there is lack of  
6           diversity in a lot of the jury pools, and  
7           part of that is that poor people,  
8           particularly women, are unable to serve  
9           on jury duty dealing with childcare, that  
10          kind of thing.

11                        Has the Courts looked into this  
12          and are there any programs to try to  
13          help? Particularly one of the things she  
14          suggested is -- and I think Allegheny  
15          County and Montgomery County already have  
16          a childcare facility. Is that something  
17          you folks have looked into at all?

18                        JUDGE FOX: It is in the sense  
19          that Allegheny County and Montgomery  
20          County are courthouses located in one  
21          location. Their family court, their  
22          criminal courts, and the civil courts are  
23          all in one location. Not so much  
24          Allegheny County. But one of the  
25          problems we have is, there is a court

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           nursery at Family Court for families  
3           going there. I guess we have not been  
4           confronted with the issue of someone  
5           saying, can I use that nursery. Today  
6           it's in a different location.

7                     Judge Allen, the Administrative  
8           Judge, did form a commission to look into  
9           jury service and the lack of  
10          participation, not just by diversity but  
11          the citizens of Philadelphia. Serving on  
12          a jury is extremely important. People  
13          participating in it is extremely  
14          important to the Courts.

15                    There were a number of factors  
16          that were addressed by that commission.  
17          One of the problems we have is, we pay,  
18          by state law, \$9 a day to a juror, and  
19          then if it's more than one day, it jumps  
20          up, I think, to 23, but that's really  
21          hard -- I think the problem is also with  
22          people in their employment. We also have  
23          concerns about people having  
24          transportation money to come into Center  
25          City. It's extremely expensive to park

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 your car or even to take a train or to  
3 take a bus or a subway.

4 So, yes, it is something -- we  
5 are continuing on trying to bring as many  
6 people into jury service as we can.

7 COUNCILMAN GREENLEE: Okay.

8 And along the same lines, the  
9 Councilwoman asked or notes that the  
10 Mayor established a Juror Participation  
11 Initiative Committee. Is that the same  
12 thing that you referred to with Judge  
13 Allen?

14 JUDGE FOX: I believe it is,  
15 yes.

16 COUNCILMAN GREENLEE: So the  
17 question was, so the Court is involved  
18 with that initiative --

19 JUDGE FOX: Yes.

20 COUNCILMAN GREENLEE: -- with  
21 that committee?

22 Now, do you know where that is?  
23 Has there been an actual report given?

24 JUDGE FOX: I believe there was  
25 a report given, not this past year. I'm

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           not sure, but we'll get back to you on  
3           that. If there was, we can provide a  
4           copy.

5                   COUNCILMAN GREENLEE: If you  
6           could, that would be great.

7                   And just on that childcare, so  
8           the thinking is that's something you're  
9           looking into?

10                   JUDGE FOX: Well, again, it's  
11           something we looked into, but it can be  
12           extremely expensive to maintain a  
13           childcare -- I mean, at one time I think  
14           the federal courts had a childcare  
15           facility in their building and it got  
16           closed down. It's extremely expensive  
17           with insurance. It's extremely expensive  
18           to maintain, and it's a matter of finding  
19           space for it.

20                   COUNCILMAN GREENLEE: Right.

21                   JUDGE FOX: Often times what it  
22           is is training judges for us. Often  
23           times both parents work and children are  
24           in day care, and we have to be very  
25           sensitive to let the jury go by a certain

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           time so everybody can pick up their  
3           children after school.

4                   COUNCILMAN GREENLEE:  And,  
5           again, just on that note, then we'll go  
6           to other questions here -- and, again,  
7           this is Councilwoman's question, so bear  
8           with me if I'm not saying this exactly  
9           right.  It's her understanding that there  
10          was -- I guess this is a court  
11          decision -- that a childcare facility for  
12          use by children whose parents or  
13          guardians are present in the county  
14          judicial center or courtroom or other  
15          matters related to any civil or criminal  
16          action where the person's presence has  
17          been requested is necessary, that the law  
18          entails that an additional fee of \$5 may  
19          be collected by the Prothonotary Clerk of  
20          Court or Register of Wills.  Are you  
21          familiar with this?

22                   JUDGE FOX:  I think the  
23          Councilwoman is referring to a statute,  
24          and there's some issue as to whether or  
25          not that statute applies to existing

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           buildings or new buildings. So, again,  
3           she called that to our attention, and  
4           we're looking into that. And, again,  
5           that's another conflict we have regarding  
6           raising how we assess fees and costs.

7                    COUNCILMAN GREENLEE: It's all  
8           about money, right?

9                    JUDGE FOX: Yup.

10                   COUNCILMAN GREENLEE: Amazing  
11           how it gets back to that.

12                    And there has actually been a  
13           cost analysis done on that?

14                    JUDGE FOX: No.

15                    COUNCILMAN GREENLEE: All  
16           right. Do you plan to do something on  
17           that?

18                    JUDGE FOX: Again, I'm not sure  
19           because, again, what we look at is, there  
20           are other expenses that -- there are  
21           other factors that we consider may stop  
22           or prevent a person from participating in  
23           jury duty, and if we could do -- we could  
24           easily start to do a cost assessment on  
25           the day care question, but, again, there

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           are other issues that we think -- the car  
3           fare and the -- I date myself by saying  
4           car fare, but the car fare and the  
5           parking and the other costs. And just  
6           what we --

7                        COUNCILMAN GREENLEE: All adds  
8           up, I got you. But obviously diversity  
9           on the jury pool is very necessary too.

10                      JUDGE FOX: Yes.

11                      COUNCILMAN GREENLEE: Now, she  
12           may have more detail, and I'm going to  
13           ask that maybe she could put that in  
14           writing to you and you could respond.

15                      JUDGE FOX: We have been  
16           talking to her about it.

17                      COUNCILMAN GREENLEE: All  
18           right. Great. I appreciate that, Your  
19           Honor.

20                      Councilman Green.

21                      COUNCILMAN GREEN: Thank you,  
22           Mr. Chair.

23                      Good morning, Your Honor. Good  
24           morning.

25                      Looking through your testimony,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           going back to the testimony again, I  
3           notice that you made a consistent theme  
4           of shortening the distance between the  
5           court and community, and I had a question  
6           in reference to the status of your risk  
7           assessment tool that you're building for  
8           pretrial decisions here in Philadelphia.  
9           Can you provide some perspective? I  
10          didn't see that in the testimony. So if  
11          you can provide some perspective  
12          regarding that.

13                         JUDGE FOX: The risk assessment  
14          tool is fairly early in its development.  
15          It's part of the MacCarthy grant as far  
16          as trying to come up with a risk  
17          assessment tool. There are parts of it  
18          that are being developed, and we're open  
19          to discussions regarding it, but we're  
20          not at the point with anything regarding  
21          a risk assessment tool that we're ready  
22          to say here's what we're going to do.

23                         The Court believes in  
24          transparency and participation of all  
25          appropriate parties in any development,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           and the development of any risk tool is  
3           one part of an entire program, whether  
4           you call it bail reform or any other type  
5           of program.

6                        COUNCILMAN GREEN: And just for  
7           the record, why do you see the benefit of  
8           this type of risk assessment tool?

9                        JUDGE FOX: Well, the hope  
10          would be that it would take out implicit  
11          and explicit biases in determining bail  
12          by making other factors. If you use a  
13          risk tool as a method to determine who  
14          stays in, then it could easily be  
15          mishandled, but if you look at it as the  
16          risk tool for releasing people and as one  
17          factor for someone to look at, then to me  
18          it could be a benefit. But how that is,  
19          I can't answer that yet. The purpose to  
20          me would be to, one, in developing it, is  
21          to have full transparency and  
22          participation and to make sure that it is  
23          constantly subject to review.

24                       COUNCILMAN GREEN: When you say  
25          "full transparency," who will be able to

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           participate in this transparent process?

3                   JUDGE FOX: Well, I believe  
4           that there was -- in the panel that's  
5           being developed, they would be national  
6           experts, and I don't have that in front  
7           of me. I could send that to you. But it  
8           would be national experts as well as  
9           participation of PD and the DA's Office.

10                   COUNCILMAN GREEN: So you're  
11           talking transparency from a perspective  
12           of law enforcement, but what about from  
13           the executive branch, legislative branch,  
14           community? How would they participate in  
15           this type of --

16                   JUDGE FOX: Again, I can't  
17           fully answer that question because we're  
18           such in an early stage that I can't  
19           answer it.

20                   COUNCILMAN GREEN: Well, you're  
21           in an early stage, but do you envision an  
22           opportunity --

23                   JUDGE FOX: But if you were to  
24           ask me, it would be that everybody would  
25           be part of that. I think that's

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 important.

3 COUNCILMAN GREEN: So although  
4 it's early in the process, you're still  
5 planning, but could you provide some  
6 perspective in reference to the ability  
7 for the community to engage as well as  
8 the executive and legislative branch in  
9 this type of assessment tool?

10 JUDGE FOX: Why not? Yes.

11 COUNCILMAN GREEN: Okay. Would  
12 you provide, as you're putting together  
13 this process to define an assessment  
14 tool, would you be willing to provide  
15 others an opportunity to see what you're  
16 thinking about in reference to the  
17 decision-making toward the tool?

18 JUDGE FOX: I think all of the  
19 partners that are there are going to be  
20 there to see that and they will make that  
21 available to everyone who is going to ask  
22 us and ask them as well. So, yes. I  
23 think that will be very apparent to  
24 everyone what the factors are.

25 COUNCILMAN GREEN: Right. So

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 another question I have in reference to  
3 this tool, you talked about implicit  
4 bias. Are there going to be algorithms  
5 or other type of means for the tool?

6 JUDGE FOX: Bear with me, just  
7 because the moment you say the term  
8 "algorithms," you're going to talk a  
9 language that I don't talk, and I  
10 apologize for that. I can get you more  
11 information about that, but as I said,  
12 it's so early in its development, for me  
13 to say what it's going to include and not  
14 include really would be a disservice.

15 COUNCILMAN GREEN: Well, when  
16 you talk about a tool, you may include  
17 some type of technology or other type of  
18 mechanism that can help define risk  
19 outside an individual. And so what I'm  
20 saying is that when you're using  
21 technology, those who craft that  
22 technology, they themselves may have  
23 their own implicit biases which may be  
24 embedded in that technology that's being  
25 used.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 JUDGE FOX: I don't disagree  
3 with that. That's why I think you have  
4 the people who are crafting that can't  
5 just be one individual who I'm saying  
6 this person is not -- I think we all have  
7 different roles in this. So by varying  
8 who is participating and developing these  
9 tools, you make sure you have a voice  
10 from as many people as possible.

11 COUNCILMAN GREEN: Well, the  
12 reason I raise the question, because I  
13 think there's a perspective that if  
14 you're using some type of technology,  
15 that in itself by using technology is not  
16 going to have implicit bias because  
17 you're moving from a human interaction to  
18 a technology perspective, but there's  
19 still people creating that technology,  
20 and they themselves may have their own  
21 implicit bias. There's -- if I could  
22 finish. There's an aspect you've seen  
23 both from issues in Silicon Valley and  
24 others where coding and other type of  
25 algorithms, even in the employment

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           perspective in some industries in this  
3           country, where that has been an issue.

4                        So what I'm saying for the  
5           record, that just because a technology is  
6           used that's some type of algorithm or  
7           other type of methodology that may be  
8           scientific-based, there's still someone  
9           or some people that helped create that  
10          either coding or system that have their  
11          own perspective, maybe implicit bias,  
12          that may be embedded into that, even  
13          though people will use the perspective  
14          because it's coming from a technological  
15          perspective, you're not going to have  
16          bias.

17                        JUDGE FOX: I'm not sure of  
18          your question.

19                        COUNCILMAN GREEN: No. I'm  
20          just putting on the record that my  
21          concern is that I've been hearing from  
22          various people about using -- and it's  
23          more so what I've been hearing in other  
24          jurisdictions who are putting together a  
25          risk assessment tool where they'll be

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           using technology, using some type of  
3           algorithm, and the perspective what I've  
4           heard is that because you're using this  
5           algorithm, that's taking out bias. But  
6           there's still bias imbedded in that  
7           because people came up with the algorithm  
8           and they're using the algorithm for the  
9           risk assessment. So you're not  
10          automatically just getting rid of bias  
11          just because you're using some type of  
12          algorithm.

13                         JUDGE FOX: Thank you,  
14          Councilman. I think that's a valid point  
15          that we have to consider.

16                         COUNCILMAN GREEN: I mean, you  
17          did talk about having transparency, but  
18          I'm hearing transparency just from a law  
19          enforcement perspective, but I didn't  
20          hear the opportunity for transparency --  
21          and I understand it's still early in the  
22          process. That's why I'm putting this on  
23          the record. But I didn't hear the aspect  
24          of transparency from both the executive  
25          branch, which as my colleague Councilman

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Domb stated that we fund FJD, although we  
3           should not be funding, but that's a  
4           separate issue, but as well as the  
5           legislative branch and then also the  
6           community as a whole, because the  
7           community and the citizens of the City of  
8           Philadelphia will be impacted by this new  
9           type of tool you're using for pretrial  
10          services.

11                        So I'm saying these things for  
12          the record that as you're moving through  
13          this process, it's really incumbent on  
14          the First Judicial District to have a  
15          process that's going to be inclusive,  
16          because you will be back here next year  
17          during the budget process and these  
18          questions will come up again by others in  
19          this body asking what is the transparency  
20          considering you're talking about  
21          shortening the distance between the court  
22          and the community, allowing the community  
23          to participate in a new tool that's going  
24          to impact people in the City of  
25          Philadelphia.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 I have some additional  
3 questions, but I'll defer to others.

4 COUNCILMAN GREENLEE: Okay.

5 Thank you, Councilman.

6 Councilman Domb.

7 COUNCILMAN DOMB: Thank you,  
8 Mr. Chairman.

9 I just want to go back to my  
10 earlier questions for a minute. I just  
11 want to make sure that you were aware  
12 that most of these questions were around  
13 probation and parole fees. That's where  
14 my focus was. And so looking at -- and I  
15 have the collection rates for the last  
16 ten years, but with the collection rates  
17 basically under 30 percent for the last  
18 ten years, there might be a better way to  
19 do this, and that is my whole line of  
20 questioning, which is by either reducing  
21 or eliminating the probation and parole  
22 fees, which could help increase the  
23 amount collected for court-ordered  
24 restitution payments, or it also seems to  
25 me we could also do an analysis and save

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           on our collection costs. I don't know  
3           how much we're spending right now for  
4           collection costs, but that may be an  
5           analysis we should do. The recidivism  
6           rates may go down if we have lower fees  
7           and then the poverty-inducing effects of  
8           unpayable debts, if we could reduce or  
9           eliminate those fees associated with  
10          probation and parole. And my question  
11          is, is this something that you can  
12          undertake as a study to see if we  
13          dramatically change this, we'll have a  
14          positive effect?

15                    JUDGE FOX: So there are parts  
16          of it -- when you say undertake as a  
17          study, that may be different, because a  
18          study to me means something different.  
19          We always look at what we're doing and  
20          how we're doing it, and as I said  
21          previously, the issue of costs and fines  
22          and fees is something that we are looking  
23          at and we will continue to look at.

24                    COUNCILMAN DOMB: I mean, I'd  
25          be in favor of instead of assessing

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           someone a fine or a fee or on the  
3           probation and parole fees, if we utilize  
4           that money for job training, for example,  
5           and get them back on track. That's where  
6           we should be more productive. So that's  
7           something that I think we should really  
8           take a good look at, because I'm not sure  
9           what the collection costs are, but  
10          clearly at 29, 28, 27 percent collection  
11          rates, we should look at this and see  
12          maybe we cut them in half, cut them  
13          two-thirds out, whatever it is. We don't  
14          want to be making money on this  
15          situation. What we're trying to do is  
16          get them on the right track. I'd rather  
17          take the money and put it into  
18          reeducation for job training.

19                    JUDGE FOX: Thank you.

20                    COUNCILMAN DOMB: Thank you.

21                    Thank you, Mr. Chairman.

22                    COUNCILMAN GREENLEE: Thank  
23                    you, Councilman.

24                    Councilwoman Parker, please.

25                    COUNCILWOMAN PARKER: Thank

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 you, Mr. Chairman.

3 And good morning to each of  
4 you. I want to go back to some questions  
5 that I asked last year, and the first is  
6 about the issue of the Elder Care  
7 Resource Center. Since it opened in  
8 October of 2016, how many seniors have  
9 you served?

10 JUDGE FOX: I don't have that  
11 number in front of me today. I could get  
12 you that number. We are actually trying  
13 to expand the use of that center. One of  
14 the issues that we're trying to address,  
15 we did ask the National Center for State  
16 Courts to come in and do an analysis of  
17 what additional resources that needs to  
18 make it more accessible.

19 The other thing that's coming  
20 up now is with the Guardian Tracking  
21 System, making sure that families take  
22 care of families. So often times  
23 daughter is taking care of mother.  
24 They're both within that category of  
25 elderly and daughter now has to file

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           these reports and just isn't sure. So  
3           we're looking at resources we can make  
4           available at that center to assist people  
5           in preparing those reports and also  
6           assist these family members who are  
7           guardians to know what type of records  
8           they need to keep.

9                   COUNCILWOMAN PARKER: So, in  
10           essence, it's referred to as the Elder  
11           Care Resource Center, but would you say  
12           it doesn't simply serve seniors and/or  
13           those who are elderly, but you --

14                   JUDGE FOX: No. I think they  
15           do keep records of seniors, but I think  
16           we've expanded it so that it's Elder  
17           Resource Center -- it's Elder and Civil  
18           Resource Center.

19                   COUNCILWOMAN PARKER: Elder and  
20           Civil, okay. That's important, because  
21           we don't want people to simply think  
22           that --

23                   JUDGE FOX: They're not turned  
24           away if they're under a certain age.

25                   COUNCILWOMAN PARKER: Right.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Let me ask you about the  
3 Mortgage Foreclosure Diversion Program.  
4 Is your data kept in such a way that you  
5 could provide this Council with a,  
6 quote/unquote, average profile of the  
7 individuals who are being served via the  
8 Mortgage Foreclosure Diversion Program?

9 JUDGE FOX: When you say the  
10 profile of the individuals, I'm not  
11 sure --

12 COUNCILWOMAN PARKER: So are we  
13 able to say of all who have gone through  
14 the Mortgage Foreclosure Diversion  
15 Program, we can tell you that we have X  
16 number of this race and/or ethnicity, X  
17 number coming from this region of the  
18 City, X number who are seniors, X who are  
19 Gen X's, X who -- like is there a way we  
20 can do that?

21 JUDGE FOX: So we can and we  
22 can't at the same time, because one of  
23 the problems is is that it's the bank  
24 filing the action. So the bank doesn't  
25 tell us, even though we try to keep

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           records of when a party is over a certain  
3           age that qualifies as a senior, the bank  
4           doesn't tell us that. Then when the  
5           person comes in, it's somewhat -- we  
6           don't ask people their age and we don't  
7           ask people -- we try to ask them their  
8           age so we can keep a record of that, but  
9           we don't ask the other questions to keep  
10          that type of information.

11                       Now, neighborhood by what part  
12          of the community, that we probably could  
13          keep a record of just by taking it down  
14          by address.

15                       COUNCILWOMAN PARKER: So that  
16          would be really helpful to us, and maybe  
17          if we started and we could GIS that on a  
18          map, I know that would be very helpful  
19          for District Councilmembers, because we  
20          are always trying to figure out a sort of  
21          data-driven, research-based way of what  
22          kind of programs and services we are  
23          going to be targeting in certain regions.  
24          So if I represent Rittenhouse Square, I  
25          don't necessarily need to have an event

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           dealing with the challenge of reverse  
3           mortgages, right? I could be making a  
4           decision about what I do and where based  
5           on this information.

6                        So if you could provide that to  
7           the Council, that would be helpful.

8                        JUDGE FOX: That may take us a  
9           little while moving forward to try to --  
10          we may not be able to backtrack, but  
11          we'll try to. But moving forward, we  
12          could try to develop a way to keep that  
13          information.

14                       COUNCILWOMAN PARKER: Finally,  
15          for the salaries for probation officers,  
16          during the 2016 budget hearing, that was  
17          for Fiscal Year '17, I asked about  
18          whether or not it was possible to make  
19          the salaries for probation officers more  
20          competitive so that we don't lose like on  
21          average about 20 to 25 per year during  
22          that time. That was the response that I  
23          received, and I thought that was -- I  
24          think that was like out of almost 280.

25                        So are you like looking into

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           retention strategies or is this like a  
3           problem of the past and we don't have  
4           that challenge? Would you be familiar  
5           with that at all?

6                    JUDGE FOX: I am not, and I  
7           would have to get back to you on that,  
8           because I'm not familiar -- in the sense  
9           that it has not been called to my  
10          attention that we have a high turnover  
11          rate that's causing a problem. But we  
12          can look into that and see what the  
13          turnover rate was in the last year.

14                   COUNCILWOMAN PARKER: Got it.  
15          Thank you, Mr. Chairman.

16                   I also just want to note for  
17          the record, Judge Sheila Skipper-Woods  
18          had an event. I think it was probably  
19          about a month ago. I know I and several  
20          of my colleagues, there were members from  
21          the private sector, and they brought a  
22          litany of young people here to City Hall  
23          so we could, in essence, talk about what  
24          we do for a living, expose them to what  
25          happens in this building, in the First

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Judicial District, and it was great  
3           seeing these young people there.

4                        So I just want to encourage you  
5           all, whenever we can, to get young people  
6           here in City Hall to find out what it is  
7           that you do, what career options are  
8           available. That would be very helpful,  
9           and I would want to be supportive of any  
10          kind of efforts.

11                       JUDGE FOX: Thank you,  
12          Councilwoman. I want you to know that we  
13          do -- our Judiciary is very active in  
14          bringing kids into their courtrooms. I  
15          think in fact on Law Day, the Barristers  
16          just sent a request out to judges that  
17          they open their courtrooms to kids who  
18          are coming into court that day. So,  
19          yeah, we really do encourage that.

20                       COUNCILMAN GREENLEE: Thank  
21          you, Councilwoman.

22                       Councilman Jones.

23                       COUNCILMAN JONES: Wow.

24                       COUNCILMAN GREENLEE: You're  
25          the first-timer here.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN JONES: Good

3 morning. How is everybody?

4 MR. CROSS: Good morning.

5 COUNCILMAN JONES: I guess what

6 I want to talk about is how we're

7 evolving as a judicial system as it

8 relates to some of the recommendations

9 from the Justice Reform Committee and how

10 that is helping you. That's my first

11 question. And then how much projected

12 savings are we having, and how can we get

13 some of those savings back to your

14 department and the justice system to make

15 sure that it primes the pump for more

16 savings and reform?

17 JUDGE FOX: So one has that --

18 so it has been a great asset to the Court

19 to be able to move forward with criminal

20 justice reform with its partners and be

21 able to discuss issues openly and

22 honestly with each other. Not always

23 agree, but to be able to do that and move

24 to where we are today.

25 You know, I was speaking to

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           someone just recently. I've been a judge  
3           for 20 years, and I'm not going to talk  
4           about how many years I was a lawyer  
5           before that, but the world has changed,  
6           and to see the level of cooperation and  
7           moving forward with trying to reform the  
8           criminal justice system to me is really  
9           inspirational.

10                   I think in our report, we talk  
11           about some of the savings that we believe  
12           we've, by the reduction in criminal  
13           population -- I'm sorry; in incarcerated  
14           population that we've saved. As to  
15           getting those resources back, clearly we  
16           try to provide services to people, and  
17           any sort of service costs money, and it  
18           really requires a collaboration of a lot  
19           of different resources and a lot of  
20           different agencies.

21                   COUNCILMAN JONES: So I'm going  
22           to say it very differently. If you find  
23           savings within your department and those  
24           pathways to those savings are working, we  
25           don't want to -- I don't think it would

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           be prudent for us to exhaust those  
3           savings in a way that kills the goose  
4           that laid the golden egg, meaning that if  
5           we're doing diversion, let's do more  
6           diversion. If we're doing different  
7           streamlinings of a process, we should  
8           encourage that continued behavior so that  
9           we don't get into silos where we're all  
10          trying to -- I've sat on that side of the  
11          table, where I offer up cuts for my  
12          department and then they just take it and  
13          it goes in the General Fund and we don't  
14          see any of the benefit of those savings  
15          to reinvest in criminal justice reform.

16                    So give me a sense of how much  
17          we're saving and those pathways to those  
18          savings. How are we achieving those  
19          savings?

20                    JUDGE FOX: So I'm not going to  
21          give you an exact amount because I won't  
22          have that. It wouldn't be accurate.

23                    COUNCILMAN JONES: Don't be  
24          afraid.

25                    JUDGE FOX: All right. But

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that being said, I think what we're doing  
3           is -- and I'll give you an example of one  
4           thing we're doing is, right now we're  
5           trying to do an analysis of trying to  
6           increase our pretrial services sort of in  
7           anticipation of bail reform, to increase  
8           pretrial services for supervisory  
9           programs that will allow people to be  
10          supervised as opposed to incarcerated  
11          pretrial. And that's one of the programs  
12          that to us, it's a reinvestment in  
13          looking at our resources and where it's  
14          going to go.

15                    COUNCILMAN JONES: So if we  
16                    could put quantitative analysis on that  
17                    to say we did X, we saved Y, and then  
18                    some portion of that should be reinvested  
19                    where it makes sense, I think that's the  
20                    course we should pursue.

21                    We put forth a bill called -- I  
22                    forget. What was it called, Sam?  
23                    Criminal justice reinvestment. And I  
24                    know some of my colleagues are experts on  
25                    budget analysis, and I want to go into

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that examination with you, but however  
3           and nevertheless, we should not disinvest  
4           in those processes that are reaping those  
5           savings. So it's good budgetarily, but  
6           it's also good for society. It's good  
7           for the taxpayer. It's good for the  
8           people who are trying to change their  
9           lives.

10                        I did not pursue that bill  
11           because I thought we could all get along  
12           and do it in goodwill. If we can do that  
13           earnestly, there's no need for a bill.  
14           However, to safeguard those kinds of  
15           directional changes that we have, we want  
16           to not penalize the folks that are  
17           finding the savings, because we sitting  
18           in this Chamber can't find a penny of the  
19           savings. Well, maybe some of us. But  
20           what I'd like to do is pursue it in a  
21           meaningful partnership that there's a  
22           win-win-win scenario. So I'm looking  
23           forward to that process and us trying to  
24           work on that.

25                        So particularly pretrial, if

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           you look at the Washington, DC example,  
3           for the reduction in actual expenditures  
4           for sentencing and incarceration, they  
5           added on the other side of the pendulum  
6           services to make sure people don't  
7           re-offend. And your guys and gals and  
8           ladies and men, gender neutral, all have  
9           sharp pens and they know where the money  
10          is, but I would be reluctant sharing that  
11          with outside bodies if I thought I was  
12          going to be penalized for it.

13                        So we have to create an  
14          environment where all parties benefit  
15          from those thoughtful savings, and that's  
16          where I'm at with that.

17                        JUDGE FOX: Thank you,  
18          Councilman.

19                        COUNCILMAN JONES: Thank you,  
20          Mr. Chairman.

21                        COUNCILMAN GREENLEE: Thank  
22          you, Councilman.

23                        Councilman Henon.

24                        COUNCILMAN HENON: Thank you,  
25          Mr. Chairman.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Madam President, how are you?

3 Thank you for your testimony today, and  
4 your staff, executive staff, have done an  
5 incredible job serving our City of  
6 Philadelphia.

7 My question -- because I've  
8 been around the MacArthur criminal  
9 justice reform partnership from the  
10 beginning through the last Administration  
11 and we're seeing results now as the data  
12 shows and the cost savings for the  
13 betterment of the mission and the intent  
14 of the program.

15 What happens when the grants  
16 run out for the MacArthur grant  
17 partnership and how do we fund it moving  
18 forward to continue on with the progress?

19 JUDGE FOX: I think -- so I  
20 can't specifically answer your question  
21 right now, other than to say that I think  
22 it's something that we think about every  
23 day and as we move forward how we --  
24 exactly that, about how we look at what  
25 savings we have, where we move people

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           around, how we do that. So I think if  
3           what MacArthur gives us is a foundation  
4           that hopefully we can do by moving  
5           resources around, without having to  
6           ask -- I think we all don't want to ask  
7           for more money to support those things,  
8           but at the same time, there are savings  
9           that we believe can be applied so that  
10          those types of reforms can continue.

11                   COUNCILMAN HENON: Great.  
12          Thank you.

13                   JUDGE FOX: Thank you.

14                   COUNCILMAN GREENLEE: Thank  
15          you, Councilman.

16                   Real quickly, just doubling  
17          back on some of the questions  
18          Councilwoman Reynolds Brown had that I  
19          had asked.

20                   I understand there's a \$40.25  
21          fee that is charged through Judicial  
22          Records' fee schedule. Am I saying that  
23          right? Again, I'm reading her question.  
24          Are you familiar what I'm talking about?

25                   MR. CROSS: I'm not familiar

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2 with that one in particular, no.

3 COUNCILMAN GREENLEE: I'm going  
4 to ask the Councilwoman. Maybe she can  
5 follow up with you on that, because she  
6 wanted to know what those funds were used  
7 for and obviously going back to her issue  
8 about the childcare.

9 And on that report that you're  
10 talking about -- I think Judge Allen, is  
11 it -- will part of that include looking  
12 into things like maybe foundations,  
13 things like that where money could come  
14 from? Because, again, on that whole  
15 childcare issue.

16 JUDGE FOX: So, yes. We would  
17 always be interested in finding  
18 foundations or other funding available.

19 COUNCILMAN GREENLEE: Okay.  
20 All right. So, again, when that report  
21 comes in, that could go through the  
22 Council President, and we'll spread it to  
23 the other Councilmembers.

24 I appreciate it. Thank you  
25 very much, Your Honor.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Councilman Green, please.

3 COUNCILMAN GREEN: Thank you,  
4 Mr. Chair.

5 I just wanted to ask some  
6 additional questions based on some  
7 information just reviewing the budget.  
8 So I want to get some more perspective on  
9 the Early Bail Review program that you  
10 talked about in your budget testimony.  
11 Can you give some more perspective on the  
12 type of charges that are not eligible for  
13 EBR?

14 JUDGE FOX: So my understanding  
15 is it had to do -- it has to do with the  
16 amount of -- there were certain violent  
17 offenses that I think are excluded. I  
18 don't have that information right in  
19 front of me today who are excluded from  
20 the Early Bail Review.

21 COUNCILMAN GREEN: So looking  
22 at Page 3 of your testimony, it looks  
23 like individuals within one to five days  
24 of incarceration, individuals in custody  
25 at the prison who have cash bail amounts

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           of 50,000 or less, are charged with  
3           non-violent misdemeanors or felonies, and  
4           have no holds or detainers are eligible  
5           for Early Bail Review hearing.

6                    JUDGE FOX: And we just upped  
7           that to \$100,000 or less.

8                    COUNCILMAN GREEN: Okay. Also,  
9           talking regarding Adult Probation and  
10          Parole Department, what steps are being  
11          taken to kind of reduce some of the  
12          caseload to get it closer to the national  
13          average?

14                   JUDGE FOX: Yes. We're trying  
15          to work on that. We're trying to work --  
16          I think right now I think there is a real  
17          effort to look at probation and parole.

18                    COUNCILMAN GREEN: So what type  
19          of steps are you taking in that regard?

20                    JUDGE FOX: I think we're  
21          looking at it. We're trying to -- I  
22          think they are -- in fact, Probation is  
23          trying to analyze what type of  
24          supervision individuals need, and as we  
25          look at the process of whether or not to

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           terminate some probation so that it  
3           reduces the caseload. I think Family  
4           Court has really reduced the caseload  
5           tremendously. But the goal is to reduce  
6           that caseload.

7                        COUNCILMAN GREEN: And how does  
8           the role of automatic detainers factor in  
9           your ability to try to reduce the  
10          caseload?

11                      JUDGE FOX: Well, I think part  
12          of it is -- when you say "automatic  
13          detainers," you mean the imposition of  
14          detainers by the probation officer?

15                      COUNCILMAN GREEN: Yes.

16                      JUDGE FOX: Well, I think the  
17          probation officers are trying to not use  
18          that detainer as their first resource but  
19          to find other methods of supervision so  
20          as they're not using it to just detain  
21          somebody because there's a violation, but  
22          to really look at it as to what's going  
23          on.

24                      For example, if the violation  
25          is something with drugs, then are they

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           looking at what type of therapy that  
3           person is getting as opposed to simply  
4           lodging a detainer and placing them.

5                   COUNCILMAN GREEN:   Following up  
6           in that regard regarding Adult Probation  
7           and Parole, February 5th of this year,  
8           the Council Committee on Law and  
9           Government had a hearing regarding a  
10          number of matters.   One of the issues  
11          that came up during that hearing was THC  
12          screens for individuals on probation and  
13          parole, and testimony that was offered by  
14          the Mayor's Office of Criminal Justice as  
15          well as the District Attorney's Office as  
16          well as Chief Defender Keir Bradford-Grey  
17          all raised several questions regarding  
18          the practice of screening people under  
19          supervision for THC.   So my office sent a  
20          letter dated March 6th to the First  
21          Judicial District, which we asked for  
22          responses by March 31st, anticipating  
23          we'd be having budget hearings.   As of  
24          this date, we have not received any  
25          responses.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 So let me just state on the  
3 record since I didn't get a written  
4 response to that letter that was also  
5 cc'd to other members of City Council who  
6 are on the Special Committee of Criminal  
7 Justice Reform, I'll just state some of  
8 the questions that we did not get a  
9 response to in writing.

10 Number one, how many  
11 individuals are currently under county  
12 supervision?

13 Number two, of those, how many  
14 are subject to THC screenings?

15 Number three, at what intervals  
16 do such screenings take place?

17 Number four, how many THC  
18 screenings are administered per year?

19 And, number five, how much does  
20 it cost the First Judicial District per  
21 test and annually to administer those  
22 screenings?

23 JUDGE FOX: Councilman Green,  
24 could I have a copy of your letter,  
25 because I did not receive it, and we'll

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 get a response to you.

3 COUNCILMAN GREEN: Okay. I  
4 mean, part of the reason why we did this,  
5 because I'm not new to this process, to  
6 try to get that information, since it  
7 came out of the February 5th hearing, to  
8 get that information and we thought we  
9 were providing ample amount of time,  
10 about a month, to get those responses, so  
11 that way, we would have information. If  
12 we need to follow up with you, we can  
13 follow up with you in a methodology and a  
14 process, not necessarily part of the  
15 budget hearing. Unfortunately, this  
16 causes that back and forth and we don't  
17 really get a chance to have those  
18 questions asked and answered in a time  
19 that's timely. So for some reason, I'm  
20 not sure why that letter was not  
21 responded to.

22 I think that may be the end of  
23 my questions. If I do have additional  
24 questions -- I'm sorry. One other point  
25 I wanted to raise.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 In reference to bail  
3 commissioners, can you give me some  
4 perspective on your thoughts regarding  
5 bail commissioners? There have been a  
6 number of conversations and debates and  
7 meetings and City Council hearings  
8 regarding cash bail. So I want to get  
9 your thoughts on cash bail. Other  
10 jurisdictions have eliminated cash bail.  
11 I don't get the sense that bail  
12 commissioners are using all the options  
13 that are available to them, but are  
14 relying heavily on cash bail.

15 So can you give me your  
16 perspective on that issue?

17 JUDGE FOX: So I will give you  
18 the perspective that currently there's a  
19 suit pending in the Supreme Court  
20 regarding the bail commissioners, or  
21 arraignment magistrates they're called  
22 now. So to some extent, I can't comment.

23 That being said, I believe  
24 there is a commitment by the First  
25 Judicial District to bail reform, and

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that includes the entire gambit of bail  
3           reform. And beyond that, it's hard for  
4           me to say anything more because I think  
5           that's really the purview of Municipal  
6           Court. Although I will say as Councilman  
7           Jones asked about what we were doing, one  
8           of the things with Municipal Court -- I'm  
9           sorry; with Common Pleas Court is  
10          increasing and starting to build pretrial  
11          services in anticipation of bail reform.

12                    COUNCILMAN GREEN: Is FJD a  
13           litigant in that matter? You said you  
14           can't comment on the litigation.

15                    JUDGE FOX: The AOPC is. So I  
16           can't address -- again, the individual  
17           bail -- I'm sorry; the ACLU filed an  
18           action against the magistrates, and  
19           that's being litigated, so I can't  
20           comment about them.

21                    COUNCILMAN GREEN: Well, you  
22           can't comment about maybe opinions on the  
23           case, but can you provide some context of  
24           what the complaint stated? That's a  
25           matter of public record. I just don't

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 have the information here.

3 JUDGE FOX: I don't have a copy  
4 of the complaint with me. It's public  
5 record, but there was an action, a  
6 mandamus action, filed against those  
7 magistrates.

8 COUNCILMAN GREEN: Right. So  
9 can you give a perspective of what was  
10 the nature of the mandamus action against  
11 the magistrates? What was the general  
12 theory?

13 JUDGE FOX: The general theory  
14 was that they weren't following the law.

15 COUNCILMAN GREEN: Oh, okay.  
16 That's the reason. All right.

17 Thank you, Mr. Chair.

18 COUNCILMAN GREENLEE: Thank  
19 you, Councilman.

20 Councilman Domb.

21 COUNCILMAN DOMB: Thank you,  
22 Mr. Chairman.

23 Let me ask a question to follow  
24 up with Councilman Green's question. Do  
25 we know the cost of parole supervision?

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Is that in your budget?

3 JUDGE FOX: I do not have --

4 MR. CROSS: It is in our  
5 budget. It's not specifically allocated,  
6 but we do have an overall number.

7 COUNCILMAN DOMB: Do you have  
8 an idea what that number is?

9 MR. CROSS: Probably \$12 to \$15  
10 million for adult probation.

11 COUNCILMAN DOMB: 12 to 15  
12 million a year?

13 MR. CROSS: Yeah.

14 COUNCILMAN DOMB: And do we  
15 have any people who are on probation  
16 greater than three years?

17 JUDGE FOX: Anecdotally, I  
18 would assume yes, but I can't answer that  
19 question specifically.

20 COUNCILMAN DOMB: I only ask  
21 that question because recently I heard  
22 that from a study, probation alone in  
23 three years may be just not effective and  
24 maybe that needs to be revisited.

25 JUDGE FOX: That study has been

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 called to our attention.

3 COUNCILMAN DOMB: And then I  
4 just want to make sure I understand. The  
5 MacArthur grant in your testimony on Page  
6 2, it says the MacArthur grant started, I  
7 guess, in 2015 and it says here that it  
8 was awarded funding in 2015, 2016, and in  
9 2018. It wasn't awarded funding in 2017?

10 MR. CROSS: There was a  
11 continuation of the initial grant for a  
12 second round of funding.

13 COUNCILMAN DOMB: And it wasn't  
14 awarded in 2019 either?

15 MR. CROSS: I'm not aware of  
16 any subsequent award, no.

17 COUNCILMAN DOMB: And is the  
18 total funding for those three years it  
19 was funded 7.65 million?

20 MR. CROSS: Yes.

21 COUNCILMAN DOMB: And was that  
22 money used basically, as it says here, to  
23 implement, sustain initiatives geared to  
24 address the goals of the Safety and  
25 Justice Challenge?

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 MR. CROSS: That's correct.

3 COUNCILMAN DOMB: And so that  
4 would have a lot to do with what's going  
5 on in State Road in our prisons at the  
6 time, right?

7 JUDGE FOX: You mean the  
8 reduction?

9 COUNCILMAN DOMB: Yes.

10 JUDGE FOX: Yes.

11 COUNCILMAN DOMB: So I'm just  
12 doing some back-of-the-envelope math, and  
13 the cost of the Prison System, which I've  
14 been talking about for two years in this  
15 Chamber, with fringe benefits has  
16 averaged between 360 million a year and  
17 380 million a year. Now, if I multiply  
18 that by five years, that's between, what,  
19 \$1.75 and \$1.9 billion. And I just want  
20 to make sure I'm clear. You're saying  
21 that you leveraged an investment of 7.65  
22 million against 1.8 to 1.9 billion of  
23 five years of the cost of the Prisons and  
24 were able to reduce the population, it  
25 says here, by 44 percent. That's amazing

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that for 7.65 million, we affected 1.9  
3           billion in five years of our budget and  
4           reduced the population by 44 percent.  
5           And I guess my concern is, why are not  
6           our costs, why have they not been reduced  
7           by at least 20 percent? I know there was  
8           a study done, but four years ago, it was  
9           44,000 per person on State Road. Today  
10          it's 84,000. This may not be your area,  
11          but I think the investment of 7.65  
12          million was tremendous against 1.9  
13          billion, and when we say to ourselves  
14          should we continue this 7.65, absolutely.  
15          We should fund it out of our own budget  
16          if they don't fund it, because it's  
17          affecting so much and it's dropped the  
18          population almost in half. What I'm  
19          frustrated by is why hasn't it had an  
20          effect on the cost of operation? I'm not  
21          asking for a 50 percent reduction, but a  
22          15 to 20 percent reduction should be  
23          appropriate.  
24                    I'm just putting that on the  
25          record. I'm not asking you to comment,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           but I got to tell you that if we were in  
3           any entity together and we could leverage  
4           7.65 million over five years against 1.9  
5           billion of investment and get those kind  
6           of results, that's amazing. What I'd  
7           like to see is those savings be  
8           referenced in our budget, though.

9                     Thank you. Thank you for your  
10           testimony today.

11                    Thank you, Mr. Chairman.

12                    COUNCILMAN GREENLEE: Thank  
13           you, Councilman.

14                    No further questions. Your  
15           Honor, Mr. Cross, everybody, thank you.  
16           Thank you for your time.

17                    MR. CROSS: Thank you very  
18           much.

19                    JUDGE FOX: Thank you.

20                    COUNCILMAN JONES: Hold on.  
21           Hold on. I have my light on.

22                    COUNCILMAN GREENLEE: It wasn't  
23           on.

24                    Councilman Jones.

25                    COUNCILMAN JONES: Thank you.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Really quickly. It's my  
3 understanding, and correct me if I'm  
4 wrong, there are 44,000 people on parole  
5 or probation; is that correct?

6 MR. CROSS: I think the number  
7 is a little lower, maybe as low as 39,000  
8 right now.

9 COUNCILMAN JONES: And the  
10 per-unit cost, per Councilman Domb's  
11 question, was about 42,000 a year in  
12 order to supervise them; is that correct?

13 MR. CROSS: I think he was  
14 talking about incarceration costs, not  
15 probation costs.

16 COUNCILMAN JONES: Okay. So my  
17 question is, is the probation and parole  
18 supervision on average \$42,000 a year?

19 MR. CROSS: I have no idea. I  
20 never looked at it in those terms.

21 COUNCILMAN JONES: Okay. So I  
22 think we need to evaluate how our parole  
23 and probation -- it's not just you. It's  
24 the state as well, because I don't know  
25 if that number is a joint number or a

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           separate number, which we need to  
3           clarify.

4                     MR. CROSS:    Sure.

5                     COUNCILMAN JONES:   And if it is  
6           costing that much, we kind of could take  
7           a look at that and look for further  
8           savings.

9                     There are all kinds of studies  
10          that come out that say anything over  
11          three years is a waste.  You are the  
12          professionals.  I do not pretend to know  
13          more than you, but I do have a  
14          responsibility to ask the question, and  
15          if indeed that is true, then what is the  
16          purpose of any probation, without  
17          substantial violation, lasting longer  
18          than three years?

19                    There is a direct correlation,  
20          as I understand it, that the probability  
21          of a technical violation beyond three  
22          years is probable.  And so there are many  
23          critics that would suggest that that  
24          system is self-perpetuating, designed to  
25          keep as many people in that system for as

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 long as possible to do that.

3 So I'm not a conspiracy  
4 theorist. Not at all. But objectively,  
5 I just need some answers to that and if  
6 there isn't a better way to move that.

7 You have some issues with  
8 caseloads management. I like the fact  
9 that you have tiered supervision. You  
10 have larger caseloads for people who  
11 constitute less of a risk. You have an  
12 increased -- or diminished caseload for  
13 more supervision in the second tier and  
14 then a really intense supervision for  
15 those people who constitute a real threat  
16 and major crimes as described. So I like  
17 all of that, but what I do need to know  
18 is if there isn't a better way to move  
19 people off of that system into  
20 productivity without -- I mean, many  
21 people call it slavery. And I don't mean  
22 it in the racial sense. I mean it in the  
23 captive sense, that it breaks up  
24 families, and I've heard story after  
25 story about that. So I think it's a time

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that has come that we take a look at  
3           that.

4                         And for my union friends that  
5           are probably listening, not designed to  
6           reduce staffing, but to alter how people  
7           that are at risk -- if you can increase  
8           the supervision on people who really  
9           constitute a threat and reduce the  
10          caseload of those people supervising  
11          them, you can give more intense review of  
12          those people who need it, and then  
13          somebody who gets in a bar fight, me and  
14          Councilwoman Parker are arguing over a  
15          basketball game and we got into it a  
16          little bit, we don't -- the probability  
17          of us getting into another argument is  
18          little to none, so we don't need that  
19          much supervision.

20                        So I don't want to make  
21          knee-jerk reactions, because if you get  
22          it wrong, a great Councilperson,  
23          Councilwoman Tasco, said act in haste,  
24          repent in your leisure. I remember that.  
25          I want to look at it, however, with an

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           eye towards how we alter it a bit, save a  
3           little bit of money, increase review for  
4           people who need it, and then let people  
5           join society that probably don't  
6           constitute as big a threat. And I don't  
7           think that's an unreasonable kind of  
8           direction for us to go in, and I'd love  
9           to hear your feedback.

10                    JUDGE FOX: Again, I think  
11           that's an issue that we're addressing,  
12           that we're looking at and how we examine  
13           it. And when a judge sentences somebody  
14           to a probation and length, it's really up  
15           to the individual judge. So there's a  
16           lot of different components to that, but  
17           I think it's something that we're all  
18           looking at.

19                    Again, as I said earlier, the  
20           world has changed and the issue that  
21           study came out and how we examined  
22           problems has really changed. So I think  
23           it's something that's ongoing, and I  
24           think everything you just said makes a  
25           very valid point.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN JONES: So let me  
3 continue on the path of making sense. I  
4 want to thank your staff who are  
5 reviewing the risk assessment model,  
6 which has impacts all across the board.  
7 Whether it's pretrial, whether it's no  
8 cash bail, all of these things will play  
9 a factor in giving a judge the proper  
10 tools to make a decision that is not  
11 necessarily as individual but more of a  
12 model that we can use to go by that is  
13 driven by data and statistics. So if we  
14 can get there, then those decisions  
15 aren't arbitrary and capricious, because  
16 I know you guys are always having a great  
17 day, but every now and then, you know --

18 JUDGE FOX: We have those bad  
19 days.

20 COUNCILMAN JONES: Yeah, there  
21 are bad. So if we can continue along  
22 that process, I think we will reap  
23 benefits throughout the system from  
24 people who are dealing with probation and  
25 parole to people who have to pay for it.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 JUDGE FOX: Thank you,  
3 Councilman.

4 COUNCILMAN JONES: Thank you,  
5 Mr. Chairman.

6 COUNCILMAN GREENLEE: Thank  
7 you, Councilman.

8 Councilman Taubenberger, you  
9 got a question?

10 COUNCILMAN TAUBENBERGER: Thank  
11 you very much.

12 Your Honor, I have a quick  
13 question. Last year, City Council passed  
14 two bills pertaining to criminal  
15 trespass. In reality, it was individuals  
16 breaking into someone's home and when  
17 confronted by Police -- they set up a  
18 homestead really -- these trespassers  
19 were claiming to be a tenant of the  
20 property and showing fake leases and all  
21 kinds of things.

22 Just to clarify, City Council  
23 has no jurisdiction to regulate the Civil  
24 Rules of Procedure, only the Pennsylvania  
25 State Supreme Court.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 JUDGE FOX: That's correct.

3 COUNCILMAN TAUBENBERGER: That  
4 is correct.

5 COUNCILWOMAN PARKER: Thank  
6 you, Councilman Taubenberger. Thank you.

7 COUNCILMAN TAUBENBERGER:  
8 Because it is important.

9 Have there been any more or an  
10 increased amount of hearings regarding  
11 this? Because it is a real --

12 JUDGE FOX: So when you say  
13 "increased hearings regarding this," the  
14 way a person would file something to have  
15 somebody who does not have the right to  
16 be in the property removed would be an  
17 action in ejectment. I do not have  
18 before me whether or not there is an  
19 increase in the number of ejectment  
20 actions, but I could get that.

21 COUNCILMAN TAUBENBERGER: Could  
22 you see if there is?

23 JUDGE FOX: I could. But our  
24 ejectment actions don't necessarily  
25 distinguish between the scenario you

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           described and any other type of ejection  
3           that somebody may file.

4                   COUNCILMAN TAUBENBERGER: Well,  
5           could they? Because there is a big  
6           difference. Councilwoman Parker went  
7           through great length to define this. I  
8           was a co-sponsor to that bill, as well  
9           there was actually a previous bill which  
10          I supported as well. Because in this  
11          realm, we have to do something, even  
12          though it's very frustrating, and most  
13          people do not understand that the Supreme  
14          Court is involved in this.

15                   JUDGE FOX: Well, they're  
16          involved in the sense that they define  
17          the Rules of Procedure that we have to  
18          operate under. So, for example, one of  
19          the issues that came up is how you make  
20          service on the defendant who is now in  
21          that home illegally, and we are bound by  
22          the Rules of Civil Procedure as to how  
23          service is effectuated on an individual,  
24          and that's one of the conflicts with it.

25                   So, yes, we could look into the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           OJR, our Office of Judicial Records, and  
3           ask them to try to find another way to  
4           identify those types of cases. We'd have  
5           to give it an identifier and --

6                        COUNCILMAN TAUBENBERGER:

7           Please. Because a landlord-tenant  
8           dispute is one thing, and I can  
9           understand why that has to be even taken  
10          further, but when someone is living in a  
11          house that is really yours and actually  
12          living in there, whether you're about to  
13          sell it or you're renovating it or you  
14          might just be out on vacation as some  
15          instances have been, that's very, very  
16          frustrating and I think really needs to  
17          be pushed up a notch on the timeframe.

18                       JUDGE FOX: Thank you.

19                       COUNCILMAN TAUBENBERGER: Thank  
20          you, Your Honor.

21                       Mr. Chairman, thank you.

22                       COUNCILMAN GREENLEE: Thank  
23          you, Councilman.

24                       No further questions. Your  
25          Honor, once again, thank you. Thank you

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 very much.

3 MR. CROSS: Thank you.

4 JUDGE FOX: Thank you.

5 COUNCILMAN GREENLEE: Our next  
6 department is the District Attorney's  
7 Office. And if I could ask people who  
8 are leaving to please leave quietly so we  
9 can keep moving, because we're a little  
10 behind schedule here.

11 (Witnesses approached witness  
12 table.)

13 COUNCILMAN GREENLEE:  
14 Mr. District Attorney, how are you, and  
15 everyone else here?

16 MR. KRASNER: I am fine.

17 COUNCILMAN GREENLEE:  
18 Appreciate you coming. We have your  
19 written testimony. Again, we're running  
20 a little behind schedule, so if you could  
21 summarize, whatever you'd like to do, and  
22 I know we have questions here.

23 Thank you.

24 MR. KRASNER: I understand.

25 First of all --

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN GREENLEE: Please  
3 identify yourself first. Thank you.

4 MR. KRASNER: Yes, I will.

5 First of all, my name is Larry Krasner.  
6 I'm the District Attorney for the City  
7 and County of Philadelphia. Seated to my  
8 left and my right are my two first  
9 assistants who are the Honorable Carolyn  
10 Temin and also Robert Listenbee. I would  
11 also like to point out that Keith  
12 Daviston, who is our Chief Financial  
13 Officer; Arun Prabhakaran, who is our  
14 Chief of Staff; Mike Lee, our Supervisor  
15 of Government Affairs; Cecilia Madden,  
16 Assistant Director of Administration; Ben  
17 Waxman, Director of Communications, are  
18 also here with us.

19 First and foremost, I'd like to  
20 give my thanks to City Council, to the  
21 First Judicial District, to Mayor Kenney,  
22 to the entire staff of the DA's Office,  
23 including those associated with our Crime  
24 Victims Advisory Commission and our CARES  
25 program, which provides advocacy for the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           families of victims of homicide. Also  
3           I'd like to give thanks to other  
4           stakeholders and the Public Defender,  
5           Keir Bradford-Grey, who may or may not be  
6           here right now, and on her behalf, I just  
7           want to say three things quickly.

8                         Number one, we have had a very  
9           constructive relationship, the District  
10          Attorney and the Public Defender in  
11          Philadelphia. In some ways and at some  
12          times, we've been able to work hand in  
13          hand. The Public Defender is able to  
14          obtain information from their clients  
15          that we need in order to do our job  
16          properly, and they're also connected to  
17          the community in certain ways that the  
18          District Attorney's Office cannot be.  
19          And, therefore, the fact that there is  
20          synergy and there is cooperation between  
21          the two offices has had tremendous  
22          benefits.

23                         Second, I'd like to point out  
24          we are very supportive of the Public  
25          Defender's efforts at changing pretrial,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           at overhauling it, and we are supportive  
3           of their efforts to try to have services  
4           in place so that when people are not in  
5           custody, there is something to do other  
6           than simply have them out.

7                         And, third, I want to point out  
8           that for the second straight year, we are  
9           in support of parity. Parity is  
10          sometimes difficult to define, but the  
11          bottom line is, what they do and what we  
12          do go in the same direction, which is  
13          towards individual justice, and that  
14          means that they need adequate resources,  
15          and we support them in that regard.

16                        We would also like to point out  
17          that getting cheap with the Public  
18          Defender's Office is a pretty good way to  
19          get expensive with incarceration, and  
20          that just is just bad policy all around.

21                        Our presentation includes a  
22          total of 65 slides and a video of about  
23          20 seconds. I know you'll be relieved to  
24          here it's only 20 seconds, Councilman.

25                        COUNCILMAN GREENLEE: I like

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 that 20 seconds part, yeah. That sounds  
3 good.

4 MR. KRASNER: And the 65 slides  
5 are not a minute a piece, although they  
6 certainly could be with our hour  
7 allotted, but I promise we will proceed  
8 expeditiously to point out, first of all,  
9 our summary, but then to get into  
10 answering all the questions that this  
11 august body may have.

12 So I see our slides are being  
13 set up.

14 And am I in control, am I in  
15 complete control here?

16 It turns out I am. All right.  
17 So just --

18 COUNCILMAN GREENLEE: We hope  
19 you are anyway, yes.

20 MR. KRASNER: We can only try.  
21 NASA is in control. I'm just trying.

22 But first and foremost, I want  
23 to make sure everybody knows what the  
24 Philadelphia Police Department's  
25 statistics on crime say about last year,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           because there seems to be a lot of  
3           political capital in saying things that  
4           aren't true.

5                       Point one, if you look at the  
6           bottom right on the Philadelphia Police  
7           Department's statistics for crime in  
8           Philadelphia last year, you will see zero  
9           percent, and what that means is that  
10          there was -- crime was flat. There was  
11          no increase in crime in the year 2018.

12                      If you look at the blue line,  
13          which is at the top, that would be the  
14          summary of what happened for violent  
15          crime overall, and what you will see is a  
16          negative 5 percent.

17                      Whatever you may be hearing  
18          from people who are not that interested  
19          in science, here's the science. Violent  
20          crime overall went down in the City of  
21          Philadelphia 5 percent last year. Crime  
22          overall was flat last year. And I say  
23          that because it frames our discussion  
24          around policies. These are not my  
25          statistics. These are the statistics

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 from the Philadelphia Police Department.

3 Yes, of course we have a  
4 terrible issue around shootings. Yes, of  
5 course we have a terrible issue around  
6 homicides. This is what keeps the Police  
7 Commissioner and me and I'm sure all of  
8 you up at night, and it is a very, very  
9 major concern, a discussion I've had with  
10 him many times. But we also know -- and  
11 the Commissioner agrees with me on  
12 this -- that the increase in homicides  
13 that we are seeing and very likely the  
14 increase in shootings appears to be  
15 related directly to the opioid crisis.  
16 And I say that because the Police  
17 Department's own statistics say that the  
18 one category of homicide that shot  
19 through the roof was drug related, which  
20 went from 60 the year prior to 120 last  
21 year.

22 Now, having said that, there  
23 are a few maps I want to show you, and I  
24 want to show them to you for a reason,  
25 because I think they tell the story and

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           they tell the significance of what this  
3           Administration and this City are trying  
4           to do together.

5                     If we look at the change in  
6           violent crime in 2018 by zip code, what  
7           we see is that it went down in 33 zip  
8           codes, it was level in three, and it went  
9           up in 12 zip codes. That does not make  
10          it okay. It is not okay for violent  
11          crime to be going up anywhere. That is  
12          not what we want. But the story here is  
13          where.

14                    Now let us look at another  
15          factor. This would be poverty in  
16          Philadelphia. Does it look familiar?  
17          You are seeing the same zip codes. And  
18          this slide will show you unemployment in  
19          Philadelphia. Does that look familiar?  
20          You are seeing the same zip codes. And  
21          this slide will show you education. And  
22          what I mean by that specifically is the  
23          level of attainment of a high school  
24          education. And, once again, you are  
25          seeing essentially the same map over and

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 over and over.

3 The time to tell a simplistic  
4 story about how bad people just commit  
5 crime and it's got nothing to do with  
6 education, it's got nothing to do with  
7 poverty, that time is over. The reality  
8 is that what we are talking about here is  
9 a systemic problem.

10 I'm not telling you anything  
11 you don't know. I'm telling you exactly  
12 what you already know. We have a  
13 systemic problem, and we cannot arrest  
14 our way out of it.

15 Yes, handcuffs are part of what  
16 we have to do. It is part of running the  
17 store, but the reality is that unless we  
18 are going to, in the short term, do the  
19 things to fundamentally change the  
20 systemic problem in the long term,  
21 because, yes, it's going to take a minute  
22 to get this done, then we're not going to  
23 do anything except get politicians  
24 elected and watch them fail.

25 Our most important achievement,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           in my opinion, last year was our efforts  
3           at culture change, and culture change  
4           comes in many forms, but one of the most  
5           important forms it comes in is inclusion  
6           and is diversity of the absolutely most  
7           talented candidates who are out there to  
8           work in the office. We made that an  
9           extremely high priority, because to be  
10          very honest with you, I came into an  
11          office that, as some of you may recall, I  
12          graded as a B last year. And I got a lot  
13          of heat for saying in front of members of  
14          my own office that the office was a B,  
15          but I had to do it because it was true.  
16          And we have made every effort since then  
17          to bring up, to improve, and to change  
18          the culture within the office.

19                        We realized, I realized that  
20                        the work that we are trying to do is not  
21                        going to be done before I am gone, by  
22                        whatever means, but we understand that  
23                        the people who are going to finish this  
24                        mission and this arc of changing criminal  
25                        justice are the people we are hiring

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           today. And so we've made a real point of  
3           trying to do everything we can to hire  
4           the brightest and the best from  
5           Philadelphia and everywhere else.

6                         This was the situation at the  
7           time we came into the office. On the  
8           left, you will see that before our  
9           administration started on January the 1st  
10          of 2018, the level of diversity in the  
11          entire office was at 30 percent. If you  
12          look to the right and you see the gray  
13          and purple circle, you'll see that that  
14          level is up to 40 percent in one year, a  
15          considerable increase.

16                        If you look at the  
17          second-from-the-left circle, which is  
18          just ADAs, so in other words, just  
19          attorneys, the diversity level was 20  
20          percent when we came in. As of right  
21          now, the diversity level is at 28  
22          percent, but that is not the end of the  
23          issue. We figured out a strategy, and it  
24          was frankly unheard of in the DA's  
25          Office, to try to go after the most

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           talented Philadelphians, wherever they  
3           may be. And, yes, many, many of them are  
4           in the law schools in Philadelphia, but  
5           many, many of them are in other law  
6           schools all around the country. And,  
7           frankly, we're really okay with bringing  
8           people who are not yet Philadelphians to  
9           become Philadelphians, because in our  
10          view, this is a world-class city and this  
11          should be a national-class District  
12          Attorney's Office.

13                         And so we went to 29 different  
14          law schools. And when I say "we went," I  
15          mean I went, I mean Bob Listenbee, I mean  
16          Judge Temin went to 29 different law  
17          schools, including Philadelphia area,  
18          around the country. And this is our  
19          entering class, which will be here in  
20          September of 2018.

21                         The prior year's class was  
22          hired by the prior administration, and so  
23          this is the class that is the most  
24          reflective. Yes, we went to the West  
25          Coast, we went to Texas, we went

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           throughout the South, we went up and down  
3           the East Coast, and we went to the  
4           Midwest, because that is where we could  
5           find all the talent we wanted.

6                         We specifically went to  
7           historically black university law  
8           schools. With our six, we got to five of  
9           them. The sixth we'll get to this year.  
10          And we also went to a variety of schools,  
11          but among them were top 20-rated schools  
12          in addition to the Philadelphia schools.  
13          Those are the faces of the many, many,  
14          many people who applied. We had more  
15          than a thousand applications, and we  
16          ended up hiring a class of 62.

17                        That is not the picture of  
18          diversity that the Philadelphia District  
19          Attorney's Office is looking for,  
20          although that is the picture of diversity  
21          that you will find in a different  
22          prosecutor's office at 6th and Market.

23                        This is the picture of  
24          diversity that we would like to see in  
25          the Philadelphia District Attorney's

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Office. Do you see a difference?

3 So as it turns out, 24 percent  
4 of our incoming class are people who were  
5 either prior long-term residents of  
6 Philadelphia or are currently at  
7 Philadelphia area law schools. We also  
8 went, as I mentioned, to five of the six  
9 HBU law schools. And for those of you  
10 who may not know offhand, they include  
11 the former Antioch, which is the  
12 University of District of Columbia. It  
13 includes Howard University. It includes  
14 Southern University and the Thurgood  
15 Marshall School of Law, which is at Texas  
16 Southern University. We went to North  
17 Carolina Central University. And the  
18 only one that we missed, and that was  
19 simply because they didn't seem ready to  
20 have us come, was Florida A&M, and we  
21 will hopefully get there this year.

22 So what does diversity look  
23 like for this entering class, which  
24 really is a reflection of our opportunity  
25 to bring in new people? Well, it is 55

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           percent diverse. I need to tell you,  
3           though, that we are adding to our  
4           diversity data some new factors, and  
5           those factors are LGBTQI and also whether  
6           or not you're non-binary. If we separate  
7           out the LGBTQI and non-binary aspect,  
8           then the diversity level, meaning  
9           predominantly racial and ethnic, is  
10          actually 49 percent rather than 55  
11          percent, because 6 percent of that total  
12          relates to the orientation factors that I  
13          mentioned. And if we look on the issue  
14          of gender, what we see is that it is 45  
15          percent male, 2 percent who identified as  
16          non-binary, and 53 percent who are  
17          female. That is unsurprising, because  
18          even before coming into office, there  
19          were slightly more women than men in the  
20          Philadelphia District Attorney's Office.

21                    This is Carla. Carla I think  
22                    is an excellent example of what we found  
23                    when we went looking. Carla Ogbiro is a  
24                    proud graduate of Central High School in  
25                    Philadelphia, Pennsylvania who grew up

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           here. She is fluent in the Spanish  
3           language. She is also a citizen of at  
4           least two countries, because she has a  
5           very interesting background with her two  
6           parents. And Carla is at Northwestern  
7           School of Law in Chicago, which is one of  
8           the finest law schools in the United  
9           States. At the time we got to  
10          Northwestern, she had already been  
11          offered, and frankly kind of sort of  
12          accepted, a job in California. Why?  
13          Because Philadelphia wasn't chasing their  
14          own and wasn't coming to try to take some  
15          of their best and their brightest and  
16          make sure they don't just leave. Well,  
17          we went and we got Carla, and this is  
18          Carla.

19                    (Video playing.)

20           MR. KRASNER: That's pretty  
21           cool, and that's Carla. She'll be with  
22           us in September.

23                    Let me give you one more  
24           example so you understand the human face  
25           of what we are talking about. Angela

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Brennan is a proud undergrad of Howard  
3           University in Washington, DC and she is  
4           now completing her tenure at Howard  
5           University School of Law, where she is in  
6           the top third of her class. Angela  
7           Brennan wrote us a letter with her  
8           application, and I just want to read one  
9           paragraph of it, which is, Being a black  
10          woman raised in Southwest Philadelphia, I  
11          have witnessed injustice up close.  
12          Growing up in the Philadelphia public  
13          schools, I've witnessed brilliant kids  
14          give into their surroundings and wind up  
15          behind bars for the rest of their youth.  
16          Throughout early adulthood, I've  
17          witnessed friends fall victim to crime,  
18          then never seek help because of lack of  
19          faith in the system. As an older sister,  
20          I've witnessed callous policies and  
21          treatment towards children with mental  
22          disabilities like autism. However, since  
23          being in law school, I've learned the  
24          power of prosecutors and their ability to  
25          execute justice, whether that is by

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           convicting bad guys or dropping charges.  
3           The chance to work with the Philadelphia  
4           District Attorney's Office would grant me  
5           the opportunity to help make justice a  
6           reality and restore faith in the  
7           community that raised me.

8                         So that is what we are after  
9           and, frankly, I could not be prouder that  
10          that's what we have done in terms of  
11          diversity and inclusion and bringing the  
12          best and the brightest to what we hope is  
13          a national-class office in a world-class  
14          city.

15                        In terms of achievements and in  
16          terms of reform that we have been after,  
17          this is a tideline of a few of the  
18          factors. We announced policies on  
19          reducing mass incarceration, charging  
20          sentencing and so on in February of '18.  
21          We were only in office about 45 days.

22                        We established a Crime Victims  
23          Advisory Committee composed of victims of  
24          crime to give us advice on what we can do  
25          to serve them better in the office in

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 April of '18.

3 In October of '18, we undertook  
4 to do various things to strengthen  
5 investigations and, most importantly, we  
6 were able to complete a very important  
7 prosecution of real drug dealers. When I  
8 say "real drug dealers," I mean  
9 professional drug dealers. I don't mean  
10 18-year-old kids standing on the corner  
11 because they got no other opportunities.  
12 I mean, this was a wiretap investigation  
13 in which we had months of wiretaps that  
14 were listened to, following proper  
15 methods where we translated, and we were  
16 able to determine sources of drugs,  
17 alternative sources of drugs. We were  
18 able to uproot an organization that had  
19 been on that block for 20 years, whose  
20 ownership was in their second generation  
21 and that had done just fine until we got  
22 them with wiretaps. One of our budget  
23 requests is to double our capacity to do  
24 that, because we can do more if we simply  
25 had more Spanish-speaking detectives and

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 a couple more lawyers.

3 In January of '19, we launched  
4 CARES. This is a program, first of its  
5 kind in Philadelphia, that has 12 local  
6 representatives and a few people in  
7 charge for the purpose of providing  
8 advocates to the families of people who  
9 die in homicides. The idea is that they  
10 will essentially hold their hands through  
11 the entire process from the moment of  
12 learning of the death. Obviously we had  
13 to staff up, but it was done with a grant  
14 in an amount of a million and a half from  
15 our former Chief of Victim Witness  
16 Services, Movita Johnson-Harrell, who has  
17 now moved on to another occupation, as  
18 many of you may know, and we consider it  
19 to be a major success in terms of our  
20 ability to assist those who are suffering  
21 through a homicide in their family.

22 February of '19, Robert  
23 Listenbee led the way for our juvenile  
24 system reforms. We have also expanded  
25 AMP, which is the diversionary program

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           for misdemeanors. We are working on  
3           evaluation of our bail reform. And, yes,  
4           it turns out that our bail reform dating  
5           back from February of '18 works. That's  
6           not just our opinion. That's the opinion  
7           of independent -- others who studied it  
8           independently who said, number one, those  
9           who got released, which was over 1,700  
10          under the new system, did not cause an  
11          increase in crime and those who got  
12          released did not cause any increase in  
13          failing to appear to court.

14                        We also heard you when you told  
15          us over and over how important it was to  
16          fight house thefts and to fight stolen  
17          deeds, which has been a major priority  
18          for our office, and we were able to bring  
19          two significant prosecutions, one against  
20          a man who was released after 15 years for  
21          a sentence on a rape case and whose first  
22          activity was to steal six houses in a  
23          system that frankly needs more checks and  
24          balances so that won't happen. And then  
25          the other one more recently with another

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 group of folks.

3 We can do more, and one of our  
4 budget requests is simply for a few more  
5 attorneys and detectives so that we can  
6 do a lot more, not only in terms of  
7 actual prosecution of people stealing  
8 houses, but also in terms of trying to  
9 assist in policies that would change the  
10 policies so it's much harder to get away  
11 with it.

12 We announced in March of 2019  
13 policies that go to many of your  
14 questions on how we can limit the term of  
15 probation and parole. As you know, New  
16 York City has 12,000 people on probation  
17 and parole. Philadelphia has about  
18 38,500, and we're a whole lot smaller.  
19 So there is a lot that can be done there.

20 And in April of 2019, as you  
21 may know, we did an almost  
22 first-of-its-kind prosecution of tow  
23 truck operators who were taking advantage  
24 of people who had just been in car  
25 accidents and hitting them with bills of

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           \$1,500, \$2,000 for what should have been  
3           a \$200 towing of their car.

4                         We have reduced future years of  
5           incarceration, and what that means is  
6           when a judge gives a sentence of ten  
7           years, we're not going to necessarily be  
8           able to measure that just in the number  
9           of people in jail. We're going to be  
10          measuring that in five years and six  
11          years and ten years. So we have reduced  
12          the number of future years of  
13          incarceration by nearly 2,000. We have  
14          reduced the number of future years of  
15          probation by over 5,000 years as compared  
16          to a comparable sample of prior  
17          administrations. We've increased the use  
18          of diversion by about 25 percent, and  
19          we've reduced the number of juveniles  
20          held in adult court by over 80 percent.

21                         There is some talk about  
22          reinvestment. There is some talk about  
23          cost savings. Well, there should be,  
24          because if you're going to spend all of  
25          your money on supervision and

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           incarceration, then you're not going to  
3           have it for public schools, you're not  
4           going to have it for drug treatment,  
5           you're not going to have it for economic  
6           development, and you're not going to have  
7           it for the things that need to go in  
8           those zip codes that are chronically  
9           associated with all of those problems.

10                         This gives you not an example  
11           of what we are actually saving, because  
12           we are not going to see these savings  
13           right away. There are too many fixed  
14           costs. It takes a system a while to  
15           turn. But this is an example of the  
16           enormous, enormous potential for savings  
17           that can be reinvested into the things  
18           that build up community and prevent crime  
19           if we do what it is that many of you in  
20           Council are suggesting, if you are  
21           careful about future contracts, if we are  
22           careful about where our resources go.

23                         What you will see here is a  
24           comparison of the fourth quarter of 2018  
25           versus the first quarter of 2014 in terms

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           of how many years of future incarceration  
3           were generated in court. And the answer  
4           is 1,913 fewer years of future  
5           incarceration were generated. And if you  
6           start to work that out and use a rather  
7           conservative figure of about \$42,000 per  
8           year as the cost of that incarceration,  
9           you're looking at 82 million bucks in one  
10          quarter, in one quarter. Multiple it by  
11          four and you get a year. That's \$328  
12          million. Multiply it by four years,  
13          you're up to \$1.3 billion. Are you going  
14          to get all of it back? No, but you're  
15          going to get some of it back if you stop  
16          writing contracts. And I don't mean you  
17          personally, but if the City stops writing  
18          contracts that say we'll feed one person  
19          or 10,000 people for the same money,  
20          we'll provide healthcare for one person  
21          or 10,000 people for the same money. If  
22          we stop doing that and we actually put  
23          the money back where it belongs, we can  
24          move mountains. And, yes, yes, we can go  
25          to the Governor. We can say to the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Governor, this is how much money we're  
3           going to save you in the future. Maybe  
4           you don't need to build another jail.  
5           Maybe, especially in your second term,  
6           you need to invest in the City of  
7           Philadelphia because this money will be  
8           saved in the future.

9                         This is the cost of  
10           supervision, "supervision" meaning both  
11           parole and probation. And the sources  
12           for these numbers -- you can check with  
13           Mr. Hollander, but they do come from  
14           official sources. You're looking at  
15           \$13.8 million saved in one quarter.  
16           Multiply that out. Where are you now?  
17           \$56 million per year. Four years, \$224  
18           million. Add that on to the prior  
19           savings, you're at a billion dollars.  
20           That is the significance. That is the  
21           impact. And, no, you can't just measure  
22           it in how many people are in jail. That  
23           is significant, and that is the impact.

24                         Future years of probation is  
25           only a part of the prior slide, so we'll

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 just skip over that.

3 Now, I know I've gone on with  
4 my summary for a little bit, because I  
5 get a little fired up over those issues.

6 (Councilman Jones speaking  
7 without microphone on.)

8 MR. KRASNER: Well, I  
9 appreciate that very much, Councilman.  
10 That's very kind of you. I hope  
11 Councilman Greenlee agrees.

12 COUNCILMAN GREENLEE: All  
13 definition of "take your time." That's  
14 all.

15 MR. KRASNER: All right. I  
16 will conclude quickly.

17 So as you all know, we had a  
18 bail reform policy. That bail reform  
19 policy, when we look back at it a year  
20 later, approximately 1,750 people who  
21 were charged with non-violent, low-level  
22 offenses -- that did not include sex  
23 offenses, it did not include possession  
24 of a weapon by a felon, and it did not  
25 include high-dollar white-collar crime.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 When we look at that, what we see is  
3 1,750 people who would have been stuck in  
4 jail weren't because of that policy. And  
5 there was no increase in FTA rate or  
6 recidivism rate.

7 When we look at reducing mass  
8 incarceration as a goal of this city and  
9 a goal of this Administration and a goal  
10 of many, many stakeholders, who deserve a  
11 lot of credit for their efforts that have  
12 gone on for years before we ever got  
13 here, we see that the Philadelphia jail  
14 population reduced by 29 percent since  
15 January of 2018, which is roughly equal  
16 in percent to the percent change that  
17 happened in the prior six years.

18 Obviously this has been a team  
19 effort, but it is what happens when you  
20 have a prosecutor's office that is a  
21 willing partner as opposed to being  
22 opposed to what other stakeholders are  
23 trying to do to reduce it.

24 The population today, by the  
25 way, in the county jails is 4,590.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 We have also reduced barriers  
3 to diversion. We are looking to expand  
4 it greatly and we are working with the  
5 FJD; in particular, with the Municipal  
6 Court, the FJD and Judge Dugan, to try to  
7 do just that.

8 This gives you the graph which  
9 indicates what I just spoke about, the  
10 actual multi-year reduction in county  
11 jail population. As you can see, the  
12 absolute numbers are not the same as  
13 percents. They never are. But I think  
14 the City should be duly proud of the fact  
15 that not so long ago, there were 9,505  
16 who were in county jail and we are now at  
17 4,590, which is almost exactly half of  
18 that number.

19 Deed theft, we did speak about  
20 this a little bit earlier, and obviously  
21 we are looking for a little bit of  
22 support. As it happens now, we're  
23 getting a ton of reports, but sometimes  
24 we cannot even respond with telephone  
25 calls that are going to be an hour in

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           length in order to try to get at the  
3           specifics. Sometimes we can't even  
4           respond for several days simply because  
5           we need more capacity. I'm not talking  
6           crazy more capacity, but if we could take  
7           our two or three lawyers and make it four  
8           or five or six, there's a lot that we  
9           could do.

10                         Predatory business practices,  
11           there are many different kinds. We'd  
12           like to get at a lot of them. Only one  
13           of them, which we have gone after, is the  
14           tow truck business we're talking about,  
15           but there are a lot of elderly people in  
16           Philadelphia, a lot of seniors that are  
17           getting ripped off by contractors. That  
18           kind of behavior is despicable, and we  
19           would love to have an Economic Crimes  
20           Unit that is bolstered, that is beefed up  
21           under the supervision of Judge Temin, by  
22           the way. We'd love to build it up so it  
23           truly protects working-class people and  
24           poor people from that kind of predatory  
25           behavior, and we will need some resources

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 to do that.

3 Again, as I mentioned earlier,  
4 we had a very, very successful  
5 collaboration with DEA and also with the  
6 Philadelphia Police in terms of the Kip  
7 and Cambria investigation, about 67  
8 people arrested. These were real drug  
9 dealers who make their business at doing  
10 this, and they were distributing a lot of  
11 opioids at that location. If we can  
12 simply get some more resources, we would  
13 be able to double that.

14 You should know that that kind  
15 of investigation, the wiretap  
16 investigation over a period of a few  
17 months, is something that the feds  
18 usually do, except the feds usually take  
19 years. And it's something that's very  
20 difficult for the Philadelphia Police to  
21 do because it requires a lot of specific  
22 knowledge and education around conducting  
23 wiretaps, and it requires a lot of  
24 interaction with the DA's Office.

25 We are always ready to

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           collaborate, but this is a role where our  
3           much, much smaller office -- we are 600  
4           people. The Philadelphia Police  
5           Department is approximately on the order  
6           of 6,800 people. This is an area where  
7           our smaller law enforcement entity can do  
8           a lot in terms of trying to pull up the  
9           whole dandelion instead of just yanking  
10          off the flower and a couple of leaves.

11                       Now I'd like to speak for a  
12          moment, if I may, about some of our  
13          efforts around victims, but also our  
14          efforts to really try to make sure that  
15          the system is accurate. We have recently  
16          been able, due to the excellent efforts  
17          of Anthony Voci and the state trooper who  
18          worked with us, we've recently been able  
19          to solve and capture the defendant in a  
20          31-year-old homicide. This would be a  
21          man who was in the Carolinas, and in fact  
22          he killed two people. He killed them in  
23          almost the identical way, and it took a  
24          long way to resolve, but we are willing  
25          to go back in time.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 We want to solve cold cases.

3 We want to give closure to victims. It  
4 is something that they deserve. And we  
5 have found that DNA can be an extremely  
6 important asset in doing this, not only  
7 with homicide cases but also in terms of  
8 many of the sexual assault cases.

9 We will have an announcement  
10 next week, and I don't want to roll it  
11 all right now, but the fact is that there  
12 was a terrible backlog of rape kits for a  
13 long time. Well, that backlog has all  
14 been tested now, and thank goodness we  
15 are at the point where moving forward,  
16 rape kits can be tested within 90 days,  
17 within a reasonable period of time, which  
18 provides a much better situation for  
19 victims of sexual assault.

20 We are looking for City Council  
21 to assist us over a period of perhaps  
22 three years with funding for DNA, because  
23 we believe it is possible that there may  
24 be quite a few cases, in addition to a  
25 considerable number of rape and sexual

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           assault cases, quite a few cases,  
3           including some homicide cases, where  
4           modern technology makes testing possible  
5           that was simply impossible before, and we  
6           could bring closure to people who have  
7           not had it. We could make sure that the  
8           people sitting in jail are actually the  
9           ones who did it, and when they're not, we  
10          can go after whoever did the original  
11          crime who is still out there doing God  
12          knows what.

13                        In terms of juvenile reform, we  
14          have seen 63 fewer juveniles initially  
15          charged as adults in '18 as compared to  
16          '17, and we have seen an 83 percent  
17          decrease in juveniles whose cases  
18          remained in adult court after their  
19          preliminary hearing. The number of  
20          juveniles from Philadelphia in placement  
21          facilities has decreased 44 percent.

22                        And speaking of money, so we  
23          are all clear, when we talk about whether  
24          it's 40,000 to be in jail or 60,000 to be  
25          in jail, that's not the number for

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           juveniles. The number for a juvenile in  
3           Pennsylvania in a placement that is not  
4           secure is on the order of \$160,000, and  
5           the number for a juvenile to be in a  
6           secure placement is \$220,000 per year,  
7           220 grand. And what you are getting for  
8           that, unfortunately, as I think a lot of  
9           us know from the scandal surrounding Glen  
10          Mills, is you are frequently getting  
11          abuse, which comes in various different  
12          forms, and you are frequently getting  
13          young people coming out of these  
14          facilities who cannot graduate high  
15          school, cannot get a job, and go back to  
16          crime. There has to be a better way, and  
17          as it turns out, that better way is also  
18          going to be an awful lot less expensive.

19                   All right. I think that means  
20                   I have to stop. Thank you for your  
21                   patience, Councilman.

22                   COUNCILMAN GREENLEE: Thank  
23                   you. Thank you very much, Mr. Krasner.

24                   Just to start out, and I know a  
25                   number of members have questions, but

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           purely on the budget/money question, if  
3           you will, in the General Fund, I think  
4           you're asking for, is it, 2.75 million  
5           additionally? Is that the figure?

6                   MR. KRASNER: We're asking for  
7           an increase over last year of, I believe  
8           it's, about 2.9, but it's about that,  
9           yes.

10                   COUNCILMAN GREENLEE: Okay.  
11           Over last year. Now, was there a cut in  
12           the budget the Administration put in?  
13           Was there less money given from last  
14           year?

15                   MR. KRASNER: The cut was 2.5.

16                   COUNCILMAN GREENLEE: 2.5.

17                   MR. KRASNER: And I would like  
18           to point out that my administration  
19           actually succeeded in putting away in our  
20           piggybank \$2 million, because we knew  
21           that we had 62 new people coming in at  
22           about 60,000 a piece. So we have been  
23           about as fiscally responsible as you can  
24           be. And I say this respectfully to the  
25           Administration. We are not in agreement

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           with having our care when it comes to  
3           finances and our respect for the taxpayer  
4           turning into some sort of a clawback that  
5           will leave us looking like we can't pay  
6           for what was already agreed upon.

7                        COUNCILMAN GREENLEE:   Okay.  
8           Now, that increase, what are the  
9           highlights of where that money is going  
10          to be spent?  You kind of went into it  
11          here, but quickly.

12                      MR. KRASNER:  I did mention a  
13          number of things, but I'll try to just  
14          tick them off.  One aspect of it is money  
15          for DNA, which we think should be over  
16          three years.  We're asking for a million  
17          over three years.  So that's on the order  
18          of about a third of a million dollars.

19                      Another aspect of it is to  
20          increase the Economic Crimes Unit in  
21          terms of house theft, things of that  
22          sort.

23                      Another aspect of it is the  
24          combination of conviction integrity and  
25          special investigations.  This is how

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           we're going to get at cold cases, but  
3           it's also how we're going to make sure  
4           that the integrity of cases is  
5           guaranteed.

6                     Just as one example, we have a  
7           prosecution now of a homicide detective  
8           for multiple sexual assaults. And  
9           without commenting further on that, that  
10          obviously means we got to take a look at  
11          some of the cases that he handled. One  
12          of the ways to verify that even if a  
13          troubled detective was involved, the  
14          defendant is truly guilty, is DNA, but we  
15          have to have the resources to be able to  
16          go in and answer those questions.

17                    There has been a request coming  
18          especially from clergy for a Civil Rights  
19          Enforcement Unit. We're talking about a  
20          small unit, probably only four attorneys.  
21          The idea there is that they would work  
22          with our SVU and specifically work on the  
23          issue of illegal -- I did say illegal --  
24          stop and frisk. In other words, there's  
25          a lot of paperwork that is generated when

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           there is a pedestrian stop, and probably  
3           the vast majority of that is truthful and  
4           accurate, but it might just be that it's  
5           not all truthful and accurate, and with  
6           the resources of a couple of attorneys,  
7           we think we could really restore a lot of  
8           community faith in policing by being able  
9           to ensure that the information that's put  
10          in the paperwork is accurate. We are  
11          hearing a pretty loud cry coming from  
12          clergy and community about this. And  
13          that is only one of the things that it  
14          could do. There are other things that  
15          could be done.

16                         We did, for example, have a  
17          prosecution this year of corrections  
18          officers who were beating up someone in  
19          custody. There is video to confirm it.  
20          A jury convicted.

21                         Civil rights in many cases have  
22          to do with violations of crimes. And so  
23          that is another request that we have.

24                         We are also trying to expand  
25          our Economic Crimes Unit to do more work

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           around elder abuse. This obviously is a  
3           city where we have a very significant  
4           population of seniors, and they deserve  
5           to be protected.

6                   COUNCILMAN GREENLEE: Okay.  
7           All right. Thank you for that.

8                   And I just want to mention as  
9           an aside, the Economic Crime Unit, the  
10          increase there I think is certainly  
11          merited, particularly on the issue of  
12          deed theft. It was something that seemed  
13          to be not given priority before. The  
14          most expensive or valuable thing somebody  
15          has is their home, so it was kind of  
16          unusual that it seemed like we didn't  
17          want people stealing cars, but there  
18          seemed to be more emphasis on car theft  
19          than there was house theft, which never  
20          made a lot of sense to me.

21                   One more question I had.  
22          Rightly or wrongly, there has been some  
23          criticism of lack of communication with  
24          victims and family of victim of crime.  
25          Can you just talk on that a minute? You

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           did mention that also in your  
3           presentation, but has that improved,  
4           expanded at all?

5                         MR. KRASNER: Yes. And thank  
6           you for that question. It is extremely  
7           important to us that when we are not  
8           doing as well as we can, we improve. So  
9           one of the things we have done obviously  
10          is the CARES program, which as I  
11          mentioned before, it's a million and a  
12          half new dollars from grants, which are  
13          used to help homicide victims and to do  
14          things like help them to relocate more  
15          quickly, make sure that they are safe and  
16          they are not intimidated, interface with  
17          detectives so those detectives can be out  
18          trying to solve those crimes.

19                        Another thing that we have done  
20          is, we have come up with a detailed  
21          worksheet, which is to be used in every  
22          case, where our ADAs are accountable for  
23          their efforts to contact victims. They  
24          have to put down when they called, how  
25          they called, when they e-mailed, what

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           address did they e-mail, all of the  
3           information that will be necessary to  
4           show that they really, in a timely  
5           fashion, did what it is that they are  
6           supposed to do. And I mean, yes, there  
7           has been a standard practice before we  
8           came in of sending letters a couple  
9           times, of making some phone calls, but we  
10          have to do better than that. It is not  
11          enough for us to make an effort. The  
12          effort we make has to be excellent. And  
13          we did speak with Jennifer Storm, who was  
14          the statewide victims advocate, who  
15          recommended to us various databases that  
16          we can use, including things like  
17          LexisNexis, for example, in order to do  
18          what they consider to be a high level of  
19          searching for victims or families of  
20          victims and survivors and so on.

21                        So we are trying to do that.  
22          We have trained all of our staff in that.  
23          We consider people to be accountable, and  
24          it's the kind of thing that if you don't  
25          do, can result in your suspension or

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 termination from the office.

3 We are also taking

4 recommendations obviously from our Crime

5 Victims Advisory Committee, which is a

6 new committee that we formed. But, look,

7 we understand that we have to do better,

8 and even if some of the things we are

9 doing are exactly how it was done in the

10 past with less criticism, that's not an

11 excuse. The buck does stop here. We

12 need to step up and do better.

13 COUNCILMAN GREENLEE: I

14 appreciate that answer. Thank you, sir.

15 Councilwoman Parker, please.

16 COUNCILWOMAN PARKER: You just

17 turned my line of questioning all up and

18 down today, DA Krasner. But let me start

19 by just acknowledging and I want to do

20 this for the record, because usually when

21 City departments get it wrong, you hear

22 us jumping up and down, but when you work

23 to get it right and the team is working,

24 I think that too should be acknowledged.

25 So I want to just state for the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           record that Mike Lee, long before  
3           criminal justice reform, restorative  
4           justice efforts relative to expungement  
5           and pardons became popular and sexy for  
6           people to talk about or be engaged in,  
7           Mike Lee was doing it on the ground. So  
8           the external validity that he brings from  
9           his work outside of your office to your  
10          office is extremely valuable.

11                    I also want to say to Kim  
12          Esack -- I'm sorry if I chopped your name  
13          up -- Detective Gerald Rocks, and Lauren  
14          Townsend relative to deed fraud and  
15          economic crimes overall, they have done a  
16          yeoman's job.

17                    And, Councilman Greenlee, in  
18          your line of questioning, you talked  
19          about how neglected the Economic Crimes  
20          Unit had been in the past, and I'm  
21          shaking my head while you're doing so,  
22          because I'm looking at pre-Larry Krasner  
23          lines of questioning relative to that  
24          unit, and it was basically not supported.

25                    So let me just start to say

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that on Page 6 of your testimony, you ask  
3           for an investment of \$2,785,000 to expand  
4           the Economic Crimes Unit. And  
5           wholeheartedly a thousand percent want to  
6           say to you on the record that I support  
7           that, particularly because of what you  
8           laid out relative to what the unit is  
9           doing, right, and we can measure it.

10                       Next I want to say this,  
11           because the questions I have prepared,  
12           you just totally turned them upside down.  
13           I don't know who the person is or the  
14           team is who does the technology for your  
15           office, but I want you to know that never  
16           before, as a visual learner -- I am a  
17           visual learner -- never before have I  
18           seen quantitative data with the actual  
19           sources listed and visuals about how the  
20           department is attempting to educate the  
21           public about true stats versus myths that  
22           become popular because we read them in a  
23           newspaper or we hear them on the radio  
24           and they are not true.

25                       So I want you to help me make

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           sure that I've digested these stats  
3           accurately. I want to start with Page 1.  
4           Can you go back to the Page 1 in your  
5           presentation. This is where you give us  
6           an overview of violent crime in the City  
7           of Philadelphia.

8                        I've been through I don't know  
9           how many community-based meetings this  
10          year and some in 2018 and I've often  
11          heard violent crime is up in the City of  
12          Philadelphia, and so much so when you  
13          constantly hear a myth repeated, I will  
14          dare say to you that members of the  
15          public have embraced this as the truth  
16          for our city. But am I accurately  
17          reading this? And if I'm not, please let  
18          me know. I'm trying to become a more  
19          critical consumer of research.

20                       You say that total violent  
21          crime offenses in the City of  
22          Philadelphia are down by 5 percent, but  
23          we do see an increase in homicides at 10  
24          percent, and you attribute this to? Can  
25          you finish that line for me.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 MR. KRASNER: Yes, I can. So,  
3 again, this is data from the Philadelphia  
4 Police Department, and these are not  
5 solved cases. These are actual  
6 complaints of particular crimes. And  
7 what it shows us with the highlighted  
8 blue line is that according to the  
9 Philadelphia Police Department for the  
10 entire year 2018, there was a 5 percent  
11 reduction in violent crime, including  
12 some considerable improvements. For  
13 example, robbing with a gun down 12  
14 percent, other robberies down 14 percent,  
15 and rape down 9 percent. Obviously that  
16 is good news. It is not good news when  
17 we look at the top line and we see that  
18 homicide is up 10 percent, and it's not  
19 good news when we look at the line which  
20 is two above the blue line and it says  
21 aggravated assault/gun, that that is up 5  
22 percent.

23 Now, our Commissioner,  
24 Commissioner Ross, frankly I'm a big fan,  
25 and we have an excellent working

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           relationship, and so we are able to talk  
3           and frequently do talk about these  
4           things, and his conclusion, having looked  
5           at the motives attributed to those  
6           homicides by the Philadelphia Police  
7           Department after they were investigating  
8           each case, his conclusion is that the  
9           jump in violent -- excuse me; the jump in  
10          homicides is related to an increase in  
11          the number of those homicides motivated  
12          by drugs, from 60 in 2017 approximately  
13          to 120 in 2018.

14                    Other categories of homicides;  
15           for example, domestic homicides or other  
16           disputes, things of that sort, did not  
17           really change, but the one category that  
18           doubled was drug-related homicides. I  
19           think if we reflect on that, it kind of  
20           makes sense. In the middle of a massive  
21           opioid crisis in one of the most troubled  
22           counties in the United States, that that  
23           will happen.

24                    That is obviously not an  
25           answer, but it's always good to have

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           science and statistics to know what's  
3           really going on.

4                        COUNCILWOMAN PARKER: Next  
5           question I want to go to -- and if  
6           Councilwoman Reynolds Brown were here  
7           relative to your presentation about  
8           diversity and inclusion, I think she  
9           would be very pleased with the data that  
10          you presented, and that to me it looks  
11          like you have looked this monster in the  
12          face and you have realized that  
13          systemically over the years, there has  
14          been a balance, particularly racially, in  
15          the District Attorney's Office and that  
16          when we look at the number of people who  
17          are being prosecuted by that office  
18          versus the number of those who are  
19          prosecuting the actual cases, that  
20          there's a major imbalance there.

21                      So you give us the pre-Krasner  
22          numbers overall and then you give us the  
23          ADAs only. And so it looks like there is  
24          an 8 percent increase relative to the new  
25          hires in diversity. Am I accurate in

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 summarizing the data that way?

3 MR. KRASNER: Councilwoman, you  
4 are accurate, except this is 8 percent  
5 before the new class comes in.

6 COUNCILWOMAN PARKER: Before  
7 the class comes in.

8 Now I want you to go to the  
9 next slide, and this is what is  
10 impressive. You've outlined the strategy  
11 for recruitment, and I am happy to see  
12 that you've included the institutions of  
13 higher learning that you've actually, you  
14 and/or members of your team, you've  
15 actually visited. We actually get a  
16 snapshot, a visual to see who these  
17 people are coming to work in the City of  
18 Philadelphia and serve in that office.  
19 Never before, never before have we seen  
20 this kind of interactive technology used  
21 to affirm that this is how we are trying  
22 to make improvements to diversify a  
23 particular office.

24 I am going to humbly recommend  
25 to our Administration that every

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           department in the City of Philadelphia  
3           reviews this presentation that you've  
4           given and find out if there is a way for  
5           us to adopt something similar so that we  
6           can make it the standard operating  
7           procedure for the City of Philadelphia,  
8           because if I'm a resident of this city  
9           that is majority-minority and I'm looking  
10          at the number of people of color who are  
11          working for the City and those who are in  
12          executive positions, it is no doubt that  
13          I want to see that number increase, but  
14          to provide the methodology and say I'm  
15          not just telling you, this is where we've  
16          gone. And the HBCUs, I'm biased, right?  
17          I want you there every chance you can be  
18          there. So I thank you for documenting  
19          that, but to also then show us who is  
20          coming. It hasn't been done. You should  
21          be commended for it. If it wasn't and  
22          you didn't come in here -- because I read  
23          a report not long ago that gave us a  
24          snapshot of sort of what the District  
25          Attorney's Office looked like, and it was

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           dismal, right? So I appreciate you  
3           acknowledging that.

4                         Listen, we are not where we  
5           should be, even though we've made some  
6           strides, but we are well on our way, and  
7           this is the methodology and the  
8           strategies and the tactics that we are  
9           using to get there.

10                        I'll come back, and I have some  
11           more questions during the second round.  
12           Thank you.

13                        MR. KRASNER: Thank you,  
14           Councilmember. And I would like to point  
15           out that the people who did that are much  
16           smarter than me, and I don't know how to  
17           do it. So all of them are sitting here,  
18           and thank you for what you all did.

19                        COUNCILMAN GREENLEE: Thank  
20           you. Thank you, Councilwoman.

21                        Councilman Jones.

22                        COUNCILMAN JONES: With all due  
23           respect to my colleague Councilwoman  
24           Parker, who I try never to be on the  
25           other side of an argument with --

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN GREENLEE: That's a  
3 smart move actually.

4 COUNCILMAN JONES: I know.

5 I'm going to have to take the  
6 exception today to say that Defender Grey  
7 always puts together a slide show that is  
8 informative budgetarily and  
9 quantitatively correct. So I want you to  
10 stick around until you hear her  
11 presentation.

12 I also want to echo my  
13 colleague's pleasure. It's easier to  
14 digest complicated information when it is  
15 presented correctly. So I appreciate  
16 that, and look forward to every other  
17 department upping their game to make sure  
18 we get the proper information.

19 A couple of questions that I  
20 would have. So I was appreciative that  
21 you highlighted how much money you needed  
22 for the purposes that you wanted it. It  
23 was about 3 million. Can you clarify,  
24 did you get cut last year or did you  
25 receive the amount of money anticipated

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           from last year's budget that we  
3           appropriated?

4                       MR. KRASNER: I believe we did  
5           receive the amount that you all approved.  
6           Yes. That is correct.

7                       COUNCILMAN JONES: I just want  
8           to make sure. We appropriate. That  
9           don't mean you receive it, and that  
10          happens often.

11                      So a couple of things. One,  
12          I'd like to draw attention to crimes  
13          against seniors and to get your office's  
14          take on how we emphasize, protect our  
15          most vulnerable populations from being  
16          victimized both economically but in  
17          particular when we look at some of the  
18          guardianships that have gone on and a lot  
19          of seniors are being taken advantage of.

20                      Mrs. Smith works all her life,  
21          gets savings and equity in a home, and  
22          then through Orphans' Court often they  
23          are appointed a guardian. That guardian,  
24          once given that authority, then gets to  
25          make financial decisions. Often

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           independent of the families that Ms.  
3           Smith, Aunt Smith used to have are now  
4           taken somewhat out of the picture, so  
5           much so that Governor Wolf has taken  
6           measures and steps to try to protect that  
7           population, creating new guardianship  
8           rules.

9                           Has your office had an  
10           opportunity to take a look at some of  
11           those processes and create a unit that  
12           looks out for them on traditional  
13           hard-core crimes where there are victims,  
14           but also financial crimes where they are  
15           victimized?

16                           MR. KRASNER: Well, there is  
17           what I can talk about and what I can't.  
18           I can tell you this is a matter of great  
19           concern to us. We are no fans of bullies  
20           in any form, and this is the worst kind  
21           of bully, in my mind, someone who  
22           deliberately goes out and finds people  
23           who have no resources so that they can  
24           take advantage of them by virtue of  
25           physical disability or mental incapacity

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 or, frankly, just lack of resources.

3 There are times when I can say  
4 more and I can say less, but I can tell  
5 you it's of great concern to us, and with  
6 additional funding, there's more that we  
7 can do.

8 COUNCILMAN JONES: So the  
9 second question I would have is witness  
10 protection and intimidation. Without a  
11 witness, there is a harder case to prove.  
12 How are we looking to do that? And I  
13 gave you an idea that I would put on the  
14 record working with PHA, HUD to create a  
15 series of houses that would be created  
16 for witnesses that needed that type of  
17 protection, and after a certain period of  
18 time, maybe two years, we sell those  
19 houses and create another dozen houses in  
20 different parts of the City or even  
21 suburbs that people could occupy, and  
22 then that sale of that house could  
23 replenish and create the revenue for a  
24 new set of houses. And I would love for  
25 you to -- you don't have to say you've

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           already done it, but that you'll look  
3           into it.

4                       MR. KRASNER: Number one, yes,  
5           we will look into it. In my mind, an  
6           idea of something along those lines,  
7           absolutely. Excellent idea.

8                       We do have a relocation expert  
9           now who is working diligently. I know  
10          that before we came in, there were times  
11          when not all the funding available was  
12          being used. In a city that's  
13          experiencing this level of violence, that  
14          doesn't make a lot of sense to me.

15                      So we are vigorous about  
16          relocation where there are issues of  
17          safety. We are vigorous about going  
18          after people and bringing new charges for  
19          intimidating a witness or for retaliation  
20          against a witness in whatever form. And  
21          that continues to be aided by our new  
22          CARES program, because it simply puts  
23          more people in close contact with the  
24          families of victims of homicide, where  
25          historically there have been some pretty

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 tragic and terrible outcomes, and  
3 intimidation is real.

4 But there is another idea we're  
5 working on now, and we've had a very, I  
6 think, amicable and receptive FJD thus  
7 far, and that idea is to take the  
8 shooting cases and to put them in the  
9 same courtrooms where homicide cases are  
10 being done. Our thinking around that is  
11 that all of these cases are essentially  
12 the same case. It's just that in the  
13 homicide case, the medical result was  
14 different or maybe the aim was different,  
15 but you're still firing projectiles,  
16 bullets, at human beings. And often it  
17 will raise the same issues of some sort  
18 of a dispute between two different  
19 cohorts of young men. Often it will  
20 raise the same issues of protection and  
21 fear, code of the street, things of that  
22 sort.

23 So we are happy to report that  
24 we've been exchanging data with various  
25 stakeholders and that we are looking

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           forward to the possibility of our having  
3           our best lawyers in those rooms and our  
4           best victims' advocates of the Defender,  
5           should they be involved, having their  
6           best lawyers in the room so they can do  
7           the best job, of our giving discovery  
8           early for the reason that it is  
9           protective. It makes it useless to kill  
10          a witness when you have provided all of  
11          the information early so that witness's  
12          testimony can be used later, right?  
13          Disincentivize doing harm to witnesses  
14          and do it in a way so that we have  
15          everything in place in terms of sheriffs  
16          and other forms of protection so that  
17          these cases can move along fairly and  
18          quickly.

19                    I would much rather see the --  
20          how shall I put it -- colleagues of a  
21          defendant accused of shooting see a  
22          result in nine months than in 18 months,  
23          because one of the things we know about  
24          deterrents, that it is more an issue of  
25          how swift the consequence is than the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           number of years. And when, heaven  
3           forbid, the other fellas on the corner  
4           see that one of their group is going to  
5           jail and is going to jail in nine months,  
6           that will have a greater deterrent effect  
7           than waiting 18 months and having that  
8           person go to jail for a longer period of  
9           time.

10                   COUNCILMAN JONES: That's good.  
11           Hopefully we'll get in future years some  
12           cooperation from HUD and PHA to help.

13                   The forfeiture process, how has  
14           that evolved since you've been in office?

15                   MR. KRASNER: It has evolved  
16           tremendously. There was a lawsuit  
17           pending for quite some time, as you may  
18           know, and when we came into the office,  
19           the funds that had been derived from  
20           forfeiture were frozen in accounts for  
21           the DAO, and they were frankly frozen for  
22           good reason, because there was a lot of  
23           money that was effectively stolen in a  
24           prior administration by processes that  
25           everybody pretty much agrees at this

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           point were wrong. What happens was,  
3           there was a keep what you kill approach,  
4           and all that it did was incentivize the  
5           prosecutors to always try to take  
6           grandma's house, always try to take a  
7           working person's car, and often to do it  
8           simply because somebody's nephew did  
9           something illegal out of the basement and  
10          the owner, who may have been at church,  
11          didn't know.

12                        So it was bad. It never should  
13          have happened. I won't go into all the  
14          details, but the litigation has been  
15          settled at this time, and what is going  
16          to happen with the litigation is that a  
17          lot of people who were harmed will be  
18          able to make a claim and receive funds  
19          that will go to restore them. It has not  
20          kicked off yet. There's a couple more  
21          signatures required, including the  
22          federal judge involved.

23                        For any funds that remain after  
24          all these claims have been made and have  
25          been resolved in perhaps a year or so or

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           year or more, the agreement that my  
3           office has pushed and has made is that  
4           residual funds should go into the zip  
5           codes from which they were taken and be  
6           used for things like programming at  
7           recreation centers or other things that  
8           will build up those communities rather  
9           than just take it out and put it in a  
10          General Fund.

11                         In terms of our internal  
12          processes, the law has changed  
13          considerably, and that's a good thing,  
14          and our policies have changed  
15          considerably. In general -- there are a  
16          few exceptions, but in general, we are  
17          not going after assets unless, number  
18          one, they are the assets of the person  
19          who has already been convicted; number  
20          two, they are proportional and  
21          appropriate to the extent of the crime.  
22          So in general, we're looking at a  
23          situation where all of the crazy  
24          processes that were going on before have  
25          been discontinued.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN JONES: Thank you,  
3 Mr. Chair.

4 COUNCILMAN GREENLEE: Okay.  
5 Thank you, Councilman.

6 Councilman Domb.

7 COUNCILMAN DOMB: Thank you,  
8 Mr. Chairman.

9 And good afternoon.

10 MR. KRASNER: Good afternoon,  
11 Councilman.

12 COUNCILMAN DOMB: I also want  
13 to echo my colleagues. It was an  
14 excellent presentation, and your progress  
15 is impressive. I also appreciate very  
16 much your acknowledgment and the facts  
17 you presented on the potential savings we  
18 could accrue for the City. So I wanted  
19 to just revisit those two slides. Maybe  
20 we can just go over those again just to  
21 make sure we're all clear.

22 MR. KRASNER: May we go to the  
23 whole group of cost-saving slides,  
24 please.

25 We actually have a few that we

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           have not shown yet, Councilman. Is there  
3           anything in particular you'd like to look  
4           at?

5                        COUNCILMAN DOMB: There were  
6           two slides in particular. I think one  
7           was the prison population reduction and  
8           one may have been towards the probation  
9           cost savings.

10                      There it is.

11                      MR. KRASNER: Yes. I think  
12           we're looking at Slide No. 4 and 5.

13                      COUNCILMAN DOMB: I just wanted  
14           to make sure I understood this slide.  
15           Where it says 82 million in the lower  
16           right corner, it says lower cost of  
17           incarceration per quarter. Is that the  
18           savings we would accrue?

19                      MR. KRASNER: So what we  
20           measured here was the future cost of  
21           incarceration. Let us say, for example,  
22           someone goes to a sentencing today in  
23           Philadelphia court and is sentenced to 40  
24           years in jail. If the price of a year in  
25           jail is approximately \$50,000, that is a

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 \$2 million price tag right there.

3 So we are trying to figure out  
4 how much of a future bill is generated in  
5 a courtroom. So we looked at a quarter,  
6 meaning three months, of court activity  
7 and then we looked at the debt that was  
8 essentially being generated in terms of  
9 future incarceration or future  
10 supervision. So what this graph is  
11 showing, it's comparing a period in 2014,  
12 the first quarter of the year 2014, and  
13 how many future years of incarceration  
14 the courts generated, which of course has  
15 something to do with the DA and has  
16 something to do with the judge, and then  
17 we put a price on it, and then we  
18 compared it to what's going on now.

19 As you can see from the red  
20 line, the red line shows the decline in  
21 the future years of incarceration that  
22 are being generated in each quarter. So  
23 we've come down quite a bit in terms of  
24 how many future years. And then we  
25 turned that into a dollar figure by using

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           actually a very conservative number,  
3           which is the Vera Institute's number of  
4           about \$42,000 a year. And I agree with  
5           you, Councilman, that the actual cost in  
6           county is much higher than that, and  
7           certainly the cost for juvenile cases is  
8           astronomically higher than that. But it  
9           gives a window on what magnitude of  
10          potential savings we're talking about.  
11          If you can save \$82 million in a quarter  
12          by pursuing a different philosophy, if we  
13          simply multiply that out as some kind of  
14          rough estimate of potential savings, not  
15          actual savings, because, yes, there are  
16          going to be fixed costs and so on, you're  
17          looking at 328 million a year. During a  
18          four-year administration, you're looking  
19          at, what is that, about \$1.3 billion a  
20          year.

21                        Now, this is both state custody  
22          and it is county custody. There are  
23          currently in state custody about 12,000  
24          to 13,000 Philadelphians. We generate 27  
25          percent of the state prisoners for the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Commonwealth of Pennsylvania. And then  
3           of course it's the people in county, and  
4           that at the moment is about 4,500 people.

5                        So it measures all of that  
6           cost. But I don't accept the siloed  
7           argument that we can never have any input  
8           in how the state spends its money. That  
9           just doesn't make any sense. If the  
10          state is not going to have to spend a  
11          fortune to put people in jail for too  
12          long, then they should be able to  
13          redirect that money and reinvest it in  
14          Philadelphia in things that prevent  
15          crime, like education and treatment and  
16          economic development.

17                       COUNCILMAN DOMB: Can we look  
18          at the next slide too? I just want to  
19          make sure I understand that one.

20                       MR. KRASNER: Yes, please.  
21          Next slide is No. 5.

22                       Now, this does not talk about  
23          incarceration. This talks about  
24          supervision, by which I mean parole and  
25          probation. Pennsylvania is weird in that

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           it requires that the period of your  
3           supervision is ordinarily at least as  
4           long as your incarceration. It is a  
5           problem we can't fix because state law  
6           says what it says, and hopefully that  
7           will change at some point, but it has  
8           made Pennsylvania currently the second  
9           worst state in the United States for  
10          excessive supervision. The worst is  
11          Georgia, but Georgia just went and  
12          changed all its laws because it was tired  
13          of being the worst. So soon enough,  
14          Pennsylvania will be the worst. That has  
15          real economic consequences. And what  
16          this is showing is that it's a similar  
17          comparison. If we look at the number of  
18          future years of supervision that were  
19          generated in the first quarter of 2014,  
20          which is up in your -- it's on your upper  
21          left there, you'll see it was about  
22          15,007 imposed, assuming I'm reading that  
23          correctly. And then if we look at the  
24          fourth quarter of 2018 when we have been  
25          in office for a little bit, you'll see

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           it's more like 7,666. So it's about half  
3           of what it used to be. That savings in  
4           terms of years is 7,341 years of parole  
5           and probation. And there is a dollar  
6           cost to that. That dollar cost was  
7           obtained from official documents. And  
8           once again, I'm not saying that we can  
9           have this money tomorrow. There are  
10          fixed costs. I, for one, am not asking  
11          for any reduction in the number of  
12          probation officers in the County of  
13          Philadelphia. I would just like them to  
14          have a caseload that they can work with.

15                    But there are other savings to  
16          be had, and the potential saving on this  
17          sort of basic measure is 13.8 million per  
18          quarter, which comes in at about \$53, \$54  
19          million, maybe 55 in a year. Make it a  
20          four-year term. You have \$220 million.  
21          That's a lot of money.

22                    COUNCILMAN DOMB: I'm trying to  
23          figure this simple question out that I've  
24          been asking for two years or three years  
25          maybe since I've been here, and you

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           documented this. We had a population of  
3           8,900. We're down to 4,600 roughly, and  
4           yet our overall budget has not moved that  
5           much. I think this year they're talking  
6           about maybe 3 and a half percent savings  
7           in the budget. And when you had a  
8           population reduction of close to 50  
9           percent, I don't understand -- I'm not  
10          asking for 50, but I was told a year and  
11          a half ago you won't see significant  
12          savings until the House of Corrections  
13          closes. Well, that closed. And so I'm  
14          just putting it right on the table that  
15          I'm not asking for 50, but it seems to me  
16          that 15 to 20 percent should be a goal we  
17          can strive for. I still don't -- our  
18          medical contract was 42 million when we  
19          had a bigger population. We have half  
20          the population and the medical contract  
21          is 49 million. I realize medical costs  
22          go up. I'm not sure they've doubled in  
23          that time period.

24                        So there's a lot there that I  
25          think that can be saved, and these charts

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           and what you're showing I think proves  
3           that out. I'm not asking for 50. I  
4           understand the infrastructure costs, but  
5           15 percent. That's a lot of money if you  
6           have a budget that's 370, 380 with fringe  
7           benefits and you're talking 20 percent.  
8           That's \$76 million a year.

9                       MR. KRASNER: Well, Councilman,  
10          I can certainly say I don't claim to be a  
11          financial expert, but I have yet to see  
12          why it is if you're unloading meals and  
13          that's as half as many meals or you are  
14          treating people who undoubtedly have  
15          fairly similar conditions to what they  
16          had back when we had almost 10,000 people  
17          in jail, it is beyond explanation to me  
18          why somehow the bill to the taxpayer  
19          never goes down, no matter how low the  
20          population goes.

21                      COUNCILMAN DOMB: Well, thank  
22          you for your presentation today.

23                      Thank you, Mr. Chairman.

24                      COUNCILMAN GREENLEE: Thank  
25          you, Councilman.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Councilman Oh.

3 COUNCILMAN OH: Thank you very  
4 much.

5 I understand the presentation.  
6 I would expect it from the Public  
7 Defender's Office, from the Court, from  
8 Probation. I understand what you're  
9 trying to reach.

10 Can you explain to me what  
11 funding you need for prosecution?

12 MR. KRASNER: What funding we  
13 need for prosecution?

14 COUNCILMAN OH: Yes.

15 MR. KRASNER: We need our  
16 entire budget for prosecution. I mean,  
17 I'm not trying to flip. Perhaps I  
18 misunderstand, Councilman.

19 COUNCILMAN OH: I'm not taking  
20 you as flip.

21 MR. KRASNER: Okay. What  
22 funding we need for prosecution is  
23 everything that's laid out in our budget.  
24 And the truth is that with the additional  
25 funding that we are requesting for things

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           like prosecuting economic crimes, for  
3           measures that can help us to solve cold  
4           cases and assure the accuracy of the  
5           system, we feel that there is more that  
6           we can do than the office has ever done.

7                        When we are looking at  
8           potential savings, at least potential  
9           savings that are in the billions of  
10          dollars, frankly we think that our  
11          request for a little bit under \$3 million  
12          is very moderate.

13                       The capacity of hiring the  
14          right people to focus on the cases that  
15          really matter and find a few where we  
16          don't ask for those extra ten years  
17          because they're the appropriate cases, I  
18          mean, the savings that are generated  
19          simply by doing the job better and being  
20          really surgical about how you do it are  
21          astronomical, astronomical. A single  
22          case where ten extra years would have  
23          been not in the interest of the public,  
24          that's half a million bucks.

25                       I mean, the reality is for the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           extra amount of money that we are seeking  
3           here, we basically got to make like six  
4           good decisions of that nature in the  
5           course of a year.

6                    COUNCILMAN OH: Are you  
7           deciding as the DA that the ten extra  
8           years or five extra years of supervision,  
9           probation, incarceration are not worth  
10          it? Is that the decision that you're  
11          making?

12                   MR. KRASNER: In some cases, it  
13          is. I can tell you, for example, the  
14          Columbia Justice Lab under the  
15          supervision of Vinny Schiraldi, who is  
16          the former chief probation officer for  
17          the City of New York and probably the  
18          nation's leading scholar on probation and  
19          parole, released a report in April of  
20          2018 that talks specifically about  
21          Philadelphia and also about Pennsylvania,  
22          and what the science shows is that  
23          supervision for more than three years  
24          tends to be harmful. It's not simply  
25          ineffective. It is harmful. It tends to

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           put people -- and this is a generality,  
3           because there are always individual  
4           situations where longer supervision or  
5           shorter is appropriate, but it makes  
6           people fail. So if what we're actually  
7           doing is we're paying for things that  
8           reduce public safety -- part of my oath  
9           is to seek justice, and that means also  
10          protecting people. And so that's why we  
11          have to make decisions like that,  
12          Councilman.

13                    COUNCILMAN OH: So I do  
14           understand the arguments. I don't  
15           necessarily agree with them all. I don't  
16           disagree with many of them. I guess what  
17           I'm saying is that the system of justice,  
18           whether we like it or not, has been and  
19           is based on roles, the role of the court,  
20           the role of the judge, the role of the  
21           jury, the role of probation, the role of  
22           social services, the role of private  
23           attorneys, public defenders, and the role  
24           of the prosecutor, and the role of the  
25           prosecutor to present vigorous

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           prosecution and to be met with vigorous  
3           defense, to bring out the truth, and for  
4           another party, the judge, the jury, to  
5           make that decision and from there, the  
6           Prisons Commission, social services,  
7           Probation/Parole, the Parole Board to  
8           make other decisions. To that degree,  
9           the vigorous prosecution portion of the  
10          duty of the District Attorney's Office,  
11          could you put that into context within  
12          your decision to withdraw the appeal in  
13          the Mumia Abu-Jamal case?

14                   MR. KRASNER: Well, Councilman,  
15           as you know -- and I've known you for a  
16           very long time and I respect you, and as  
17           you know having been a former prosecutor  
18           yourself, I am not allowed to speak at  
19           great length about a pending matter. We  
20           have certainly answered issues in  
21           relation to that and we've done so in a  
22           way that was in court filings. We have  
23           made that information specific, and we  
24           also released a statement on it.

25                   I am very comfortable with that

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           decision, which, as you know, was  
3           initially, in light of the first opinion  
4           of the courts, to appeal it, and then  
5           after, the court changed its first  
6           opinion to withdraw that appeal. We are  
7           very comfortable with that. And I  
8           realize that it has angered both people  
9           on the left and the right, but I guess  
10          there's another way to look at this,  
11          which is perhaps we've become the great  
12          uniter, and perhaps when you see both  
13          sides angry at the District Attorney, it  
14          means that we are proceeding in a way  
15          that is independent and balanced  
16          regardless of who may find -- who may  
17          feel differently about that particular  
18          issue.

19                    Let me say this, though, if I  
20                    may, and I have great respect for you and  
21                    I respect your questions about it.

22                    If we could have the violent  
23                    crime slides, please.

24                    So we are clear, this office  
25                    has vigorously -- now we're speaking of

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           violent crime 1 and 2, which is the  
3           declinations graph. This office has  
4           shown a measure of what we think is just  
5           mercy when it comes to non-violent  
6           offenses, offenses that come from poverty  
7           and comes from addiction. We think  
8           that's the right way to do it. But what  
9           we have not done is turned away from the  
10          vigorous prosecution of violent crimes.

11                        What you have here is an  
12          accounting of the rate at which in a  
13          prior administration, that administration  
14          would decline or refuse to charge a VUFA  
15          case, VUFA being a Violation of the  
16          Uniform Firearms Act. As you can see, in  
17          2016 and 2017 during an administration  
18          that was frankly much more retributive  
19          and much more rule-bound and much more  
20          oriented towards giving people long  
21          sentences, they were also declining more  
22          cases. They were refusing to prosecute  
23          more gun cases than we are. Our  
24          declination rate is under 2 percent.  
25          Their declination rate was almost 3

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           percent in '16 and down to about 2 and a  
3           half percent in '17.

4                         This is the truth. These are  
5           the facts. This is the reality. And if  
6           you look at what's coming out of our  
7           homicide unit, you will see that the  
8           results are excellent. They are  
9           excellent in terms of obtaining guilty  
10          pleas to the appropriate level and they  
11          are excellent in obtaining convictions.

12                        I'm happy to see that Council  
13          President Clarke is here, because this is  
14          also the first administration that has  
15          been willing to do what Council President  
16          Clarke and other members of this august  
17          body have asked us to do for a long time,  
18          which is enforce an ordinance that says  
19          if you're going to claim your gun got  
20          lost or stolen, you'd better do it in 48  
21          hours instead to doing it after somebody  
22          gets shot to death with it, when the  
23          detectives come to your door to find out  
24          why you bought it and why it got used in  
25          a killing.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 We are serious as can be about  
3 pursuing violent crime and pursuing  
4 sexual assault and things of that sort,  
5 and we view our reform impulses when it  
6 comes to non-violent offenses and things  
7 of that sort as supporting our ability to  
8 go after violent crime, because it allows  
9 us to focus on what really matters.

10 COUNCILMAN OH: All right.  
11 I'll just end with this as we kind of go  
12 to the next round: You are the elected  
13 District Attorney and you are properly  
14 holding office. I don't agree with  
15 everything you do. I agree with many  
16 things you do, but that's not the basis  
17 of my question. What I would like to  
18 understand is, as a defense attorney, I  
19 understand that the defense attorney's  
20 responsibility is to singly the accused  
21 or the convicted, and as many times as  
22 they will bring what I might term  
23 frivolous appeals, that's their job. The  
24 court makes the decision, but they should  
25 be met with vigorous defense of those

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           frivolous appeals with equal vigor.  
3           That's how our system works.

4                        To that extent, I express my  
5           opinion. I want to understand kind of  
6           like the funding of where is this money  
7           going. I'm not really that interested,  
8           quite frankly, as a primary issue of  
9           saving funds, because to me, the  
10          prosecutor is there for public safety  
11          reasons, saving lives, preventing  
12          physical harm, danger to the population.  
13          I appreciate your role in trying to make  
14          sure the system is more just and fair.  
15          And to that extent, I want to, apart from  
16          whether I like or don't like what you're  
17          doing, try to understand your request,  
18          where it's going, and how I shall look at  
19          this. I'm just one of 17. I appreciate  
20          your answers. I'm asking you genuinely,  
21          and I appreciate your genuine answers.

22                       MR. KRASNER: Thank you, sir.

23                       COUNCILMAN OH: Thank you.

24                       COUNCILMAN GREENLEE: Thank  
25          you, Councilman.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Councilwoman Blackwell.

3 COUNCILWOMAN BLACKWELL: Thank  
4 you very much.

5 Good morning.

6 MR. KRASNER: Good morning.

7 COUNCILWOMAN BLACKWELL: I  
8 would like to thank you for you and your  
9 team being available as we need you when  
10 we get these cases, and certainly most  
11 recently for a young man who was a victim  
12 of crime. And I'd also like to thank you  
13 for modifying this area of probation and  
14 parole and what you've done about people  
15 having cash. All that has been really  
16 creative, really new things we didn't  
17 expect, and we're grateful.

18 I'm always interested in victim  
19 witness services, but Councilman Greenlee  
20 already brought that issue up. So we  
21 hope that all that you think you need,  
22 you get. We support you, and we thank  
23 you all.

24 MR. KRASNER: Well, thank you,  
25 Councilwoman.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILWOMAN BLACKWELL: Thank  
3 you, Mr. President.

4 COUNCILMAN GREENLEE: Thank  
5 you, Councilwoman.

6 Councilwoman Parker.

7 COUNCILWOMAN PARKER: Thank  
8 you, Mr. President -- I mean  
9 Mr. Chairman.

10 Can you go back to the first  
11 slide again that showed the crime. I'm  
12 wondering, District Attorney, if it is at  
13 all possible -- and if this is something  
14 I can also ask of the Police Department,  
15 I will. In these areas where you sort of  
16 summarize the types of crime that is  
17 taking place, and I'm really thinking  
18 about economic crimes here really, if  
19 your office, particularly if your budget  
20 request is granted for you to bolster  
21 this department, this unit, would you be  
22 able to GIS for us by Council district  
23 the economic crimes and where they  
24 actually are in the City of Philadelphia?

25 MR. KRASNER: The answer -- and

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 I can tell you this because I'm looking  
3 at the gentleman to your right who does  
4 such maps. The answer is yes, and we  
5 will be delighted to do that.

6 COUNCILWOMAN PARKER: That  
7 would be very helpful, and I know  
8 Councilman Jones and I relative to the  
9 rates of homeownership in our region, you  
10 know, we're 52 percent here in the City,  
11 and although people talk about  
12 Philadelphia, we are the largest poorest  
13 big city in the nation, a lot of people  
14 don't talk about what we do well. And  
15 although that 52 percent is actually --  
16 it's been declining, because it was much  
17 higher than that, we definitely have to  
18 take seriously this issue of protecting  
19 the greatest assets of Philadelphians and  
20 our homes. But when you are providing  
21 that data for us and you are doing it by  
22 Council districts, I'm not telling you  
23 what a tool that is for us when we have  
24 to go out and interface with the public.  
25 Getting misinformation from time to time

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           from different sources and they're saying  
3           that in our neighborhood -- and I'll give  
4           you an example.

5                         What's really driving me to ask  
6           you to GIS this is because when I look at  
7           property crime, I see an increase where  
8           it says theft from auto, a 5 percent  
9           increase, and I've shared with you that  
10          in my district in the Ninth and a  
11          particular region, we have had an  
12          onslaught of thefts from Hondas, and the  
13          Police Department has talked about this  
14          publicly. I think they've introduced a  
15          press release about it to the public to  
16          sort of educate them, but the challenge  
17          is the residents in that particular  
18          region are saying to me, why aren't they  
19          being prosecuted? If the Police are  
20          investigating and they know who is  
21          stealing this particular part -- and if I  
22          screw this up, District Attorney, correct  
23          me -- catalic.

24                         MR. KRASNER: Catalytic  
25          converter.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILWOMAN PARKER: Catalytic  
3 converters, and they are really like on a  
4 rampage in a certain region. And so I  
5 guess that's why I want to see all of  
6 these kinds of crimes really GIS'd, but  
7 the property crimes in particular so that  
8 we can see where they are.

9 But I also want you, District  
10 Attorney, to sort of finish this for me.  
11 When someone tells me that they are very  
12 proud of what you've done in helping to  
13 reform bail and helping to sort of  
14 decrease the amount or the path  
15 Philadelphia was on towards mass  
16 incarceration, all of the efforts that  
17 you've been sort of -- people hail you  
18 for those efforts, but what about in the  
19 neighborhoods where we have quality of  
20 life issues like graffiti? We work on  
21 the commercial corridor, and we worked  
22 very hard for years to turn it around,  
23 and then we get a rash of writings. We  
24 go out there, we paint it. Next thing  
25 you know, it's back again.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 The theft from the autos, all  
3 of those quality of life issues when  
4 people tell you us, well, the District  
5 Attorney's Office in Philadelphia doesn't  
6 prosecute quality of life issues, and  
7 then homeowners begin to say to us,  
8 you're the District Councilperson, your  
9 job is to sit in Council and determine  
10 whether or not you should be approving  
11 that budget. If they're not interested  
12 in quality of life issues, why would  
13 you -- why won't you raise it and what  
14 are you going to do to address it.  
15 What's the response regarding that  
16 perception?

17 MR. KRASNER: The response is  
18 that's untrue. I will tell you exactly  
19 what we're not prosecuting and exactly  
20 what we are. We are not prosecuting mere  
21 possession of marijuana, which is an  
22 initiative that in many ways was started  
23 through efforts of the Mayor and others  
24 in Council several years ago, and about  
25 90 percent of those cases went away

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           through that new ticketing process and  
3           the approximately 10 percent that  
4           remained when we came in, we will not  
5           prosecute. That is possession. I did  
6           not say sales. I did not say possession  
7           with the intent to sell. I said  
8           possession.

9                         We are also not prosecuting sex  
10          workers at this time unless they have a  
11          lengthy record, in which case they go to  
12          a specific court.

13                        COUNCILWOMAN PARKER: Did you  
14          say sex workers?

15                        MR. KRASNER: Sex workers.

16                        COUNCILWOMAN PARKER: Okay.  
17          Connected to the human trafficking.  
18          Great note.

19                        MR. KRASNER: We are  
20          prosecuting pimps. We are prosecuting  
21          Johns.

22                        When it comes to all of these  
23          theft offenses, we are prosecuting those  
24          offenses. Now, prosecution sometimes  
25          means you're going to go all the way to a

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           conviction at trial or a guilty plea and  
3           sometimes it means you're going to  
4           divert, depending on what the causes are,  
5           but diversion is still accountability.  
6           It is still a pair of handcuffs. It is  
7           still a jail cell. It is still going to  
8           court repeatedly. It is still money. It  
9           is still community service time. It is  
10          still work. It can be a lot of things.

11                        So what you are hearing -- and  
12          I say this respectfully -- is either  
13          misinformation or it is politics.  
14          Sometimes when the policies being  
15          followed make sense, it is politically  
16          useful to say there are different  
17          policies.

18                        COUNCILWOMAN PARKER: Well, I  
19          appreciate that response from you. And,  
20          again, just similar to the way you  
21          produced this data providing us with an  
22          overview of the rate of violent crime in  
23          the City of Philadelphia, just hearing  
24          you as the DA give that response during  
25          this budget hearing on the record for

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Philadelphians who are not sitting in  
3           this room, they didn't hear it from  
4           Cherelle, they didn't hear from someone  
5           else. They just very specifically got an  
6           outline of what is and what is not being  
7           prosecuted in the District Attorney's  
8           Office.

9                        The next question for me is  
10          Marsy's Law. Councilwoman Blondell  
11          Reynolds Brown and I have been working  
12          very hard with that group. You know the  
13          Pennsylvania General Assembly passed it.  
14          And I just want as our District Attorney  
15          again to get your perspective about  
16          Marsy's Law on the record.

17                       MR. KRASNER: So our  
18          perspective is that we believe that  
19          Marsy's Law in general is appropriate.  
20          We did offer a few suggestions for  
21          friendly modifications, and it looks like  
22          they may not have an effect, but in  
23          general we are supportive of Marsy's Law  
24          here and elsewhere.

25                       COUNCILWOMAN PARKER: Thank

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 you.

3 And, Mr. President, I know I  
4 heard my time is up, but if you could  
5 just -- I could ask one more question,  
6 Mr. President.

7 When I was working with a group  
8 called LEADERSHIP Philadelphia -- I'm  
9 telling my age. I forgot how long ago it  
10 was. But we had to work on a public  
11 community service project, and we formed  
12 a partnership with the Pennsylvania  
13 Prison Society. It was at that time that  
14 I learned about a program that they ran  
15 called SKIP. It was Support for Kids  
16 with Incarcerated Parents. And I'm  
17 wondering as our District Attorney, are  
18 we -- I don't know if I would say seeing  
19 an increase in the number of children who  
20 are being impacted as a result of their  
21 caregivers, providers, or parents being  
22 prosecuted by the department, and is  
23 there a working relationship between the  
24 District Attorney's Office, I don't know,  
25 social services or any other entities

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that have a role in ensuring that the  
3           children of the people who are arrested  
4           and then prosecuted by your office, that  
5           there is like a coordinated approach in  
6           delivering social services to them? And  
7           if you don't have the answer to that,  
8           District Attorney, that is okay. I would  
9           just like to put on the record that if  
10          there is a way that the Police  
11          Department, the prosecutor, your office,  
12          along with Human Services that can work  
13          together to support this very vulnerable  
14          constituency, I would ask that you do so.

15                    Council President Clarke, was  
16          it Ohio that you all visited when you  
17          came up with the concept for community  
18          schools?

19                    COUNCIL PRESIDENT CLARKE:  
20          Cincinnati.

21                    COUNCILWOMAN PARKER: In  
22          Cincinnati.

23                    But the reason why I ask is  
24          because that whole community schools  
25          concept, you'd be surprised how many

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           children like are facing trauma and  
3           dealing with the residual effects of  
4           having lost a parent or a loved one to  
5           the criminal justice system, and we don't  
6           understand why these kids are having a  
7           tough time behaviorally in school, and  
8           I'm just wondering from a very -- just an  
9           organizational perspective, if that could  
10          be some dialogue in the future.

11                   MR. KRASNER: Well, thank you  
12          for that question, Councilwoman, and with  
13          your permission, I'd like to have First  
14          Assistant Listenbee speak to that point.

15                   MR. LISTENBEE: Councilwoman  
16          Parker, at this time, I'm not aware of  
17          any particular relationship that we have  
18          with the organization that you  
19          referenced. I would note that just last  
20          week, I was in Arizona, in Phoenix where  
21          I gave the keynote speech at the National  
22          Conference of Children of Incarcerated  
23          Parents. It's an issue that I've dealt  
24          with formerly as an administrator of the  
25          Office of Juvenile Justice and

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Delinquency Prevention. I sponsored two  
3           conferences at the White House and worked  
4           closely with the Obama Administration,  
5           helped develop responses to those  
6           children.

7                        So we're open to it. It's  
8           something that I'm more than willing to  
9           work with folks here in Philadelphia on,  
10          something I personally have a very strong  
11          interest in.

12                       COUNCILWOMAN PARKER: Thank  
13          you.

14                       Thank you, Mr. President.

15                       MR. KRASNER: Councilwoman, may  
16          I just say one more thing? I would also  
17          like to highlight -- and I apologize for  
18          going on forever, but I'd like to  
19          highlight that we have a very important  
20          new initiative this year. It's probably  
21          going to take about a year to complete,  
22          which will be led by Judge Temin, and  
23          that is an initiative to go specifically  
24          after the impact of incarceration on  
25          women and girls. Since this idea came

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           up, there has been an outpouring of  
3           interest coming from different  
4           organizations and different individuals,  
5           because we feel that -- obviously it's  
6           not all the children of incarcerated  
7           parents, but it certainly is plenty of  
8           girls, and so we're looking into that as  
9           well.

10                   COUNCIL PRESIDENT CLARKE:

11           Thank you. Thank you, Councilwoman.

12                   Thank you, Mr. DA.

13                   The Chair recognizes Councilman  
14           Taubenberger.

15                   COUNCILMAN TAUBENBERGER:

16           Council President, thank you very, very  
17           much.

18                   A couple questions and some  
19           comments. Mr. Krasner, I'm very, very  
20           impressed with your recruitment  
21           opportunities that you've done for the  
22           class of 2019. Once again, as was stated  
23           earlier, the diversity, but the fact that  
24           you have reached to get what I would  
25           assume is some of the brightest in

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           America, I think that's a great way to  
3           build a very, very good District  
4           Attorney's Office.

5                       I do have a question that  
6           relates to a question that I'm asked many  
7           times as a City Councilmember at-large  
8           regarding safe injection sites. Do you  
9           have a position on that?

10                      MR. KRASNER: Well, I do have a  
11           position in the sense that the only issue  
12           that I will face or may face is whether  
13           or not as the local prosecutorial  
14           authority I would prosecute it. My  
15           answer has been and remains that I will  
16           not prosecute a responsibly-run  
17           supervised injection site for the same  
18           reason that in a prior life when I was a  
19           young attorney, I defended Prevention  
20           Point, which we now all accept as being  
21           an appropriate clean needle exchange  
22           program and we now all laud its benefits  
23           in terms of preventing the spread of  
24           hepatitis C, preventing the spread of HIV  
25           at a time when AIDS really was a

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           terrifying specter that killed over 900  
3           people in a single year. We now all  
4           accept that as being an okay thing, but  
5           we didn't then. At that time, Ernie  
6           Preate, who was the Attorney General, was  
7           threatening to prosecute all of them and  
8           he was threatening to do so because he  
9           had a claim -- and it was not a frivolous  
10          claim -- that he could have gone after  
11          them for violating contraband-type  
12          statute, meaning that the needles were in  
13          fact for the purpose of people who would  
14          then take it and use it to inject drugs.

15                   I support not prosecuting  
16          supervised injection sites for one reason  
17          that is moral and one that is legal. And  
18          the moral reason is that dead people  
19          cannot recover, and if we do not give  
20          people the ability to survive long enough  
21          to achieve their own recovery, then I  
22          think we have all failed. There are  
23          three to four people who die every single  
24          day in Philadelphia from fatal drug  
25          overdoses. Most of it is coming from

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           opioids and especially with fentanyl,  
3           which is so volatile. It's incredibly  
4           unpredictable. Fentanyl has now, by the  
5           way, crept into the crack supply. And  
6           so we are seeing people who may have been  
7           addicted to crack for 25 years doing what  
8           they have always done and ending up dead.  
9           It is a bona fide crisis, and that is the  
10          moral reason, as far as I'm concerned. I  
11          don't know how I could do anything else.

12                        But there is a legal reason,  
13          which is that under Pennsylvania law, we  
14          have the defense of justification, and  
15          what we generally know that to be is  
16          self-defense. But what it says is, you  
17          can break a law that is not as serious as  
18          the harm you prevent. I mean, it's a  
19          principle that comes out of the Old  
20          Testament, among others. And so when the  
21          husband is driving at a hundred miles an  
22          hour to get to the emergency room because  
23          something terrible is happening with his  
24          wife's pregnancy and he has a real fear  
25          that she's going to die if he doesn't get

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           there quickly, he has a defense. He  
3           shouldn't have gone 105 ordinarily, but  
4           he has a defense, because it was  
5           justified in order to prevent the loss of  
6           life to his wife or child.

7                         And that's what's happening  
8           here. What's happening here is, you have  
9           idealistic medical students, you have  
10          activists who are trying by responsible  
11          means to stop death from occurring, and  
12          in my mind, that is what the law says.  
13          The law says under Pennsylvania that this  
14          is justified and, therefore, unworthy of  
15          prosecution.

16                        I understand that our federal  
17          prosecutor and appointee of our  
18          President, Donald Trump, has a different  
19          view, but frankly, he and I have  
20          different views on a whole lot of things.  
21          And I do not -- and I say this very  
22          respectfully to you, Councilman. I'm not  
23          suggesting you're making this argument at  
24          all, and I have great respect for you,  
25          but I don't accept the notion that people

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           are going to decide, gee, there's a  
3           supervised injection site, I've never  
4           injected drugs, I think it sounds like a  
5           good Saturday night to try. I mean, to  
6           me, that argument is about as hollow as  
7           the argument used to be, that if condoms  
8           are available, then teens will try sex  
9           for the first time. No. Actually, they  
10          were going to have sex away. They were  
11          just going to have unprotected sex and  
12          there was going to be more pregnancy and  
13          there was going to be more transmission  
14          of sexually transmitted diseases.

15                    People do not say, gee whiz,  
16           now that there's a supervised injection  
17           site, I can hardly wait to inject heroin.  
18           They just don't do that.

19                    So I do not accept the notion  
20           that it normalizes. I don't think it  
21           does that at all. I consider it to be a  
22           medical facility, the purpose of which is  
23           to make sure people who don't have to die  
24           don't die so they can achieve their own  
25           redemption by recovery later.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN TAUBENBERGER: Thank  
3 you for your very complete answer on that  
4 and I have to say also well founded. I  
5 don't agree entirely with it, but every  
6 position you had here is well founded and  
7 you have explained your reasoning, and I  
8 appreciate that.

9 Earlier you had said that --  
10 correct me if I'm wrong or if I got this  
11 wrong -- that inmates under the age of 18  
12 cost taxpayers approximately \$220,000 per  
13 year, whereas adults cost the system  
14 \$45,000. If that is correct, why such a  
15 big difference, such a variance?

16 MR. KRASNER: I'll give a quick  
17 answer and then I'm going to defer to  
18 First Assistant Listenbee, because in  
19 fact he essentially led juvenile justice  
20 for the President of the United States.  
21 But the short answer to that question is,  
22 these numbers come from state  
23 authorities, and what is involved with  
24 incarcerating an adult is less than is  
25 involved with incarcerating and also

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           educating a juvenile. It can be a very  
3           expensive proposition, especially if  
4           there's at least some effort to do so in  
5           a way that is humane. But I will defer  
6           to First Assistant Listenbee.

7                         MR. LISTENBEE: Councilman, as  
8           the DA indicated, these are statistics  
9           coming from the State of Pennsylvania,  
10          the Office of Juvenile Justice under  
11          Pennsylvania Commission on Crime and  
12          Delinquency. It's very expensive because  
13          you have major mental health components  
14          as well as educational components that  
15          are part of the cost of running a  
16          statewide facility. A state secure  
17          facility is 24 hours. You have to have  
18          guards and everything else that goes  
19          along with that.

20                         It's less expensive --

21                         COUNCILMAN TAUBENBERGER: But  
22          that's the same for adults as well; they  
23          have 24 hour.

24                         MR. LISTENBEE: It is, but  
25          there are elements of education that are

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 required.

3 COUNCILMAN TAUBENBERGER: Okay.  
4 And are these minors, these under  
5 18-year-olds, are they getting schooling  
6 while --

7 MR. LISTENBEE: They're  
8 required to have schooling, yes. And you  
9 say under 18. It's any -- under the  
10 juvenile justice system, it's up to age  
11 21. So many of the young people who are  
12 in our juvenile justice facilities are  
13 there between the ages of 10 and the ages  
14 of 21.

15 COUNCILMAN TAUBENBERGER: Do  
16 you know what is involved in that  
17 schooling?

18 MR. LISTENBEE: They're  
19 required to meet the same state standards  
20 as the children here in Philadelphia are.  
21 And, in fact, the City of Philadelphia  
22 sometimes pays for the private  
23 facilities. For children who are placed  
24 in other counties and in other school  
25 systems provide the educational

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           component, Philadelphia School District  
3           pays for that.

4                   COUNCILMAN TAUBENBERGER:  If  
5           somebody wants more detail, they really  
6           should look at the state report; is that  
7           correct?

8                   MR. LISTENBEE:  Yes,  
9           absolutely.

10                   COUNCILMAN TAUBENBERGER:  All  
11           right.

12                   MR. LISTENBEE:  And let me just  
13           add, the cost that the DA has been  
14           referencing, one positive aspect of it is  
15           that the number of children who are in  
16           placement under DA Krasner that are from  
17           Philadelphia County has declined from  
18           December of 2017 when we were at 608 to  
19           338 as of April of this year.  So  
20           policies that we put in place to  
21           carefully monitor the children who are  
22           going into placement, cost factors  
23           involved with them, have helped to reduce  
24           the number of kids going in placement  
25           and, again, has not caused any increase

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 in crime in this area.

3 COUNCILMAN TAUBENBERGER: Thank  
4 you. Thank you very much.

5 Mr. President, thank you.

6 COUNCIL PRESIDENT CLARKE:  
7 Thank you, Councilman.

8 The Chair recognizes Councilman  
9 Domb.

10 COUNCILMAN DOMB: Thank you,  
11 Mr. President.

12 Good afternoon again. I have a  
13 few more questions. I don't know if you  
14 know the answer, but do you know the  
15 timeframe from when someone is arrested  
16 to the time they go to trial?

17 MR. KRASNER: Yes, and thank  
18 you for asking that question. It's been  
19 a matter of some interest. Now I just  
20 have to figure out where we have that  
21 slide. If I may just have a moment.

22 I believe we have it. In our  
23 chart we have it under the category of  
24 Crime. It would be Slide No. 8.

25 So what we are seeing, if we

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           look at the year 2018 until now, for  
3           felony matters -- and I think this does  
4           not include homicides, but for felony  
5           matters, what we are seeing is that when  
6           we first came into the administration,  
7           the average number of days from the  
8           beginning of a case until its conclusion  
9           was about 225, and the average number of  
10          days now is on the order of 150 to 160.  
11          The reason that -- well, there are a few  
12          reasons this is important. One reason  
13          it's important is, there's a speedy trial  
14          clock ticking when a case starts.  
15          Another reason it's important is in terms  
16          of accountability, there's a lot to be  
17          said for cases that resolve properly but  
18          also resolve more quickly. It means that  
19          people who are responsible have to accept  
20          that responsibility closer in time to the  
21          action. And every study of deterrents  
22          indicates it's more driven by how soon  
23          and how certain the punishment is than  
24          the amount of punishment. So that's  
25          important.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 At a very practical level, what  
3 this is doing for the system is, it is  
4 reducing the pressure on the county, on  
5 county custody, meaning county custody's  
6 purpose in most situations is to hold  
7 people before trial, so if trial comes  
8 sooner, then they will either be off to  
9 state prison or they will get a sentence  
10 in the county or they will in many, many  
11 cases, in the majority of cases, go home  
12 on probation and, therefore, it's taking  
13 pressure off mass incarceration as well.  
14 It is also taking pressure off the courts  
15 themselves. And there was an  
16 announcement earlier this year by the FJD  
17 that they were closing seven criminal  
18 courtrooms. I'm not sure exactly what  
19 that means, because some of these  
20 courtrooms don't run all day. They run  
21 for a portion of a day. But I do know  
22 this: It means that at least a couple of  
23 judges were switched from having a  
24 criminal docket to a civil docket. It  
25 means, therefore, the civil docket can

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           move more quickly than it would have  
3           without benefit of those judges.

4                        It certainly takes all kinds of  
5           pressure off sheriffs when you go to  
6           court three times to conclude a case  
7           instead of five times. It takes pressure  
8           off of sheriffs and off of the entire  
9           system.

10                      So we think as long as both  
11           sides are fully prepared and all the  
12           information is available and the  
13           proceeding is fair, we think this is a  
14           good thing.

15                      COUNCILMAN DOMB: Some of my  
16           questions are going to focus around this  
17           issue, and I recently went to a Pew  
18           report where they said 86 percent of  
19           Americans in the country agree that  
20           someone accused of a crime should have a  
21           trial within 30 days. They were agreeing  
22           with that. I'm not saying that's  
23           feasible, but they're agreeing with that.

24                      They also said that 82 to 85  
25           percent of Americans actually, which

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           you're on track with this, support less  
3           spending on jails and more on substance  
4           misuse or mental health or crime victim  
5           services. That's 82 to 85 percent of the  
6           population.

7                         So the question I have for you  
8           on this particular item, what can we do  
9           and how do we work together to cut the  
10          150 to 160 maybe down to 90 days, and is  
11          that feasible?

12                        MR. KRASNER: I do think it's  
13          feasible if we can solve the biggest  
14          issue, and the biggest issue is that in  
15          order for us to do our job of turning  
16          over all of the police paperwork, we have  
17          to have it at the beginning. And as we  
18          know, our Police Department works very  
19          hard. They have a ton of cases. They're  
20          overburdened. Often they don't have the  
21          best technology available. And so there  
22          are occasions when we cannot get police  
23          discovery for a long time and, therefore,  
24          the clock for the defense to prepare  
25          doesn't really start running right away.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Another very serious problem  
3 that we have in Philadelphia -- and it's  
4 not a problem that we had during almost  
5 all of my 30 years as an attorney -- is  
6 that it's very difficult to get seizure  
7 analyses, meaning chemical testing of  
8 drugs. Fentanyl has posed certain  
9 challenges. The Crime Lab in  
10 Philadelphia, everyone concedes, does not  
11 have the ability to do all the testing,  
12 and when we have repeatedly asked that  
13 there be an outside vendor who would come  
14 in and do this testing, we haven't gotten  
15 anywhere. I mean, this has been a  
16 problem that's been going now for about  
17 18 months.

18 The only thing that mitigates  
19 that serious issue is that they are  
20 prioritizing. So in cases of selling  
21 drugs or possessing drugs with the intent  
22 to sell, they're prioritizing and they're  
23 doing those first. It often takes too  
24 long, but they're doing it first.

25 The cases where we often never,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           I repeat, never receive a seizure  
3           analysis, which are thrown out as a  
4           result, are cases involving possession of  
5           drugs. So that mitigates a bit, but that  
6           can be -- I mean, that is frankly a real  
7           flaw in the system. And then, of course,  
8           there are cases where, for perfectly good  
9           reasons, we need to wait for a rape kit  
10          or we may need to accommodate the  
11          schedule of an expert on a particular  
12          type of physical injury to a child who  
13          cannot testify for him or herself. So  
14          there are occasions when that can delay  
15          things. But the single biggest  
16          impediment to our capacity to get these  
17          cases to trial quickly is our ability  
18          both technologically but also in terms of  
19          personnel to receive quickly all of the  
20          police paperwork from the Police  
21          Department. And I don't say that as a  
22          criticism of the Police Department. I  
23          just say that I'd love to be able to work  
24          together with the Police Department to  
25          expedite that.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN DOMB: So let me go  
3 back to that for a second, because I know  
4 Councilman Taubenberger talked about the  
5 cost. Up on State Road right now with  
6 the current budget and the current  
7 population, we're over \$80,000 per  
8 person. And so if you can cut the amount  
9 of days down to 100 or 90, it would be  
10 very worthwhile in many ways, getting  
11 people out quicker, getting them back  
12 into society quicker, but also if there's  
13 technology requirements that the Police  
14 Department or anyone else needs, is there  
15 someone who can do a report or a study  
16 that says if we invest this amount of  
17 money, we can speed this to this level?  
18 And I think the savings and the help of  
19 getting people back into society would  
20 tenfold pay for this. So I'm just asking  
21 if that down the road is something you  
22 can maybe look at because --

23 MR. KRASNER: Councilman, it's  
24 something we would love to look at. We  
25 have been blessed because from the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           beginning of our administration, we were  
3           approached by the Chan Zuckerberg  
4           Initiative, which is a pile of money that  
5           comes from Mr. Zuckerberg and his  
6           partner, Ms. Chan, that is for the  
7           purpose of promoting social justice with  
8           data. And they gave us two fellows, and  
9           they are paying for these two fellows who  
10          are helping our data capacity. We're  
11          seeing a little bit of what's possible  
12          today, but we're hoping to do more.

13                    It seems to me that's an  
14                    incredibly valid point. Why pay a  
15                    fortune for unnecessary delays and  
16                    continuances if a much smaller amount of  
17                    money would expedite justice? It just  
18                    doesn't make any sense.

19                    So I would be happy to see what  
20                    we can do in our office to see perhaps  
21                    whether those fellows can assist or we  
22                    can find academics who could come in and  
23                    assist with that project.

24                    COUNCILMAN DOMB: Okay. Thank  
25                    you.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Should I come back for the next  
3 round?

4 COUNCIL PRESIDENT CLARKE: Yes,  
5 Councilman. But we do have two other  
6 departments.

7 COUNCILMAN DOMB: I know. Can  
8 I ask my last two quick questions and  
9 I'll be done?

10 COUNCIL PRESIDENT CLARKE:  
11 Please.

12 COUNCILMAN DOMB: Eighty-three  
13 percent of Americans believe police  
14 should cite rather than arrest, which  
15 will cut down on our costs. Have we  
16 looked at the non-violent crimes and see  
17 in every possible area if we can have  
18 citations versus arresting on the  
19 non-violent issues?

20 MR. KRASNER: You know, that is  
21 a fascinating suggestion. Our policy  
22 team has not sat down with that issue  
23 specifically, but I'm happy to suggest  
24 that we do that. It may require, as  
25 occurred with the assistance of many of

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           the Councilpeople here, I think,  
3           including Councilman Jones, it may  
4           require the passing by City Council of  
5           some summary offenses or violations of  
6           City Code that are analogues to criminal  
7           statutes so that a non-criminal ticket  
8           option exists and so that the police can  
9           act on that option. But I think for many  
10          offenses, that may be an excellent idea.

11                        Now, I know that Public  
12          Defender Bradford-Grey is going to  
13          testify shortly, and I hope someone will  
14          inquire of her a little bit about her  
15          pretrial model and some of the ideas she  
16          has about citations, both in this sense  
17          but in another sense, because I think  
18          she's onto something there.

19                        COUNCILMAN DOMB: One last  
20          question. The New York Times reported, I  
21          think it was a year, that we're the  
22          opioid capital, specifically in  
23          Kensington, of the U.S., which was for  
24          everyone in the City a terrible story.  
25          What can we do to dramatically change

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that image and control what's going on  
3           and put more enforcement in place? And I  
4           know it's also federal and other  
5           agencies, but if you came to us and said,  
6           you know what, I need X amount of dollars  
7           to handle this situation, I think we  
8           should look at that.

9                       MR. KRASNER: There is no easy  
10          solution, obviously. A big part of the  
11          problem is that the feds loosened up the  
12          supply of pills in the last decade from X  
13          to four X, and you have the first  
14          crisis -- first drug crisis I'm aware of  
15          that has been driven by medical doctors  
16          passing opioids in pill form to trusting  
17          patients. So, I mean, really one of the  
18          big solutions would be for the fed to  
19          screw down on that supply back to where  
20          it was a decade ago before they were lied  
21          to and we were all lied to about big  
22          pharma claiming that these things were  
23          not addictive when we know they're  
24          atrociously addictive.

25                       Obviously that doesn't -- I am

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           not shirking responsibility. I'm just  
3           saying that's a small part of the  
4           problem. There are other aspects to it  
5           involving how it's distributed and how  
6           the reality is that the fed has decided  
7           not to go after a lot of the  
8           inappropriate things going on with  
9           distributors who deliver mountains of  
10          pills to towns where only 14 people live.  
11          So that's an aspect of it.

12                         Within the City of  
13          Philadelphia, my options are limited,  
14          frankly. One of them is traditional law  
15          enforcement, and we have done some of  
16          that, but frankly, I'm just not willing  
17          to spend my time going after 15-year-olds  
18          who will be replaced by the next  
19          15-year-old the next day and end up with  
20          a criminal record. I am much more  
21          interested in going after bona fide drug  
22          organizations that have owned the block  
23          or been in that area for a period of  
24          time.

25                         In the case of Kip and Cambria,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           we had an organization 20 years old that  
3           was owned by the son of the person who  
4           owned it 20 years ago, and we were able  
5           to uproot 67 real drug dealers and bring  
6           them to justice. That's a part of it.

7                         But I think we all recognize  
8           that the most important aspect of this is  
9           trying to deal with addiction. It is  
10          very difficult to walk around Kensington  
11          and Allegheny right now. I was there  
12          very recently with the Commissioner and  
13          also with Councilwoman Quinones-Sanchez,  
14          who has to deal with those issues. I  
15          understand how upset the neighbors are  
16          with what's going on, and we do have to  
17          come to some kind of a plan that doesn't  
18          simply repeat the mistakes of the past,  
19          which is taking people who are addicted  
20          to drugs and giving them long jail  
21          sentences, but we have to come to some  
22          method of getting them the treatment that  
23          they need, at least when they are ready  
24          for it, of allowing them to recover and  
25          to save their own lives, but also making

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           things livable within that area. And I'm  
3           a hundred percent open to having that  
4           conversation with as many stakeholders as  
5           want to have it.

6                    COUNCILMAN DOMB: Okay. Thank  
7           you. Thank you for your testimony today.

8                    Thank you, Mr. President.

9                    MR. KRASNER: Thank you,  
10          Councilman.

11                   COUNCIL PRESIDENT CLARKE:  
12          Thank you, Councilman.

13                   The Chair recognizes Councilman  
14          Taubenberger.

15                   COUNCILMAN TAUBENBERGER:  
16          Mr. President, thank you very much.

17                   Injection sites. Forced  
18          treatment or incarceration or jail, in  
19          some ways doesn't that save lives as  
20          well?

21                   MR. KRASNER: I understand your  
22          point, and I know it comes from the same  
23          place we're all coming from, which is we  
24          just want to stop people from dying. I  
25          can tell you this, though: It's

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           complicated, because the statistics on  
3           what happens, if you take someone who is  
4           addicted to opioids, you put them in jail  
5           for a week or a month or three months,  
6           the statistics on that show that the  
7           incidence of fatal overdose goes up about  
8           a thousand percent. And it goes up about  
9           a thousand percent for a simple reason,  
10          which is that people relapse.

11                    It is the nature of addiction  
12           that people relapse, and the average  
13           person who recovers will actually undergo  
14           drug treatment about nine separate times.

15                    COUNCILMAN TAUBENBERGER: I  
16           would agree. In fact, there's a sign  
17           that says never stop trying to stop. I  
18           mean, that goes for a lot of drug  
19           addictions, from alcoholism to what we're  
20           speaking to. But also when you have  
21           forced treatment, I mean, you're kind  
22           of -- it is probably not the greatest  
23           choice, but it does force the issue.

24                    MR. KRASNER: Well, again, I'll  
25           just be very candid with you. The reason

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           they're dying coming out of inpatient  
3           treatment or they're dying coming out of  
4           jail is that those individuals -- and,  
5           no, it doesn't describe everybody,  
6           because probably some people respond well  
7           to forced treatment, but the reason  
8           they're dying is because their tolerance  
9           is gone, and when their tolerance is gone  
10          and they come back and they use an amount  
11          that is similar to what they used before  
12          they went in, it's toxic and they die.  
13          So we have to address that issue.

14                        One of the troubling things  
15          about this -- and I think about it a lot  
16          and I study it a lot -- is, one size  
17          really doesn't fit all. There are people  
18          who can cold turkey their way to  
19          recovery. There are others who are going  
20          to require medically assisted treatment  
21          for the rest of their lives. There are  
22          others who will never recover, no matter  
23          what. There probably are some lives that  
24          will be saved by being in custody for a  
25          period of time and being able to reflect

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           and access other resources, and there are  
3           others who will die because they went  
4           into custody for a short period and their  
5           tolerance went away.

6                        There really is not one size  
7           that fits all, and the people who have  
8           spent their careers on this and made this  
9           their life's work in places that pursue  
10          some fairly modern approaches, like  
11          Vancouver and places like that, they will  
12          say that.

13                       So as much as I would like to  
14          tell you that I have an answer, I don't.  
15          I think there is a different and  
16          individual answer for each person, and I  
17          do think that there's some science and  
18          statistics, not at my fingertips, but I  
19          think there's some science and statistics  
20          out there for what seems to work better  
21          for a larger number of people.

22                       COUNCILMAN TAUBENBERGER: It's  
23          a very good point you raise. But I think  
24          the opposition that comes to safe  
25          injection sites is not about not saving

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           lives. It's about the potential  
3           increase -- and here I want your  
4           opinion -- on small crimes in communities  
5           where these are located. I mean, when  
6           you go to a safe injection site, I  
7           believe you bring your own drug along.  
8           They just kind of monitor you as you take  
9           it. I mean, they're not supplying the  
10          drug, or are they?

11                   MR. KRASNER: So I have had the  
12           chance to actually visit supervised  
13           injections sites in Vancouver with a  
14           number of other prosecutors from around  
15           the country on a little educational tour,  
16           and if the sites here are anything like  
17           the ones there, no, the site does not  
18           supply any drugs. No, the site does not  
19           inject any drugs. No, the site does not  
20           assist you in that injection. The one  
21           thing that they sometimes do at the  
22           better ones is, they have a spectrometer  
23           which will test the drugs that you  
24           brought in there yourself and it will  
25           tell you the dose of fentanyl is going to

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           kill you, so you might want to split it  
3           up, or it will tell you there's no  
4           fentanyl in here at all, it's heroin. So  
5           as terrible as that is, it's not going to  
6           cause an overdose. But, no, they do not  
7           do those other things.

8                        I think, just so we're all  
9           clear, the experience in Vancouver is not  
10          that it cured everybody of drug abuse.  
11          It didn't. But the experience is,  
12          they've had over a few million injections  
13          over 15 years. They have had hundreds of  
14          potentially fatal overdoses and they have  
15          been able to save every one that occurred  
16          within that facility.

17                       COUNCILMAN TAUBENBERGER: So  
18          the patient or drug user, depending on  
19          what terminology you want to use, is  
20          still responsible to bring their own  
21          drugs, and I think therein lies a very  
22          critical problem in the sense they have  
23          to buy this. And what happens many  
24          times, and I'm seeing situations in many  
25          parts of the City, where there are these

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           small robberies, people get -- their  
3           homes get broken into, they take their  
4           jewelry, they fence it at a pawn shop for  
5           the very purpose of getting money for  
6           drugs. So in that regard, nothing is  
7           being solved. You're just getting a safe  
8           place to do this.

9                       MR. KRASNER: Your point is  
10           entirely valid. The point is that there  
11           are two things that are causing someone  
12           who is addicted to drugs to do a robbery.  
13           One is, drugs are really addictive. Two  
14           is, they cost a bunch of money, and they  
15           cost a bunch of money partly because we  
16           have prohibition.

17                       What you do not see in  
18           Philadelphia anymore is people who are  
19           robbing each other to go buy a jug of  
20           wine, because the jug of wine doesn't  
21           cost money. It happened during  
22           prohibition, but it doesn't happen  
23           anymore. And I'm not saying this to be  
24           critical of the fact that we enforce laws  
25           against drugs, but the nature of

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           enforcing laws against drugs is, it  
3           drives up the price, and for those who  
4           are addicted, they are going to break  
5           into cars and they're going through  
6           windows and they're going to rob people  
7           in order to get that money.

8                     I will say this, though:  
9           There's nothing about the existence of a  
10          supervised injection site that's going to  
11          cause any of that, because the supervised  
12          injection site is simply the place some  
13          of them will go to inject instead of  
14          doing it behind a dumpster or instead of  
15          doing it behind a car or doing it in a  
16          park. I would rather see when a  
17          six-year-old is walking down the street  
18          in Kensington, I would rather see the  
19          person who is using drugs out of that  
20          child's view. I would rather see those  
21          dirty needles put into a Sharps container  
22          inside of a supervised injection site. I  
23          would rather see the person injecting  
24          drugs get clean needles so as not to  
25          spread hepatitis C and HIV to other

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           people, including our children's  
3           children. I would rather see all that,  
4           and it's not out of some sense that the  
5           most important people in the world are  
6           people addicted to drugs. They are no  
7           less or more important than anybody else,  
8           but think about those who have no  
9           involvement in drugs who live in that  
10          neighborhood and they have people  
11          injecting on their porches who could be  
12          injecting indoors somewhere. They have  
13          people leaving dirty needles on the  
14          sidewalk who could be leaving those  
15          needles indoors somewhere. They have  
16          people defecating outside who could be  
17          defecating in a bathroom in a supervised  
18          injection site.

19                   I went to a supervised  
20          injection site in Vancouver, but what  
21          they had upstairs was detox. And part of  
22          the whole process of building trust and  
23          talking to drug users and letting them  
24          think that their lives had value --

25                   COUNCILMAN TAUBENBERGER: Okay.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 I --

3 MR. KRASNER: Let me just  
4 finish. I'm sorry.

5 COUNCILMAN TAUBENBERGER: I'm  
6 sorry.

7 MR. KRASNER: But part of that  
8 process is that there's a relationship of  
9 trust in which it becomes possible for  
10 that drug user to say, yes, I am ready  
11 for treatment. Yes, I'm ready to try  
12 detox again. I tried it four other  
13 times. It didn't work. I'm ready for  
14 that.

15 So the notion that this is a  
16 bunch of drug fiends encouraging other  
17 drug fiends -- and I know you're not  
18 saying anything like that, but that sort  
19 of a notion in many ways just comes out  
20 of the fact that we don't have facilities  
21 like this in the United States and people  
22 don't understand how simple it is.

23 Let me also say this: I think  
24 a lot of people have this notion about  
25 what goes on there. If you want to know

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           what really goes on there, it looks like  
3           a hair salon. A bunch of people come in,  
4           they inject their own drugs, and when  
5           they start to nod off, which is how you  
6           die from opioids, you have someone go  
7           over and nudge them, nudge their  
8           shoulder, and if that doesn't work,  
9           they'll rub their sternum to try to wake  
10          them up. If that doesn't work, they'll  
11          rub their shoulders, and if that doesn't  
12          work, they will go and they will get  
13          oxygen. And when they get oxygen and  
14          they give it to the person who is  
15          starting to succumb to the respiration  
16          suppression that comes from these drugs,  
17          that will almost always wake them up.  
18          But if it doesn't, the next thing they do  
19          is what our Police Department does all  
20          the time, which is they administer  
21          naloxone. And we want that. We want our  
22          librarians to do it because it saves  
23          lives. We want our police to do because  
24          it saves lives.

25                            But this is simply something

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that's done indoors as opposed to what we  
3           have now, which is a lot of officers are  
4           undergoing second and thirdhand trauma.  
5           A lot of librarians are having to do  
6           things that frankly they shouldn't have  
7           to do because they're finding people in  
8           the bathrooms who have expired, who are  
9           dead. They're having to administer this  
10          on an emergent basis all the time.

11                         These are to me nothing more  
12          than a little local emergency room where  
13          people can get saved from dying. They  
14          are nothing more than that. They're not  
15          going to cure everything, but they do  
16          allow for the building of that  
17          relationship of trust and the separation  
18          of the harm that comes from this behavior  
19          on a neighborhood.

20                         So, again, while I'm not  
21          involved with planning it, I don't really  
22          have any position other than it's not  
23          something that I would choose to  
24          prosecute. That's how I come to these  
25          positions.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN TAUBENBERGER: Just  
3 one real quick follow-up. Very valid  
4 points you have given here today, but  
5 while you were out in Vancouver where  
6 this is done on practice, did you  
7 actually ask the question that I had  
8 asked you in the sense that is there  
9 increased crime right in the immediate  
10 area of these safe injection sites?

11 MR. KRASNER: It's a great  
12 question. I apologize for not answering  
13 it earlier. Their studies say no. And I  
14 can try to get that study for you.  
15 Obviously Canada is not identical to the  
16 United States. I'm not saying everything  
17 is transferable. I can tell you this,  
18 though: I was very impressed to see that  
19 a lot of law enforcement were very much  
20 in favor 15 years in of supervised  
21 injection sites, and they told me very  
22 directly why. They were tired of  
23 scooping up dead bodies. It was a rough  
24 job before this happened. They were  
25 tired of scooping up dead bodies on a

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           daily basis. They were relieved to see  
3           that even though drug abuse did not go  
4           away, and there's plenty of drug abuse in  
5           Toronto, that they didn't have to endure  
6           that as a part of their job. So they  
7           eventually came to support it for that  
8           reason.

9                           COUNCILMAN TAUBENBERGER:

10          Mr. President and Mr. Krasner, I would  
11          like to see that study, if you can get  
12          that to us.

13                         MR. KRASNER: I'll be happy to  
14          do that for you. Thank you, sir.

15                         COUNCILMAN TAUBENBERGER: Thank  
16          you.

17                         Mr. President, thank you.

18                         COUNCIL PRESIDENT CLARKE:

19          Thank you, Councilman.

20                         Good afternoon, Mr. DA.

21                         MR. KRASNER: Good afternoon,  
22          Council President.

23                         COUNCIL PRESIDENT CLARKE:

24          We've concluded our questions. We may  
25          call you back, but at this point, I want

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           to thank you so much for your testimony  
3           and your responses to the colleagues. So  
4           we're going to --

5                       MR. KRASNER: Thank you,  
6           Council President. Thank you for your  
7           patience.

8                       COUNCIL PRESIDENT CLARKE:  
9           Thank you. Good working with you.

10                      We're going to take a break,  
11           and at that time, we will call the Law  
12           Department. So like 2:15, 2:30.

13                      (Short recess.)

14                      COUNCILMAN GREENLEE: Why don't  
15           we get started. I know other members  
16           will be coming down.

17                      Our next department is the Law  
18           Department.

19                      (Witnesses approached witness  
20           table.)

21                      COUNCILMAN GREENLEE: Good  
22           afternoon. We have your written  
23           testimony. If anything you'd like to  
24           summarize, and then we'll get to any kind  
25           of questions.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 MR. PRATT: Sure. Good

3 afternoon, Councilman Greenlee and

4 members of the Committee of the Whole, as

5 you walk in. I am City Solicitor Marcel

6 Pratt, and at this table I am joined by

7 First Deputy Craig Straw and immediately

8 behind me are other members of my

9 executive team - Andrew Richman, Chief of

10 Staff; Valerie Robinson, Chair of the

11 Corporate and Tax Group; Diana Cortes,

12 Chair of the Litigation Group; Clay

13 Cauley, Chair of our Social Services

14 Group; Iveliz Crespo, Director of

15 Professional Development/Diversity and

16 Inclusion; and Steve Ludovico, Director

17 of Administration, who did a tremendous

18 job of preparing our budget submission

19 that you have before you. Several of our

20 unit chiefs are here as well, and I want

21 to thank the entire Law Department for

22 continuously providing high-quality

23 representation to our City government and

24 making us the best law firm in the City.

25 As you said, you have copies of

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           my written testimony already and also you  
3           have a copy of our first-ever Year in  
4           Review document for 2018. And unless you  
5           object, I will incorporate that testimony  
6           by reference and will just make a few  
7           brief remarks.

8                         From a financial perspective,  
9           our Fiscal Year '20 General Fund budget  
10          totals \$16,085,045, an increase of only  
11          \$18,949 over Fiscal Year '19 estimated  
12          obligation levels. The increase is  
13          primarily due to union pay increases.

14                        And on the performance side, we  
15          have achieved a number of successes over  
16          the past fiscal year, many of which have  
17          received national attention. We  
18          successfully defended the Philadelphia  
19          beverage tax -- that's how we started our  
20          year -- in the Pennsylvania Supreme  
21          Court. We defended our Welcoming City  
22          policies against the Trump Administration  
23          in both a federal trial and on appeal.  
24          And on Monday of this week, we secured a  
25          favorable ruling in a religious liberty

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           challenge to City laws and policies that  
3           prohibit discrimination against same-sex  
4           couples seeking to be foster parents.  
5           And there are many more victories, but  
6           too many to count. And throughout the  
7           year, we have also served as legal  
8           counsel on all the City's major  
9           commercial and real estate transactions  
10          and approved the many contracts and  
11          agreements that are critical to the  
12          City's operations. We've also worked  
13          with the Revenue Department on tax  
14          collection matters, including helping  
15          Revenue to decrease the principal of  
16          delinquent real estate tax by 37 percent  
17          since 2013. We've also added additional  
18          resources to our Child Welfare Unit to  
19          help our client, DHS, achieve greater  
20          permanency for children, and worked with  
21          this body to craft legislation.

22                         And we expect to use our 2020  
23          budget to continue providing high-quality  
24          legal counsel to the City, its officials,  
25          and employees.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 And I am happy to now take any  
3 questions you may have.

4 Thank you.

5 COUNCILMAN GREENLEE: Thank  
6 you, Mr. Pratt. And I have to add to  
7 your at least success so far. I know  
8 it's still ongoing, the wage theft law,  
9 which obviously I have a little interest  
10 in since it was my law or my bill that  
11 got passed. I know you have a lot of  
12 high-priced opposition there against you,  
13 and so far things have worked, I think,  
14 pretty well. So, again, thank you.

15 MR. PRATT: I appreciate that.

16 COUNCILMAN GREENLEE: Thanks  
17 for everybody that is working on that,  
18 and your other successes. I think it  
19 shows a lot of the competency of both you  
20 and the other Assistant City Solicitors,  
21 that you have been doing so well in some  
22 of these, because they are very important  
23 cases, obviously.

24 MR. PRATT: Yeah.

25 COUNCILMAN GREENLEE: And --

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 MR. PRATT: And there's a  
3 tremendous amount of work that goes on  
4 behind the scenes, and I have members of  
5 our staff who worked on that case here  
6 today. Jane Istvan, who was the master  
7 of the briefs, is here. So we appreciate  
8 the recognition. We really do.

9 COUNCILMAN GREENLEE: Sure. In  
10 my opinion, it's well deserved.

11 Let me just ask a couple of  
12 questions I know the Council President  
13 had. I think he will be here soon.

14 In your testimony, you show  
15 that the average caseload per worker is  
16 158 in FY19?

17 MR. PRATT: Yes.

18 COUNCILMAN GREENLEE: Off the  
19 top, that sounds high. How does this  
20 compare to either other law departments  
21 in other municipalities or also to the  
22 private sector?

23 MR. PRATT: Yeah. I think  
24 what's driving that are the caseloads in  
25 two units. First, our Tort Litigation

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Unit, which handles personal injury and  
3           property damage claims, but primarily our  
4           Child Welfare Unit, where the volume is  
5           pretty significant. It's not unusual for  
6           an attorney in that unit to have several  
7           hundred cases on his or her caseload.

8                        COUNCILMAN GREENLEE: Several  
9           hundred?

10                      MR. PRATT: Yes.

11                      COUNCILMAN GREENLEE: Wow.

12                      MR. PRATT: And I do think -- I  
13           don't have the stats in front of me, but  
14           I do think that is abnormally high for  
15           the type of work that those attorneys are  
16           doing. And we have tried to abate the  
17           problem a little bit. We've added  
18           additional attorneys to that unit over  
19           the course of the past two years. So I  
20           think that has helped with the caseload a  
21           little bit, but I can certainly say we  
22           will need more resources in the near  
23           future.

24                      COUNCILMAN GREENLEE: And  
25           resources I assume means money, right?

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 MR. PRATT: Yes.

3 COUNCILMAN GREENLEE: More  
4 money into the department?

5 MR. PRATT: Yes.

6 COUNCILMAN GREENLEE: It's  
7 interesting, you particularly bring up  
8 child welfare, because it was just raised  
9 with me earlier today about sometimes how  
10 long it takes for some of these cases.  
11 And is that sort of the problem  
12 sometimes, that because the solicitor has  
13 so many cases, that sometimes they get  
14 continued, they're not ready, that kind  
15 of thing? Because we've heard that kind  
16 of concern raised.

17 MR. PRATT: Yeah. I don't  
18 think it's necessarily attributable to  
19 our caseload. I think the system overall  
20 is heavily burdened, and I think that has  
21 increased or resulted in the reasons why  
22 the timeline isn't where we think it  
23 should be. But I think we have done a  
24 great job of helping DHS get children to  
25 permanency faster, and I think that bears

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 out in the numbers.

3 COUNCILMAN GREENLEE: No; I  
4 understand.

5 Also I see in your testimony  
6 you show 337 filled positions, but only  
7 183 budgeted. Is that correct or could  
8 that be maybe a typo?

9 MR. PRATT: Yeah. I think that  
10 might be 183 budgeted for our General  
11 Fund, for the General Fund money that the  
12 Law Department controls. We also have  
13 positions that are funded by other  
14 departments. So, for example, our tax  
15 lawyers are funded by Revenue. Child  
16 welfare lawyers are funded by DHS, so on  
17 and so forth.

18 COUNCILMAN GREENLEE: Okay.  
19 Also in your testimony your contract  
20 participation for FY19 is listed as NA?

21 MR. PRATT: Could you direct me  
22 to what --

23 COUNCILMAN GREENLEE: It's  
24 testimony on Page 7, your testimony on  
25 Page 7. I'm reading the Council

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 President's question here. Yeah. If  
3 you're looking at Page 7.

4 MR. PRATT: Oh, yeah. That's  
5 because those are quarterly calculations  
6 and --

7 COUNCILMAN GREENLEE: They're  
8 what? I'm sorry.

9 MR. PRATT: Those are quarterly  
10 calculations and I think we only do the  
11 year-end numbers.

12 COUNCILMAN GREENLEE: All  
13 right. In your testimony you show a  
14 target of 70 percent claims percent cost  
15 to risk assessment. Can you explain that  
16 measure?

17 MR. PRATT: Yeah, sure. So  
18 whenever we have a case, there is a risk  
19 assessment number put on it in terms of  
20 the amount of liability the City could  
21 see as a result of that case. And so  
22 when we either settle a case or get it  
23 dismissed, we measure that number against  
24 the risk assessment number. And so the  
25 idea is to get that number as low as

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           possible, because you want the number to  
3           come in lower than what you thought the  
4           case was actually going to settle or  
5           result in a judgment for.

6                    COUNCILMAN GREENLEE: I  
7           appreciate that.

8                    The good thing is obviously a  
9           lot of people don't have great concern  
10          about what your department is doing.

11                   MR. PRATT: I think that's a  
12          good thing. I think that means we're  
13          doing a good job.

14                   COUNCILMAN GREENLEE: Right.  
15          Exactly.

16                   Hold one second.

17                   MR. PRATT: Sure.

18                   (Brief pause.)

19                   COUNCILMAN GREENLEE: Okay.  
20          Mr. Pratt, I appreciate you coming. I  
21          appreciate your whole team coming here.

22                   MR. PRATT: Thank you.

23                   COUNCILMAN GREENLEE: Just one  
24          caveat here, there always is a time that  
25          you could be asked for a callback.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 MR. PRATT: Sure. I'm happy to  
3 come back.

4 COUNCILMAN GREENLEE: So be  
5 prepared for that, if you could.

6 MR. PRATT: Okay.

7 COUNCILMAN GREENLEE: But,  
8 again, I appreciate all of what your  
9 department is doing.

10 MR. PRATT: Thank you.

11 COUNCILMAN GREENLEE: Thank  
12 you. Thank you all very much.

13 Next department is the Public  
14 Defender.

15 (Witnesses approached witness  
16 table.)

17 COUNCILMAN GREENLEE: If I  
18 could ask everybody just to leave  
19 quietly, please, so we can keep going  
20 here.

21 Ms. Bradford-Grey, I know you  
22 heard Mr. Pratt's very quick summary of  
23 his written testimony, so I'm sure you  
24 have a very similar approach here.

25 MS. BRADFORD-GREY: Well, I

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 will say this --

3 COUNCILMAN GREENLEE: Please  
4 identify yourself first.

5 MS. BRADFORD-GREY: Thank you.  
6 My name is Keir Bradford-Grey. I'm the  
7 Chief Defender of the Defender  
8 Association of Philadelphia. Along with  
9 me is Mr. Jim McHugh. He is our First  
10 Assistant, as well as Ms. Carolyn Jester,  
11 who is our Chief Financial Officer.

12 I do want to acknowledge all  
13 the women and men in the audience who are  
14 part of our Defender staff. Particularly  
15 we have our Diversity and Inclusion  
16 Officer and our Recruitment Director. We  
17 have our Data Analyst, Erin Segal. We  
18 have our Chief of our Trial Unit and we  
19 have a lot of our administrative staff as  
20 well as our social service staff with us.

21 I do want to say today is  
22 Administrative Professionals Day, and I  
23 want to wish all the administrative  
24 professionals a happy Administrative  
25 Professional Day. And I say that because

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 it's pretty thematic in terms of what  
3 we'll be asking for today.

4 As you have seen through our  
5 budget, our written submission, is that  
6 the Defender Association is asking for an  
7 increase in their appropriation in the  
8 amount of \$1,888,000. This increase will  
9 be used to supply a livable wage to all  
10 the administrative staff that work in our  
11 office, that are the backbone of our  
12 organization. And I know you've heard  
13 about all the great things that have been  
14 going on in our city in terms of criminal  
15 justice reform, but I will say this: The  
16 narrative of what's going on will not be  
17 complete unless you understand the role  
18 that the Defender Association plays in  
19 that criminal justice reform effort.

20 So Larry did a wonderful job at  
21 presenting the issues, presenting all the  
22 savings that we have made with all of our  
23 efforts to remain consistent with  
24 criminal justice reform. However, some  
25 of the things that are not being told are

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           how those things are achieved by all  
3           parties. The Defender Association has  
4           stepped up tremendously. And it's not  
5           just our lawyers, but it's our  
6           administrative staff, our social service  
7           advocates, our paralegals, our  
8           investigators, and of course our  
9           secretarial staff that help us create  
10          data so that we can bring this  
11          information to you.

12                         One of the things that the  
13          Defender Association is most proud of is  
14          not the fact that we've been able to  
15          impact criminal justice reform at the  
16          trial level as well as the policy level,  
17          but our strategic community engagement  
18          and partnership that has really brought  
19          about some extreme success in our  
20          long-term goals. And the long-term goals  
21          I'm talking about are what has been  
22          pretty much calculated from the Criminal  
23          Justice Committee created by Council  
24          President Clarke and, that is, to have a  
25          system that uses taxpayer dollars wisely,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           that is fundamentally fair. By  
3           "fundamentally fair," we mean that does  
4           not use racial bias or economic bias to  
5           make decisions. And, three, one that  
6           promotes public safety.

7                         The Defender is looking for and  
8           happy to be a part of working towards a  
9           system that actually rehabilitates  
10          instead of devastates and one that  
11          actually uses the community's concept of  
12          justice at all steps of the process.

13                        I'll start with understanding  
14          the impact that the Defender Association  
15          has on the City. Oh, I'm sorry. Let me  
16          go back to the livable wage.

17                        One of the reasons that I'm  
18          asking to support our request for a  
19          livable wage is because I need to tell  
20          you about the types of salaries that  
21          we've been able to give some of these  
22          dedicated people that work very hard in  
23          our office and have worked in overdrive  
24          in this criminal justice reform era.

25                        Many of our staff -- and

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           there's been 263 of the staff in this  
3           category -- do not earn a livable wage.  
4           Forty-five of them do not earn \$15 an  
5           hour, and I know that's not consistent to  
6           what the City of Philadelphia wants for  
7           its City workers.

8                         Seventy-one percent of our  
9           administrative staff earn between 25,000  
10          and 38,000. \$25,000 is less than the  
11          ceiling -- I mean, I'm sorry, the floor  
12          of a new administrative employee in the  
13          City of Philadelphia. That starts at  
14          29,000.

15                        One-third of our administrative  
16          staff earn in the 20,000's. The majority  
17          of these employees are not even  
18          contributing to their retirement plan,  
19          because we are not pensioned. We cannot  
20          be -- at this time, we have not gotten a  
21          definite answer from the pension fund as  
22          to whether or not we would qualify under  
23          the IRS tax guidelines. Mr. Jim McHugh  
24          wrote a wonderful brief to the pension  
25          fund asking for our office to be a part

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           of it. As of right now, we have not  
3           gotten an answer. We expect to get one  
4           shortly.

5                        But in any event, our support  
6           staff, our administrative staff have not  
7           been able to contribute to their own  
8           retirement, which leads them to work much  
9           longer than they would have expected.

10                      Twenty-five of our employees  
11           who worked at the Defender more than ten  
12           years earn less than \$35,000. Of these  
13           ten employees, we have people that have  
14           been working at the Defenders for 15 to  
15           20 years and make about \$31,000.

16                      COUNCILMAN GREENLEE: Ms.  
17           Bradford-Grey, could I just interrupt you  
18           for a second while it's on our minds  
19           here.

20                      MS. BRADFORD-GREY: Sure.

21                      COUNCILMAN GREENLEE: You  
22           contract with the City, right?

23                      MS. BRADFORD-GREY: We do.

24                      COUNCILMAN GREENLEE: Don't we  
25           have a living wage law as far as the

1 4/24/19 - WHOLE - BILL 190152, ETC.  
2 salaries that are supposed to be paid?

3 MS. BRADFORD-GREY: Well, we  
4 see it up on the screen there in terms of  
5 that it's been advertised as such, and  
6 I'm hoping that the Defender Association  
7 staff can enjoy that.

8 COUNCILMAN GREENLEE: Has that  
9 ever been raised, as far as you know,  
10 with the City on that whole issue?

11 MS. BRADFORD-GREY: We're  
12 raising it now, and this is the first  
13 time we've been raising it. And actually  
14 since the bill passed in April, this  
15 would be the first opportunity that we  
16 would have to actually ask to be a part  
17 of that.

18 COUNCILMAN GREENLEE: Okay.  
19 I'm sorry. Go ahead. While that was in  
20 my mind, we raised that here, I said,  
21 geez, you are contractors, aren't you?

22 MS. BRADFORD-GREY: Yes. We  
23 contract, and about 98 percent of our  
24 funding comes from the City, and this is  
25 part of the IRS tax guidelines.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 So as you can see, we have  
3 people that are working hard for the  
4 City, working hard to advance goals,  
5 saving money, saving people, saving lives  
6 that are not being compensated for their  
7 effort, and I'm here today on behalf of  
8 all of them and on behalf of the work  
9 that the men and women of the Defender  
10 Association do every day since 1934 to  
11 impact sensible criminal justice policies  
12 and practices.

13 I heard Councilman David Oh's  
14 question to Larry Krasner about what's  
15 your role. I want to say, this is our  
16 lane. Criminal justice reform has been  
17 our work, our mission, and has driven  
18 what we do since 1934. And fast forward  
19 to 2015, we've expanded that role, not  
20 just -- beyond the courtroom. We've  
21 looked at ways to impact reform on the  
22 policy level working with Councilmembers  
23 here, working with community, and working  
24 with state legislators, as well as  
25 building trusting relationships with

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           community that support sensible and  
3           smart-on-crime initiatives and not just  
4           goes for the fast fix of reducing prison  
5           populations without understanding what  
6           drives the behavior.

7                         With that, I'll talk about some  
8           of the work -- and I will make this as  
9           brief as I can -- that we do. This is  
10          how much we impact the City of  
11          Philadelphia. Our office has  
12          represented, with 246 lawyers and the  
13          support staff that I just mentioned,  
14          represented 47,714 of Philadelphia's  
15          residents in 2018 alone in various  
16          systems. We represent pretty much all of  
17          the people on probation and parole.  
18          There are a few that have the ability to  
19          hire private counsel, but in any event,  
20          the Defender Association takes on that  
21          role.

22                         We represent people in the  
23          child welfare system, the one that you  
24          just discussed with Mr. Pratt, as well as  
25          the juvenile delinquent system. So we

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           have a lot of information that informs us  
3           of the flaws in the system and how it  
4           impacts families and communities as well.

5                        So the Defender has a very  
6           unique voice to inform meaningful  
7           criminal justice reform, but actually we  
8           have a voice to lead this effort as well,  
9           and we've been doing that on a number of  
10          efforts.

11                       We have identified two main  
12          drivers of mass incarceration. When I  
13          say "mass incarceration," I mean needless  
14          incarceration that is only impacted  
15          because of policies that we have engaged  
16          in that do not go to whether or not a  
17          person is dangerous or they have a risk  
18          of appearing. These policies allow  
19          people to spend time in jail that costs  
20          the taxpayers, but also costs the people  
21          that are sitting in jail and their  
22          families that rely on them.

23                       The human cost has never been  
24          calculated in this way, and it needs to,  
25          because if we're really going to get to

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           public safety, we have to understand have  
3           we made people more desperate and to what  
4           cost has that had on communities. And I  
5           believe the community behind me, the  
6           community that we've been working with,  
7           can tell you some of those devastating  
8           effects of people who come back who have  
9           lost jobs, who have lost houses, and now  
10          find themselves taking from the community  
11          rather than adding value to it.

12                         One of the ways we have done  
13          this is, we identified our pretrial  
14          population and we've taken advantage of  
15          the MacArthur opportunities that we have  
16          had and shared with the District Attorney  
17          and the Courts and of course our Prisons  
18          to impact that pretrial experience. This  
19          is what we have termed pre-entry.  
20          Pre-entry is important because we  
21          understand waiting until reentry to  
22          service people, to understand what people  
23          need leaves us all devastated, because  
24          what happens is people get detached from  
25          what little they have. We wait until

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           reentry and about 40 percent of that  
3           population never get those services.  
4           Why? Because 40 percent of the  
5           population sit in pretrial on cash bail.  
6           Their cases are withdrawn, dismissed, or  
7           found not guilty. Then they are released  
8           back into the community, with nothing  
9           that they came in with. That does not  
10          help anyone. And what we have been doing  
11          is working hard to make better decisions  
12          on that front end so that we can address  
13          those issues that drive behaviors and  
14          that we don't have to brandish everyone  
15          with a criminal conviction.

16                    The reason why that is so  
17                    important is because the two major  
18                    workforce development agencies in the  
19                    State of Pennsylvania have identified as  
20                    recently as March of 2019 that criminal  
21                    convictions is undeniably the biggest  
22                    driver of poverty. That's a big area to  
23                    focus on.

24                    If a criminal conviction is  
25                    undeniably the main driver of poverty,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           why do we give out these convictions so  
3           loosely? We need to be much more careful  
4           and critical as to who is becoming a  
5           convicted felon for life or a convicted  
6           person with a misdemeanor for life and  
7           who may not need that, because we are  
8           creating an underclass in our society  
9           just because we're not careful at our  
10          approach to criminal justice.

11                         We have been doing -- what  
12          we've been doing with our pre-entry  
13          efforts is, we have shifted our structure  
14          to put resources and benefits on the  
15          front end. We've been using community  
16          collaboratives to make this happen.  
17          We've hired what we call bail navigators,  
18          because what we've been focused on is  
19          releasing people out of jail, because  
20          we're not using bail as much as we used  
21          to. But that story is not complete if we  
22          do not understand what drives them and  
23          what they need to stay arrest-free and to  
24          make all of their courtroom obligations.

25                         Our bail navigators have done

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           just that. They worked with people to  
3           obtain ID's so they can get into  
4           treatment. They work with people to  
5           obtain benefits that they would have been  
6           able to have otherwise but they did not  
7           understand the process. So these  
8           benefits have led to successful treatment  
9           options for people.

10                   They have worked with placement  
11           and treatment and programs to obtain  
12           employment for those who are coming out  
13           on the front end, and the reason why they  
14           were in there in the first place is  
15           because they didn't have viable  
16           employment options.

17                   They're looking for community  
18           supports that are long-lasting. They  
19           build trust and engage people at the  
20           granular level so that they can come in  
21           and give other alternatives to our  
22           justice practices. And it's been  
23           working. In three months of using these  
24           bail navigators -- I must say the people  
25           that we hire for bail navigators are not

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           only social workers, but they are people  
3           who are returning citizens with lived  
4           experience, and they can give us more  
5           intelligence as to what we need to do  
6           with our practice model than any other  
7           information that we could have gotten  
8           alone or through our training or law  
9           school books. This has been a wonderful  
10          model that is impacting the entire  
11          outcome of the system, and it just  
12          doesn't get told enough or quantified  
13          enough to understand why it's so  
14          important.

15                   A hundred and one clients have  
16          been served in just three months. Nine  
17          out of ten of them showed up for court.  
18          Three out of four actively followed their  
19          release plans, meaning they got engaged  
20          with services that came -- they came into  
21          court with more of an understanding of  
22          what they've been able to do to address  
23          their issues than the courts could have  
24          on the back end. That has led to a lot  
25          of alternative opportunities for people

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           to be diverted from the system, not get  
3           that criminal conviction, and get back to  
4           work.

5                         Some of the people that we use,  
6           we call this our Pre-Entry Coalition.  
7           These are providers and community members  
8           that are already in our communities, that  
9           are already paid for, that already have  
10          grants or some other structure in place  
11          that we haven't been using in our  
12          criminal justice practice and process.  
13          But we in the Defender Association have  
14          used our social service advocates as well  
15          as our lawyers to go out into the  
16          neighborhoods and figure out what's  
17          there. We've also been collectively  
18          having great conversations with a number  
19          of our community members, a number of our  
20          activists and people who are responsible  
21          for building a coalition for a just DA to  
22          say this is what we need and how can you  
23          help us create a system and approach that  
24          allows us to gain access to these things.

25                         We've also been able to use the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           City's municipal ID services program to  
3           really engage people and get people the  
4           ID's necessary that they need to  
5           transition into meaningful opportunities  
6           for themselves.

7                         So I want to thank all of the  
8           people that are in our Pre-Entry  
9           Coalition, the community providers, the  
10          supports that have been these unsung  
11          heroes for a long time that we haven't  
12          strategically engaged in this effort to  
13          reform our system long term.

14                        About two years ago, I sat here  
15          in front of this Council and I said bail  
16          reform is on the rise. The criminal  
17          justice system cannot succeed the way  
18          we're doing things now, and many states  
19          have found this bail practice  
20          unconstitutional. In fact, our  
21          jurisdiction alone is being sued for its  
22          bail practices that we are currently  
23          engaged in. I said that the train has  
24          left the station and the only question is  
25          when will states get on board.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Since then -- at that time,  
3 there were only two states that were on  
4 board, DC and New Jersey. Since then,  
5 you can see there's been a national  
6 movement and more states have joined that  
7 force.

8 The Defender Association has  
9 learned through the work of the Criminal  
10 Justice Reform Committee as well as  
11 through some really intelligent people on  
12 the staff that are on the Supreme Court's  
13 Rules Committee and people that  
14 understand data and analysis that there  
15 are best practices that we can learn from  
16 and implement in our own structure, and  
17 we did just that.

18 Our office -- and I'm very  
19 proud of this -- came up with a  
20 reimagined pretrial system that we  
21 presented to the Court. This system will  
22 provide us the opportunity not only to  
23 address needs on the front end, but also  
24 to weed out and differentiate between the  
25 people that come into our court system.

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Believe it or not, prior to us really  
3           focusing on this front end, we never made  
4           an -- we never gave an understanding or  
5           created an understanding of who a person  
6           was until the back end of the system, and  
7           that was after they sat in jail for about  
8           six to eight months just to find out  
9           whether or not they can be released to  
10          the community. At that time, it's too  
11          late. We have made people more  
12          desperate, and that is not something that  
13          helps drive our public safety goals and  
14          initiatives. Not also to mention it  
15          actually ruins and drains our tax  
16          dollars, which could be used, as District  
17          Attorney Krasner said, for other  
18          qualities of life.

19                        But basically how this system  
20          would work is that we would really use  
21          our summons process much better. We  
22          would use it actually, period.  
23          Philadelphia is the only county in  
24          Pennsylvania that does not use a summons  
25          process for low-level offenses. Every

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           other county in Pennsylvania does. I was  
3           the Chief Defender in Montgomery County.  
4           DUIs where people were not particularly  
5           dangerous were allowed to get summons.  
6           Many other low-level misdemeanors were  
7           allowed to get summons. This really  
8           allowed people not to come in contact  
9           with the option of being given cash bail  
10          and sitting in jail for a certain amount  
11          of time needlessly. That system actually  
12          drives the cost of the county.

13                        When you're talking about our  
14          prison costs, after 31 days of someone  
15          being in jail pretrial, if they had  
16          benefits such as Medicaid or Medicare  
17          coming into the system, which is a state  
18          cost, Medicaid and Medicare, those  
19          benefits are turned off and then the  
20          county picks that up through our jail  
21          medical budget line item. And that is a  
22          waste of resources, when we can make sure  
23          that the people that can be out, can stay  
24          out, get connected to their resources so  
25          that that cost is not on the county.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Secondly, right now the way we  
3 delve our pretrial system, we have no  
4 opportunity to talk to someone before  
5 they are being given an amount of bail  
6 that they may not be able to afford or  
7 that they may not deserve or need. That  
8 just seems fundamentally wrong. If  
9 someone is going for a hearing because  
10 they're being accused of something and  
11 there's going to be a determination of  
12 whether or not they should be in jail or  
13 out of jail, one should have the ability  
14 to talk to their lawyer. That does not  
15 happen right now. Not only do we not  
16 have the ability to talk to the person,  
17 we don't have the ability to understand  
18 who they are, what they're connected to,  
19 and what their responsibilities and  
20 obligations are. How can we make such  
21 major decisions with very little  
22 information as to what we're doing to  
23 people? That really causes us to make,  
24 I'd say, the worst decisions that we can  
25 possibly make, and it really makes us

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           less, I guess, liable to making sure that  
3           we're dealing with really good practices  
4           that advance opportunities in our city.

5                         This has been carefully  
6           considered, looking at every rule, every  
7           state statute that would impact our  
8           ability to do this. This is not  
9           something we took lightly. This is  
10          something that we took, like I said, two  
11          years to do, and we wanted to make sure  
12          that we had the proper balance.

13                        We weren't just releasing  
14          people based on charge, but based on  
15          individualized assessment, on whether or  
16          not you're a danger or you're not.  
17          That's how determinations should be made.  
18          It shouldn't be made, you're charged with  
19          this, so you should be out. You're  
20          charged with this, so you should be in.  
21          Those are wrong decisions, and that has  
22          caused us to cripple our justice system.

23                        And so this system right now  
24          that we came up with would allow us to  
25          make much better analysis on the front

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           end and would allow many more people to  
3           have the opportunity to be outside, to  
4           fight their case, to do just that, with  
5           the support of community that is not only  
6           helping them but holding them accountable  
7           to make all of their appointments and  
8           make sure that they do not make us go in  
9           a regressive state, and they pay it  
10          forward by abiding by the conditions of  
11          release.

12                        So this has been the perfect  
13          model, and community has been in an  
14          extreme benefit in this practice. We  
15          can't do it alone. We are only one  
16          entity. We only have but so many  
17          resources, but that warm handoff, that  
18          engagement with community has allowed us  
19          to see some real success.

20                        Another area that we have been,  
21          I'd say, leading in in terms of reform --  
22          and I know we've heard a lot from the  
23          District Attorney about probation and  
24          parole reform, and we've heard a lot from  
25          advocates. However, the Defender

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Association has been involved in looking  
3           at probation and parole for decades. We  
4           not only have been involved in it, we've  
5           actually been effectuating it through our  
6           practice.

7                         We know that one in 22 people  
8           are on supervision in the City of  
9           Philadelphia and 54.6 of Philadelphia's  
10          jail population has been in custody  
11          either on a parole or probation detainer.  
12          I'm sure Councilman Jones can attest to  
13          this, that when we went to the prison and  
14          we asked how many people were in on  
15          detainers, a lot of hands went up.

16                        And so this practice that we  
17          have noticed that drives needless  
18          incarceration needed to be fixed. And in  
19          2017, our office wrote a letter to the  
20          First Judicial District asking them to  
21          change this practice of bringing people  
22          into the criminal justice system and  
23          incarcerating them based on an allegation  
24          that they may have messed up.

25                        I know we've seen this

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           narrative through the Meek Mill  
3           situation, and while people may be  
4           sympathetic or not to him, it really  
5           shines a light on some of the things that  
6           can happen to people even when they're  
7           doing well and contributing to their  
8           community. We would set them back by  
9           putting them in jail if they had a minor  
10          brush-in with the law. We would set them  
11          back by putting them in jail if they  
12          forgot an appointment or missed a phone  
13          call. Even if they had jobs or had been  
14          reporting as they said they would, some  
15          of the people would be incarcerated for  
16          months because of an allegation of a  
17          violation.

18                    After asking the FJD to do such  
19                    a task, which is look at the way we  
20                    practice with detainer in our probation  
21                    structure, we actually came into  
22                    agreement with a new process that has  
23                    allowed us to really look at and engage  
24                    people who are on detainers that get  
25                    locked up on minor offenses differently.

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           That has resulted, in just a few months,  
3           in 578 people being released from custody  
4           that should not have been there. It has  
5           also given us a net savings in just those  
6           three months, if we're looking on the  
7           most conservative side of the fact that  
8           people might have been there for six  
9           days, that's the most conservative side,  
10          of \$400,000. If you're looking at the  
11          most conservative estimate of just  
12          tweaking this practice, we could save  
13          \$1.2 million in over a year, which is  
14          more than what we're even asking for in  
15          our increase for our staff.

16                        There are 3,500 fewer people in  
17          custody because of our vantage point on  
18          detainer practices, and I would give  
19          credit to Probation and Parole. They  
20          have actually been acquiescing in some of  
21          our requests for detainer and probation  
22          reform.

23                        Our office also looked at  
24          reducing the prison population by looking  
25          at people who have the opportunity to be

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           released on some kind of probation plan  
3           or parole plan. In 2018, our office  
4           filed 1,110 early parole petitions. That  
5           is a lot of petitions, and that could not  
6           be done without our paralegals and our  
7           support staff. Again, these are the  
8           backbone of our organization.

9                         Eighty-five percent of those  
10           petitions were granted by judges. That  
11           resulted in a net savings of \$6.8  
12           million. And how we calculated that is,  
13           we looked at the length of their  
14           sentence. We took the -- at the time  
15           that our parole petition was granted and  
16           the person was released, we looked at the  
17           remainder of the time that they would  
18           have been but not for us filing those  
19           petitions, and we calculated based on the  
20           average cost of \$120 a day. That is an  
21           actual cost, not a projected cost, and  
22           that has really resulted not only in a  
23           cost savings but also in a human savings  
24           in terms of allowing people to get back  
25           to work and support their families.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Helping people overcome  
3 barriers, this is something that I'm very  
4 proud that the Defender Association has  
5 taken on. It is not just representing  
6 people in court and looking at policies,  
7 but is also looking at access to justice  
8 and creating opportunities for people to  
9 reenter their communities.

10 We provide expungement services  
11 in our everyday practice. So Monday  
12 through Friday, if you had constituents  
13 that don't know how to access and get  
14 expungements, our office does them. You  
15 come into our office, we will service  
16 them.

17 Last year alone, we filed 4,509  
18 expungement petitions. That is more than  
19 any entity in the City of Philadelphia or  
20 in the State of Pennsylvania.

21 We've also worked with many of  
22 our elected officials and our City  
23 Councilpeople, Councilwoman Parker,  
24 Councilman Jones, in community  
25 expungement clinics. We take it to the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           neighborhoods when people can't travel  
3           down to Center City to get that service,  
4           and we've been really excited about what  
5           we've been able to do. Our overall  
6           community expungement clinic  
7           participation resulted in 750 petitions,  
8           expungement petitions, being drawn.  
9           We've taken it to not only rec centers,  
10          but barber shops. We've engaged people  
11          and informed people on the things that  
12          they need to do and make sure that they  
13          are always looking at opportunities to  
14          keep their records clean.

15                    Many people were under the  
16                    false assumption that if they were found  
17                    not guilty or if they were just arrested  
18                    and the case was withdrawn, they had no  
19                    record. They found this harsh reality to  
20                    be devastating when they went for jobs  
21                    and these things came up.

22                    Even the cleaning or the  
23                    sealing bill does not always allow people  
24                    to hide some of these arrest data or  
25                    conviction data, because if you have an

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           entity or an employment agency that does  
3           an FBI check, these things can still be  
4           seen. So expungements are really  
5           critical, because that destroys the  
6           records when people deserve to have their  
7           records destroyed.

8                     One of the things that --  
9           another thing that the Defender  
10          Association does, which is a watchdog,  
11          that no other entity in the City can do  
12          is looking at policing practices. I  
13          noticed the Law Department has access to  
14          data and they do have a Civil Rights  
15          Unit, but we look at it in terms of what  
16          policing practices or trends drive the  
17          population of people into our system, and  
18          we understand that there are vastly  
19          different experiences between different  
20          communities with policing, but one of the  
21          things we have found is that while we  
22          talk about stop and frisk and how it's  
23          going down, we're looking at pedestrian  
24          encounters. We have looked at, in  
25          certain high concentration of minority

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           neighborhoods, the practice of police in  
3           those areas has not substantially  
4           changed.

5                        So while people are putting a  
6           lot of heat on our elected officials on  
7           stop-and-frisk practices and we keep  
8           hearing that it's going down, people  
9           aren't feeling that. They are seeing and  
10          understanding that these things are still  
11          happening, even if it's being reported in  
12          a different way.

13                       In the 14th District alone, we  
14          were really instrumental in bringing  
15          about information that vehicle stops and  
16          stop and frisk based on that vehicle  
17          stops are on the rise. African American  
18          people are three times more likely to be  
19          stopped and frisked in a vehicle stop.  
20          The recovery of such stop is almost one  
21          percent, if that. So we're looking at  
22          policing practices and how they could  
23          create disparities in those who are being  
24          brought to our system, but also how they  
25          can create the opportunity for escalation

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           in more devastating circumstances to  
3           happen.

4                     Our office represents kids not  
5           only in the juvenile delinquent system,  
6           but also in the child welfare system.  
7           And I can talk for a long time about the  
8           work that that office is doing, but I  
9           will stay a little bit poignant and talk  
10          about the major area, which is the  
11          response to the Glen Mills situation.

12                    It was our office that gleaned  
13          the tapes and information that allowed  
14          this to be brought to light. We have  
15          relationships with these placement  
16          agencies. We get every videotape. We  
17          review every videotape. Not only that,  
18          we go up and interview our children about  
19          their experiences in those placements.  
20          We report these to the major agencies,  
21          and we stay on them to make sure that  
22          they are looking at ways to ensure that  
23          our kids are not only safe, but they're  
24          really being rehabilitated.

25                    What we've seen, the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           devastation of some of the abuse that  
3           we've seen, we understand that that has a  
4           traumatic impact on some of these kids  
5           that are already dealing with real  
6           serious issues. So when kids are going  
7           away and they're being mistreated, they  
8           come back to their communities, what do  
9           you think they're going to have? They're  
10          going to have that anger in their hearts.  
11          They're going to have that type of  
12          mentality that show that I don't care  
13          about anyone because no one has cared  
14          about me. That does not give us a good  
15          recipe for successful outcomes for our  
16          youth, and that is not what we want to  
17          be. And we don't want to pay for  
18          something like that that actually  
19          regresses our kids' opportunities versus  
20          giving them the strength and the  
21          confidence they need to be well-adjusted  
22          adults. We understand that that has an  
23          extreme impact, and we're working hard to  
24          ensure that that's not happening.

25                           We also hired more staff to do

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           what we call a review disposition. So  
3           when kids are out of the placement,  
4           they're able to give us a more detailed  
5           analysis of what their experience was.  
6           What we were finding is that when we went  
7           up there to interview them, many did not  
8           want to talk because they still had to  
9           stay in those institutions even when we  
10          left.

11                       Some of the things that we've  
12          been doing just to look at the holistic  
13          opportunities for kids are not just their  
14          behavior, but what drives their behavior,  
15          and we put things in place to build our  
16          structure to address things such as  
17          education opportunities.

18                       We receive state funding for  
19          Project Success, and that is a grant  
20          designed to end the school-to-prison  
21          pipeline. We've hired an education  
22          lawyer that helps us understand the  
23          educational opportunities that the school  
24          may not have been given that drove the  
25          kid to be expelled from school and placed

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           in the juvenile justice system. That is  
3           really critical to the analysis of why  
4           kids come into our system, because if we  
5           don't understand that education practice,  
6           we will never get to the bottom of any  
7           school-to-prison pipeline.

8                         One of the other things that we  
9           have done, we wrote the City's grant for  
10          technical assistance from the Vera  
11          Institute to end incarceration for girls  
12          and LGBTQ youth. That is huge, because  
13          we need to focus on what's happening with  
14          our girls, why are there limited  
15          resources for them, why are they being  
16          looked at as more aggressive than other  
17          counterparts, and why are they coming  
18          into the system in droves more than ever.  
19          These trends should be on everyone's  
20          radar, and the solutions that we are  
21          coming up with and being creative enough  
22          to build are really helping to understand  
23          what we need to do in our city.

24                         We have teamed up with the  
25          University of Penn to give us more

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           in-depth analysis of treatment options  
3           and treatment plans in the community  
4           rather than just going to our go-to  
5           position of going straight to placements.

6                         We understand based on what  
7           happened at Glen Mills, and we came up  
8           with community plans for each of those  
9           kids that we had in that detention  
10          center. The kids came back to their  
11          homes. They are doing well. Their  
12          services are given to their caregivers,  
13          and those are where we really need to be  
14          focusing on.

15                        Kids need to understand their  
16          triggers and what they can do to reach  
17          out for help. Parents need to understand  
18          their options in their own community  
19          rather than relying on some middle  
20          Pennsylvania institution to do it all for  
21          them. And this is empowerment. This is  
22          not just service. Empowerment is where  
23          we need to be in the business of.

24                        One of the main empowerment  
25          tools that I am so proud of is the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           response that the community has given us  
3           to our community-led participatory  
4           defense initiative. And participatory  
5           defense, it's really hard to explain, but  
6           I will tell you one thing. What these  
7           communities have been able to build in  
8           their areas has been working. They have  
9           not only held the system accountable for  
10          better results, but they have held each  
11          other accountable for doing what they  
12          need to do to ensure that they do not go  
13          back to jail. And we can tell you right  
14          now that the success of these hubs -- and  
15          some of them are here with us today --  
16          they are dedicated. They open their  
17          doors once a week two hours a week. They  
18          have people come in. They teach them the  
19          system's process.

20                        Can you believe that most  
21          people go through this system and don't  
22          even understand what they're getting  
23          ready to go through? How can you have a  
24          system that has such a high stake and  
25          high impact on your life and you don't

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           understand anything about it? When you  
3           go in, people talking a lot of legalese  
4           that you don't know what that is, and you  
5           make decisions based on your uninformed  
6           understanding of what's getting ready to  
7           happen to you.

8                         The participatory defense hubs  
9           explain those thoroughly. They work on  
10          packets to provide defense counsels and  
11          myself as well as the other professionals  
12          in our office, information about the  
13          person that we would not otherwise have  
14          access to. And I need to applaud these  
15          ladies and gentlemen for the work that  
16          they're doing, because they're doing it  
17          without a dime. They're doing it for  
18          free. They're doing it because they  
19          care, and they're doing it because they  
20          want to be the change that they want to  
21          see. And what we've seen in terms of  
22          that are outcomes that I could never have  
23          imagined. But also 100 percent of the  
24          people that they work with show up for  
25          every listing of court. They show up for

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           every listing of court, which impacts  
3           case processing time that Councilman Domb  
4           asked for. They show up for every  
5           listing, which impacts the fact that we  
6           don't have to send our sheriffs out to  
7           effectuate warrants. All of these things  
8           work together.

9                         And while we're looking at the  
10           narrative of what's driving our costs  
11           down and reducing our criminal justice  
12           reach, things that these communities are  
13           doing needs to be touted much more. And  
14           I wish I could do more. I don't have a  
15           lot of the platform that other people do,  
16           but it would be great if some of the  
17           Councilpeople in the districts where  
18           these hubs are currently running would go  
19           out to these hubs and view them and see  
20           how well they're working and see how much  
21           support that they're giving people that  
22           don't know what they're in for.

23                         I will say this: Philadelphia  
24           is on fire with participatory defense  
25           hubs. It is the only city that has more

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           than one hub running at a time in the  
3           nation, and it is the only city that has  
4           the first juvenile justice hub in the  
5           nation. So this is something unique to  
6           Philadelphia.

7                         Philadelphia should be really  
8           lauded for the efforts that it's made,  
9           and not only with our justice system  
10          partners, but of our community  
11          collaborators and recognize that this is  
12          here to stay. No matter who is in  
13          leadership position, whether I'm at the  
14          Defender's Office or Larry is at the DA's  
15          Office or whoever the Mayor is, this will  
16          not go anywhere, because community has  
17          now created an empowerment tool that just  
18          grows and grows and grows. And so this  
19          is one of the real sources of pride that  
20          I have of being in the City at this time.

21                         The Defenders also themselves  
22          go out to the communities. We assist and  
23          participate in several resource fairs,  
24          Know Your Systems training. We have  
25          barber shop conversations that we're

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           going to ramp up, and we hope that some  
3           of the Council allow us to come in and  
4           set up those types of things. We realize  
5           that that's where you can get real  
6           granular with people about what's really  
7           going on in our system and their  
8           opportunity that they have to change it.

9                        So I'm proud of the things that  
10          we do. And a lot of the people that you  
11          see in those pictures are not lawyers.  
12          They are administrative staff, the people  
13          that I'm standing here today asking for  
14          an increase for a livable wage.

15                       Building new partnerships. We  
16          not only partner with the community, but  
17          we have partnered with people that are  
18          our extended community, our Philadelphia  
19          Eagles, the NFL Players Coalition. They  
20          have bought into our notion of pre-entry.  
21          They have bought into our understanding  
22          that this cash bail system does not help  
23          anyone, and they have really, really  
24          wanted to raise the profile of the  
25          community effort in this. And so they

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           have given some money, \$195,000, to these  
3           community members in our Pre-Entry  
4           Coalition as well as the Reentry  
5           Coalition that allow us to continue to do  
6           the work that is necessary for our  
7           long-term success.

8                         I think this is probably one of  
9           our last slides. Our plight to real  
10          reform would not be complete without  
11          talking about the role that our social  
12          service advocates have in helping people  
13          address and find treatment programs that  
14          are within their neighborhoods.

15                        With nine full-time positions  
16          in our adult social services practice,  
17          only nine, we have serviced or directed  
18          people to get engaged in services -- I'm  
19          sorry; directed 1,823 people to connect  
20          them with services that are either in  
21          their neighborhoods or in other  
22          communities. This is not an easy feat,  
23          and we're looking at -- this is a map of  
24          the districts in which we service those  
25          people, where they reside, but also it

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           shows -- the orange circle shows the  
3           actual places where there are programs in  
4           those districts.

5                        I think what we can see, that  
6           in the major districts, District 7, I  
7           believe which is Councilwoman Maria  
8           Quinones-Sanchez, District 5 and District  
9           8, those are our heaviest concentration  
10          of people who need certain services such  
11          as mental health and drug treatment. In  
12          District 3 and 4, we have a lot of  
13          people, but what you can see is there are  
14          not a lot of services that are in those  
15          communities that can actually foster and  
16          make sure that people are getting  
17          connected and staying engaged.

18                       We also know that in those  
19          districts, District 3 and District 4,  
20          there's a heavy Muslim population, and  
21          we're not always able to match people up  
22          with services that really engage their  
23          faith. We are often kind of finding  
24          ourselves in a quandary of matching  
25          Muslim clients with Christian-based

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           services, and often times those things do  
3           not create a long-lasting relationship.

4                         We do see in our orange circle  
5           that many of the services, majority of  
6           them, are centered downtown, and that  
7           also does not allow people to stay  
8           engaged with treatment services. We want  
9           to work with any elected official and  
10          City Councilperson that wants to talk  
11          about the needs that we are seeing in  
12          their neighborhoods and are there enough  
13          resources to service those needs.

14                        The social service staff has  
15          also created a new opportunity for our  
16          courts to get people treatment and  
17          analysis and assessment within the same  
18          day. We used to wait six to eight weeks  
19          for people to get an assessment, which  
20          costs a lot of money, because people sat  
21          in jail for those six to eight weeks.  
22          Now people are getting same-day services,  
23          and we did it by tweaking what we were  
24          doing. We just talked to some service  
25          providers, asked them to come into our

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           office at the Criminal Justice Center.  
3           We staffed that room, and we have  
4           serviced about 442 clients in 2018.  
5           Sixty-one judges have referred their  
6           criminal defendants to that hub, and we  
7           saved an estimated \$2.2 million by  
8           cutting out that six to eight weeks and  
9           servicing 442 clients on the same day.

10                   That's the end of my  
11           presentation, and it really just speaks  
12           to some of the things that we are doing  
13           to impact the City's great reform  
14           efforts.

15                   COUNCIL PRESIDENT CLARKE:  
16           Thank you very much. I had a couple of  
17           quick questions.

18                   At our last budget hearing, we  
19           had a discussion about pensions for the  
20           Public Defenders, and I know there's been  
21           some conversation about that. Where are  
22           we at with that?

23                   MR. McHUGH: Council President  
24           Clarke, we have met with the Pension  
25           Board on a couple of occasions. Their

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           counsel has provided us with a list of 30  
3           factors that they wanted us to respond  
4           to, and we responded to those factors in  
5           writing, I think very persuasively, and  
6           they've told us that they've taken it  
7           under consideration and they will be  
8           getting back to us within a few days,  
9           they say.

10                         This will just be determining  
11           the eligibility for the Defender  
12           Association employees to participate in  
13           the City pension.

14                         COUNCIL PRESIDENT CLARKE: That  
15           was just solely for the eligibility  
16           within the parameters of the  
17           contributions, and the benefits  
18           associated with the pensions would be  
19           determined at a later date.

20                         MR. McHUGH: That's correct.

21                         COUNCIL PRESIDENT CLARKE: How  
22           long ago was that, the most recent  
23           conversation?

24                         MR. McHUGH: The most recent  
25           conversation was on Tuesday of this week.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 We checked with Fran Bielli and said  
3 what's our status, and he said he expects  
4 to have an answer for us within the week.

5 COUNCIL PRESIDENT CLARKE:

6 Within a week, okay. So before we pass  
7 the budget, we'll have an answer one way  
8 or another.

9 MS. BRADFORD-GREY: Yes.

10 Fingers crossed.

11 COUNCIL PRESIDENT CLARKE: So  
12 you're looking for 1.18 in funding  
13 requests. It's 538,000 above the Mayor's  
14 proposal. Is this proposed increase of  
15 1.18 different from the pay parity plan  
16 or is that inclusive of the pay parity  
17 plan?

18 MS. BRADFORD-GREY: So this  
19 would be not necessarily the pay parity  
20 plan that we presented for our lawyers  
21 that we were able to try to compare  
22 apples to apples with our District  
23 Attorney counterparts. This is looking  
24 at the City's administrative salaries for  
25 secretaries, paralegals, and other

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 non-legal professionals.

3 We looked at the fact that our  
4 cost of living increases haven't been  
5 given to our non-legal staff for over ten  
6 years. We used to be in parity with the  
7 unions. Since 2010, we have not been  
8 able to receive that. Recently we looked  
9 at DC 47's request and the ability to  
10 give cost of living increases over a  
11 three-year period from 2016 to 2018, and  
12 we saw that they've been able to give 8.5  
13 percent increase to cost of living for  
14 their staff. This is what we were asking  
15 to remain in parity with that, but we  
16 were also asking to increase some of our  
17 staff to at least get a livable wage of  
18 \$15 an hour as the rest of the City has  
19 been able to do.

20 COUNCIL PRESIDENT CLARKE: What  
21 is it now based on the current number?

22 MS. BRADFORD-GREY: What is --  
23 I'm sorry.

24 COUNCIL PRESIDENT CLARKE: \$15  
25 an hour is what the City is requiring for

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 contracts.

3 MS. BRADFORD-GREY: Yes.

4 COUNCIL PRESIDENT CLARKE: You

5 all have a contract with the City of

6 Philadelphia basically, right?

7 MS. BRADFORD-GREY: We do, and

8 we would need the budget increase to give

9 some of our support staff that \$15 an

10 hour.

11 COUNCIL PRESIDENT CLARKE: So

12 the question is, your support staff, are

13 they below the \$15 an hour number?

14 MS. BRADFORD-GREY: Yes. Not

15 all, but many of them are.

16 COUNCIL PRESIDENT CLARKE: So

17 at a minimum, we need to comply with

18 that --

19 MS. BRADFORD-GREY: At the very

20 minimum.

21 COUNCIL PRESIDENT CLARKE: --

22 standard per basically our proposal.

23 MS. BRADFORD-GREY: Yes.

24 COUNCIL PRESIDENT CLARKE: All

25 right. Now, back to the pay parity plan,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           didn't we do something last year or  
3           midterm to deal with that in some  
4           respects?

5                       MS. BRADFORD-GREY: Yeah. So  
6           we have long been discussing the fact  
7           that our lawyers were not paid at the  
8           same rate of the District Attorney's, and  
9           this has been an ongoing battle since I  
10          was a young lawyer at the Defender  
11          Association in 1999. The City has  
12          graciously been able to give us some pay  
13          parity and pay equity so that our lawyers  
14          from the years 1 through 15 are able to  
15          make the same amount of money the  
16          District Attorney's lawyers make, and  
17          that has had a tremendous impact on our  
18          attrition rates. We've been able to  
19          retain 50 percent more of our experienced  
20          lawyers than we had in previous years.  
21          And so we really thank the City for that,  
22          but that has not been looked at in terms  
23          of our non-legal staff, who have not been  
24          paid equitably for many decades and have  
25          been woefully kind of ignored for a very

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 long time.

3 COUNCIL PRESIDENT CLARKE: So  
4 the conversation, because I just have so  
5 many of these, last year wasn't it  
6 primarily around the lawyers and not  
7 necessarily the non-legal staff?

8 MS. BRADFORD-GREY: It was only  
9 the lawyers, yes.

10 COUNCIL PRESIDENT CLARKE: So  
11 that request was not made last year?

12 MS. BRADFORD-GREY: This  
13 request was not made. We were basically  
14 trying to strategically figure out how we  
15 can advance pay parity and pay equity for  
16 all of our staff. As you know, that the  
17 Mayor only gave us half of our ask and  
18 City Council helped us achieve the rest.  
19 We appreciated that a lot. And so this  
20 year it's time for our non-legal staff to  
21 be put into the limelight and understand  
22 that what they are doing is really  
23 helping us advance reform efforts, saving  
24 dollars, but also saving lives.

25 COUNCIL PRESIDENT CLARKE:

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Okay.

3 I want to recognize  
4 Councilwoman Parker.

5 COUNCILWOMAN PARKER: She's a  
6 mean lady, Mr. President.

7 How you doing, Chief Defender?

8 MS. BRADFORD-GREY: How are  
9 you, Councilwoman Parker?

10 COUNCILWOMAN PARKER: Let me  
11 say good afternoon to you and your staff.  
12 I want to start like I've started with  
13 every other department here in the City.  
14 And because just like we're the elected  
15 officials and you're the Chief Defender,  
16 none of us can be successful without the  
17 teams we have to work with.

18 And with that being said,  
19 there's a Jordan Barnett who we've worked  
20 with in coordinating those expungement  
21 clinics, along with CLS, that you  
22 mentioned in your PowerPoint, along with  
23 Mandy -- and don't kill me for chopping  
24 this up, Mandy -- Mandy Nace.

25 MS. BRADFORD-GREY: That's it.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILWOMAN PARKER: The  
3 outreach coordinator. Now, she's the  
4 person who has been ensuring that we have  
5 Defender reps at all of our  
6 community-based activities.

7 And then, finally, I want to  
8 say there's a gentleman by the name of  
9 Dan Stevenson, and I think he's an  
10 attorney. Now, this was a national case.  
11 Never received anything like this as an  
12 elected official. It was like Homeland  
13 Security national terror issue just so  
14 happened. We think the person is picked  
15 up. It's on national news. All of the  
16 sudden I get a call from a constituent  
17 telling me that every major television  
18 station is parked in front of her door.  
19 Her grandson has the same name as the  
20 person who was arrested, and she calls  
21 me, and I said, Lord, I don't know what  
22 in the world to do. I call my Hilary.  
23 She gets on the phone with Dan. Dan can  
24 tell her who to let in, who not to let  
25 in, what she has to do, who she has to

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 talk to.

3 And so I wanted to say thank  
4 you to them for the record, because  
5 sometimes people don't know that we as  
6 the elected officials, when they call us  
7 and they expect us to deliver and to help  
8 and we can't do it because we don't have  
9 the wherewithal, we call on you. And I  
10 wanted to note that for the record.

11 Let me also just note and I  
12 want to go back to the testimony that was  
13 given by District Attorney Krasner, and  
14 you heard me applaud him for the  
15 technical presentation that his office  
16 just presented to us, and my colleague  
17 from the Fourth District made sure that  
18 he noted for the record that we also  
19 needed to recognize the work of the  
20 Defender Association, but I want you to  
21 know this has been -- and last year you  
22 gave a presentation too. I've never seen  
23 a presentation like that given from the  
24 District Attorney's Office. Standard  
25 operating procedure for you, but never

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           from the District Attorney. Now, you'll  
3           take that, right? Never from the  
4           District Attorney's Office. And there  
5           are some other branches of government who  
6           could benefit from that.

7                       MS. BRADFORD-GREY: I'm sure my  
8           staff would appreciate that.

9                       COUNCILWOMAN PARKER: Yes. We  
10          do.

11                      In addition to that, I wanted  
12          to note, if you could just tell me  
13          approximately how many employees who were  
14          not the legal employees are not at \$15?  
15          Do you like have an approximate number?

16                      MS. BRADFORD-GREY: I do. So  
17          the employees who are not at \$15 an hour  
18          are about 32 employees at this point, 32  
19          of our administrative staff. And there  
20          are about 38 employees that are just at  
21          \$15 an hour.

22                      COUNCILWOMAN PARKER: Okay.  
23          And you responded about the Fran Bielli  
24          meeting, and that was just recent and  
25          you'll be talking to him soon about

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           whether or not you are eligible. My  
3           question to you is that of the non-legal  
4           team, the programs that you just  
5           described, the Defenders in the  
6           community, when you're describing the  
7           warm handoff and the other  
8           community-based activities that you have,  
9           most of those are being operated by the  
10          non-legal teams, the community-based  
11          activity?

12                       MS. BRADFORD-GREY: Absolutely.  
13          Our bail navigators are social workers  
14          and people that we say are class five's,  
15          returning citizens. They have been out  
16          there looking for opportunities in the  
17          community to help people and support  
18          people during their pretrial efforts.  
19          And I must say this: Our social service  
20          staff, they have really impacted this  
21          city's outcomes and the opportunities  
22          that we have to find alternatives to  
23          incarceration. They make the least  
24          amount of money in the City in terms of  
25          social service professionals. The DHS

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           social workers start at 40,000. Ours are  
3           at 33.

4                         It's been really hard to  
5           recruit professionals in this role, even  
6           though it serves an important -- it's a  
7           very important role, but it's been really  
8           hard to recruit them because we can't  
9           raise our wages. And so some of our ask  
10          is to raise wages for them, because  
11          they're the ones that are out there not  
12          only finding supports but also getting  
13          the front-line calls when someone is  
14          having an issue or a challenge and  
15          they're trying to redirect them to get  
16          the appropriate treatment that they  
17          should begin.

18                        So these are things that people  
19          are doing mindlessly and behind the  
20          scenes that are not being a part of the  
21          narrative of what's going on in the City.

22                        COUNCILWOMAN PARKER: I want to  
23          go to the data, because one of the issues  
24          that you note that your office works very  
25          hard on is analyzing policing data. And

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           so what was extremely interested to me,  
3           because I read the news and listen to the  
4           radio and listen to people talk about  
5           stats regarding crime in the City of  
6           Philadelphia, and I was a tad bit taken  
7           aback when District Attorney Krasner said  
8           that overall violent crime offenses in  
9           Philadelphia have actually decreased by 5  
10          percent, although we've seen an increase  
11          of 10 percent in homicides, and he  
12          attributed that, from the prosecution's  
13          perspective, to the opioid crisis, and I  
14          want to hear what your perspective is.

15                   MS. BRADFORD-GREY: So I'm glad  
16          you said that. Our social service  
17          advocates and our lawyers get a myriad of  
18          things that contribute to some of the  
19          violent crime. A lot of it we can see  
20          early on in our child welfare system.  
21          Some of the things that we -- we  
22          represent kids in the child welfare  
23          system, and I showed you the slide that  
24          talked about just how many, but we see  
25          the things that are going to contribute

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           to their lack of empathy and their  
3           ability to use a gun and use a weapon  
4           because they don't have the types of  
5           understanding that one would have if they  
6           were brought up in a more nurturing  
7           environment. So while there could be  
8           turf wars that are going on with some of  
9           the drug crisis, a lot of that has to do  
10          with too some of the gentrification.  
11          People are being forced into  
12          neighborhoods that are now fighting over  
13          those turf wars, but also this has to do  
14          with the lack of esteem and awareness of  
15          the value of life. How does that happen?  
16          That happens through a myriad of  
17          different things. It happens early on  
18          when a person has never had a structure  
19          or an environment that has helped support  
20          them throughout life. It happens when we  
21          stick them in these institutions that  
22          constantly beat them up and repeatedly  
23          tell them that they can't be anyone and  
24          bring them back out to be more desperate  
25          and angry. And it happens when people

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           are stripped away of everything that they  
3           may have had, whatever little things that  
4           they could get a hold of, and now they  
5           are looking at, hey, if I'm desperate,  
6           I'm not going to sit here and just beg,  
7           I'm going to go get. That creates  
8           problems. So all of these things play  
9           hand in hand.

10                    It is just not about an opioid  
11           crisis. It is about the overall  
12           understanding of how poverty, social  
13           issues, and of course just the  
14           compoundment of you do not matter and  
15           your life has no value on a person's  
16           psyche that create the opportunity to go  
17           out and take another life senselessly.  
18           And I think that if we don't look at all  
19           those things together and we're just kind  
20           of looking at this opioid crisis and  
21           saying that this is driving murders,  
22           we're really missing a huge piece.

23                    We had -- recently I was a  
24           judge for a kids competition that talked  
25           about violence and why violence has been

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           inflicted so hard, and these kids, from  
3           the mouth of babes, they were able to  
4           talk about how people feel disrespected  
5           and, therefore, they go and pick up a  
6           gun. They were able to talk about how  
7           people come and they don't have food or  
8           clothes or clean clothes and, therefore,  
9           they feel less than. They talk about all  
10          of these things. They never mentioned  
11          drug wars. They mentioned the psychology  
12          and mentality that some of these kids  
13          carry around with them. And we see it  
14          early on. We see kids that are abused  
15          and beaten at ages 2, 3 years old, and if  
16          we don't get to them at that system,  
17          they're going to grow up to be angrier  
18          adults.

19                    COUNCILWOMAN PARKER: Got it.  
20                    Mr. President, I'll come back  
21                    the second round.

22                    COUNCIL PRESIDENT CLARKE:  
23                    Thank you, Councilwoman.

24                    Real quick to follow up, and  
25                    I'll get to you one second, Councilman

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Jones.

3 The issue about the increase in  
4 homicides related to opioids, I'm  
5 actually not buying that, and I don't get  
6 a sense that you buy that either. I do  
7 think it's a broader, more comprehensive  
8 issue, social issues, social ills, the  
9 whole nine yards. But if we say that, is  
10 there any corresponding documentation?  
11 Like traditionally if the economy gets  
12 worse, the level of crime goes up in some  
13 respects, but apparently the economy is  
14 better, so what exactly do you see from  
15 the social side that's creating this  
16 increase in homicides and violent crime?

17 MS. BRADFORD-GREY: It's better  
18 for some, not for all. I mean, the  
19 unemployment rate is still pretty high.  
20 And in looking at these systems that  
21 engage kids at an early age, look at the  
22 types of things or why they're coming  
23 into the system, why are they coming into  
24 the child welfare system, are they being  
25 abused physically, mentally, sexually

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           much more at a higher rate, you have to  
3           look at all those things, because that  
4           really contributes to their mentality and  
5           their psyche.

6                     Our social service advocates  
7           get all that information, and we want to  
8           compile and correlate the kids that are  
9           in our child welfare system to the people  
10          that are actually engaging in violent  
11          crime.

12                    What we were able to see in  
13          2017 is that 30 percent of the kids that  
14          we represented in our child welfare  
15          system were the ones that were engaged in  
16          more of the violent crime. So there's a  
17          disconnect and there's gaps somewhere  
18          that we're not getting to.

19                    COUNCIL PRESIDENT CLARKE:  
20          That's what I'm trying to find out. What  
21          changed from '17 to '18 in terms of  
22          services provided?

23                    MS. BRADFORD-GREY: I just used  
24          '17 because that's when we did the study.  
25          I don't know if it's changed from '17 to

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           '18, but we can go back. We have a lot  
3           of data and information and we can start  
4           to go back.

5                         We actually did a pilot program  
6           of understanding trauma and going into  
7           the prisons when people were charged with  
8           shootings or aggravated assaults and  
9           asking them had they ever had certain  
10          adverse actions taken upon them, meaning  
11          have they ever seen violence, had  
12          violence inflicted on them, or been  
13          abused physically or mentally or sexually  
14          and, if so, have they ever received  
15          treatment. A majority of the people  
16          answered, yes, they've had those things  
17          happen to them, but, no, they've never  
18          received treatment.

19                        So when we talk about becoming  
20          a trauma-informed city or trauma-informed  
21          education system or criminal justice  
22          system, if we're not asking those  
23          questions and ensuring that people are  
24          getting those things at the time that  
25          they are labeled a victim, then we are

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           really doing everyone a disservice,  
3           because when they get to me, they lose  
4           that victim status. Even though there's  
5           a huge overlap between victim and  
6           offender, once they become a part of the  
7           criminal justice system on the Defender  
8           side, they are no longer victims and now  
9           we're looking at how can we punish.

10                   COUNCIL PRESIDENT CLARKE:

11           Okay. I'm just trying to --

12                   MS. BRADFORD-GREY: But I can  
13           help you more and try to figure that out.

14                   COUNCIL PRESIDENT CLARKE: I'm  
15           just trying to understand. A lot of  
16           people want to know what happened and  
17           why -- and I think we might actually be  
18           beyond last year's pace.

19                   MS. BRADFORD-GREY: We are.

20                   COUNCIL PRESIDENT CLARKE: So  
21           what is going on? We can follow this up.  
22           We can go on with this forever. But I  
23           need to know what has happened that maybe  
24           we are doing or not doing that has  
25           created this uptick, particularly when,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           quote/unquote, the economy is getting  
3           better. And I agree with the divide  
4           particularly around economics and  
5           opportunities, and I thought I heard you  
6           say something about -- did I heard you  
7           say gentrification?

8                       MS. BRADFORD-GREY: Yes. I  
9           mean, one of the things that we've  
10          learned from a lot of our people is that  
11          gentrification has forced people in these  
12          communities together where now they are,  
13          because of lack of opportunities for  
14          employment, they are now fighting over  
15          these corners for drug sales. So that is  
16          a part of the problem that these drug  
17          sales are going on with these newly  
18          created communities that involve people  
19          from maybe a certain section of the City  
20          and another section of the City kind of  
21          fighting over those little turfs.

22                      COUNCIL PRESIDENT CLARKE: I  
23          want to make sure, because that's  
24          obviously a hot-button issue in the  
25          district I represent, in particular

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           Brewerytown, because I know they used to  
3           be getting it on in parts of those areas.  
4                        So you're suggesting or you're  
5           saying that, quote/unquote, as everybody  
6           is referencing them, the new people move  
7           in and they're creating a more,  
8           quote/unquote, stable, affluent  
9           neighborhood, which is referred to in  
10          that version of gentrification, because  
11          gentrification can mean a whole lot of  
12          different things, that a corner that used  
13          to be a corner where drugs were sold or  
14          turf wars happened can no longer be on  
15          that particular corner because all of the  
16          sudden you got four, five hundred  
17          thousand dollar houses, like you do in  
18          Francisville, so now you got to go  
19          somewhere else, and you're going  
20          somewhere else in an area where somebody  
21          else has kind of like already staked out  
22          that particular neighborhood and they  
23          say, all right, well, we got a little  
24          clash, I need a piece of this corner, and  
25          you're saying that's what's driving some

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 of --

3 MS. BRADFORD-GREY: I'm saying  
4 that's what we're hearing from people  
5 about what's going on from the people  
6 that we represent and also the people  
7 that we go in the communities and engage  
8 with, that there are new people coming  
9 into our neighborhoods doing these things  
10 and we can't have that. And that's real.  
11 I mean, that is on the ground and it's  
12 real. And I think if we ignore the fact  
13 that communities are kind of being stuck  
14 together in certain ways where people  
15 weren't used to each other, that is  
16 creating some kind of an issue. And  
17 that's not the overall overshadowing of  
18 the issue, but there are nuances to all  
19 of this and it just can't be put on one  
20 area, which is opioid crisis.

21 COUNCIL PRESIDENT CLARKE:

22 Right. Okay. Cool. All right.

23 Sorry, Councilman Jones. I'm  
24 going to give you full time, sir.

25 COUNCILMAN JONES: This is

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           actually the first time, Mr. President,  
3           that any department anywhere -- I went  
4           through all my questions. My staff  
5           prepare my questions, and every one of  
6           them was answered in your presentation or  
7           by my respective colleagues. I'm at a  
8           loss for words.

9                       MS. BRADFORD-GREY: Well,  
10           that's a good thing.

11                      COUNCILMAN JONES: Is that a  
12           good thing?

13                      So I went to my reserve from  
14           last year --

15                      COUNCIL PRESIDENT CLARKE:  
16           Councilman, should we conclude the  
17           hearing?

18                      COUNCILMAN JONES: Listen, I  
19           could go back several years.

20                      No. I just wanted to thank  
21           you. The City of Philadelphia gets its  
22           monies worth from the Defenders  
23           Association. You go above and beyond  
24           what your job description is by  
25           advocating for people beyond what the

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           actual defense is, but why was the cause  
3           of the problem in the first place. So  
4           when I see that, whether you're talking  
5           about the lifers return to home, that's  
6           not in your -- I got one question.

7                       MS. BRADFORD-GREY: You're  
8           right.

9                       COUNCILMAN JONES: Can you talk  
10          about what you've done for the returning  
11          citizens that were youth juvenile lifers  
12          that sentences were committed and --

13                      MS. BRADFORD-GREY: Well, I  
14          want to turn it over to Mr. McHugh, but  
15          before I do, I want to say that our  
16          office has hired some of those people  
17          from the juvenile lifer population. They  
18          have been some of the most tremendous  
19          workers, and they are the ones that we're  
20          fighting for as well in our ask for a  
21          livable wage.

22                      So we hire people that are  
23          classified as returning citizens, but the  
24          juvenile lifers have given us a lot of  
25          insight and knowledge that we wouldn't

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           ordinarily have. We also connected them  
3           with the City to engage some of the  
4           youth, and we're hoping that they utilize  
5           them more in some strategies to talk  
6           about, hey, people that they can  
7           recognize and really believe in are those  
8           who have been there and understand.  
9           Maybe different issues today, but they're  
10          still the same principles that our  
11          juvenile lifer population understand.

12                   MR. McHUGH: Councilman Jones,  
13          we started the program just about three  
14          years ago. We're coming up on the  
15          three-year mark, which is what we had  
16          forecasted the program would take, and in  
17          fact, we're on schedule to finish all the  
18          resentencings and we're within budget to  
19          have done that within three years. And  
20          so we've handled 210 resentencings. Of  
21          the 210 resentencings, 108 of those  
22          individuals have been released. They are  
23          out in the community. The other ones are  
24          either waiting to finish their sentence  
25          or they finished their sentence and

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           they're waiting to see the Parole Board  
3           or get their parole date.

4                     They come to our office on a  
5           monthly basis, those that want to. We  
6           provide a space where they meet amongst  
7           themselves, talk about the issues of  
8           reentry. As you can imagine, some of  
9           these individuals were in for 40, 30, a  
10          number of them were in for 25, 35 years.  
11          So they talk about all the issues that  
12          they have with reentry. Our staff, our  
13          mitigation specialists, our lawyers who  
14          work just in this program have been  
15          working with them on the reentry issues  
16          that they face.

17                    They've been doing amazing  
18          things. They've been working in the  
19          community. A number of them have been  
20          working in the community to combat this  
21          issue with the increase in the homicides  
22          and the violence as it is, because they  
23          have that credibility. They can go into  
24          the community and talk about mistakes  
25          that were made many decades ago and what

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           it cost them. And it's just been an  
3           amazing program, and we're happy to  
4           say -- and we were happy to participate  
5           in it, and we're happy to say so far it's  
6           been a great success for the individuals  
7           involved as far as getting released and  
8           getting back on their feet.

9                        COUNCILMAN JONES: I fault  
10          Councilman Greenlee for his passion for  
11          the Defenders Association that goes way  
12          back and got me interested.

13                       But that 200 extra cases wasn't  
14          accounted for in your budget, was it?

15                       MS. BRADFORD-GREY: No, but in  
16          fact, we had to ask the City for an  
17          increase to do that and additional  
18          funding to do that. We did use some of  
19          our own budget and put some of our own  
20          staff to it, but the City did give us  
21          some extra funding to do that. Didn't  
22          cover the whole thing, but we were happy  
23          to be engaged in it. This is a  
24          momentous, remarkable moment in history  
25          and we want to be a part of it.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN JONES: Without your  
3 assistance in many cases, that could have  
4 turned out very differently.

5 MS. BRADFORD-GREY: Yeah. And  
6 the reason why -- and I'm not saying that  
7 just to brag or boast, but the Defender  
8 Association has been around since 1934.  
9 That is before states -- or people even  
10 got the right to a lawyer. So we  
11 perfected our model of representation,  
12 and that has been unwaivered, and we only  
13 perfect it even more. We've added these  
14 other additional things recently, but one  
15 thing for sure is that the way we  
16 approach our trials in our trial  
17 practice, there's going to be little room  
18 for someone to screen an effective  
19 assistance of counsel at that level of  
20 practice. And so we use people that have  
21 had 20, 30 years of experience to  
22 represent those who have been charged  
23 with some of the most serious crimes in  
24 our city, and that's who represented  
25 them, and they did a great job.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN JONES: So I would  
3 encourage my colleagues to take a look at  
4 the participatory defense model. People  
5 sit around in a group and they talk about  
6 how they're preparing, did you get  
7 pictures with your family, did you go  
8 back to get that letter from the high  
9 school teacher, so that when they are  
10 coming to court, they're not just a  
11 docket number, that the judge gets to  
12 look at them as a human being, as a  
13 father, as a brother, as a person who  
14 provides care for others. And, no, it's  
15 not perfect, but when you walk in CJC and  
16 you don't know what -- it's like another  
17 world and people are speaking a foreign  
18 language, and you're just like a number  
19 going through a factory.

20 This process that they had when  
21 I sat through it allows them to have the  
22 courage to show up. I'm actually going  
23 to go to court. I'm not going to  
24 oversleep. I'm not going -- I'm going to  
25 go to court, with the best face forward

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 that I can present in my own defense.

3 I think it's a pretty  
4 interesting model. So there are a lot of  
5 firsts under you. There are a whole  
6 bunch of firsts.

7 MS. BRADFORD-GREY: Oh, yeah.

8 COUNCILMAN JONES: Elaborate  
9 would you.

10 MS. BRADFORD-GREY: I mean,  
11 some of them are here today and they're  
12 holding up -- wow, nice. Thank you --  
13 support public defense increase. They  
14 are here today. Some of them are a part  
15 of the juvenile lifer population. They  
16 are people that have been impacted by the  
17 system that understood what they didn't  
18 get, they don't want someone else to go  
19 through that. So it's not just providing  
20 letters of support and all that, but it's  
21 also looking at what's the evidence that  
22 someone can't get a hold of that you can  
23 and if you don't get it now, it's going  
24 to be gone. Those allow us to mount  
25 successful and competent defenses that

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           people deserve, because otherwise someone  
3           will be looking at a plea deal because we  
4           don't have the information that we need  
5           to really fight their case. And people  
6           deserve the right to be heard and the  
7           right to have all of the information  
8           presented through the defense counsel so  
9           that they can really advocate on their  
10          behalf and get the best outcome that this  
11          incident warrants, and we've been seeing  
12          that. Not only have we been seeing it in  
13          terms of the number of trials that we've  
14          been able to impact, but the types of  
15          ways that people are looked at now.

16                    People come into court by  
17          themselves and nobody else comes with  
18          them. When these people show up, they  
19          show up to court. So when other people  
20          decide not to come, I don't think that's  
21          an option, because community is holding  
22          them accountable. They're showing up, so  
23          the person is showing up. When they show  
24          up to court, it's less likely to get a  
25          type of bias decision because your life

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           doesn't matter, I don't know who you are,  
3           you're coming here accused of a crime.  
4           When you got a community behind you, it's  
5           more likely to say that there's something  
6           redeemable about you, let me take a  
7           minute to figure it out, rather than just  
8           making a decision based on what I think  
9           about you because of my lack of  
10          understanding of you because I don't have  
11          a lot of contact with your community.  
12          And that's what impacts racial bias and  
13          reducing racial bias. You can't policy  
14          that away. You have to force it down the  
15          throats of decision-makers to show this  
16          is a whole person and I'm going to show  
17          you why his or her life matters.

18                   COUNCILMAN JONES:

19          Mr. Chairman, I rest my case.

20                   COUNCIL PRESIDENT CLARKE:

21          Thank you, Councilman.

22                   The Chair recognizes

23          Councilwoman Parker.

24                   COUNCILWOMAN PARKER: Thank

25          you.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Thank you. Chief Defender,  
3 when you mentioned gentrification, I want  
4 you to know that somewhere somehow  
5 Dr. Reverend Alyn E. Waller is listening  
6 to you and he is saying that someone has  
7 finally told the truth publicly.

8 MS. BRADFORD-GREY: That's my  
9 pastor. Thank you. We didn't practice  
10 that either, but thank you, Reverend  
11 Waller.

12 COUNCILWOMAN PARKER: No;  
13 honestly, because that is a message that  
14 hasn't been well received. He's talked  
15 about that with the increase in gangs  
16 that we have in the immediate area  
17 surrounding Enon West, and when he has  
18 talked about it on the radio and talked  
19 about it in public forums, people  
20 sometimes look like their skins have  
21 cringed, but he was speaking truth about  
22 that.

23 With that being said, I'm  
24 wondering whether or not some traditional  
25 services that we offer in the City,

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           organizations we work with, and they  
3           usually keep their fingers on the pulse  
4           of what's happening in the communities,  
5           I'm thinking of Town Watch Integrated  
6           Services, so TWIS. When we find out if  
7           the fight started on social media at a  
8           party over the weekend, then spilled over  
9           in school, and then finally it acted its  
10          way out publicly via violence on the  
11          commercial corridor, your office does a  
12          lot of communicating with those  
13          non-legal, already sort of structured and  
14          organized Town Watches and things of that  
15          nature.

16                   MS. BRADFORD-GREY: So we've  
17          been doing our best -- doing more, making  
18          more of an effort to go out and find  
19          these pillars of the community that can  
20          really help intersect in what's going on.  
21          We did that when we saw our  
22          representation of youth who may have  
23          picked up a gun in reaction to what  
24          happened last night. And they don't want  
25          to use it and they've never used one, but

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           they picked up a gun. We try to look for  
3           programs such as CeaseFire and connect  
4           them with that youth to try to figure out  
5           what other decisions that you have  
6           available to you, because some people  
7           feel like they're in communities that are  
8           over-policed and under-protected and that  
9           in order for them to stay safe, they got  
10          to do it themselves. And we're trying to  
11          get that mantra out of people's heads,  
12          but it's something that people really  
13          live, and if people don't come in and  
14          understand when there's a shooting, let's  
15          talk to all the kids involved and talk  
16          about our options that we have here,  
17          because I don't want you to go pick up  
18          that gun and use it foolishly or get it  
19          taken from you and have it used on you.  
20          I mean, these are real things that we  
21          can't negate by just looking at data and  
22          stats. We have to talk to people, find  
23          those connections and bring them  
24          together. And I think the juvenile lifer  
25          population can be really, really helpful

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 in that, because some of them made those  
3 same decisions and cost them a lot of  
4 time.

5 COUNCILWOMAN PARKER: I want to  
6 go back to that data that you just  
7 referenced and this 10 percent increase  
8 in the homicide rate. Ten percent, I  
9 don't know -- let me see. So that looks  
10 like that's 30 more. Now, this is the  
11 data from 2018. What's the percentage  
12 that you would say the Defenders  
13 Association represents?

14 MS. BRADFORD-GREY: That's a  
15 great question. At this time, the  
16 Defender Association is contracted to  
17 represent 20 percent of all homicides.

18 COUNCILWOMAN PARKER: 20  
19 percent.

20 MS. BRADFORD-GREY: Right. We  
21 did put in a proposal to the City,  
22 however, not too long ago to represent  
23 more, 40 percent, to double that amount,  
24 because the reason why is we show that,  
25 one, our representation model has been

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           studied and it has been touted as the  
3           best in the nation. So we've been number  
4           one in representing people charged with  
5           those serious crimes such as homicide,  
6           and when we have the death penalty, those  
7           cases as well.

8                         But, secondly, what Mr. McHugh  
9           saw is that our case processing time in  
10          terms of aiding a person through this  
11          process of being charged with homicide is  
12          about 40 days shorter than any other  
13          counsel in the system. So that's 40 days  
14          less time that they would spend here in  
15          the county with our representation,  
16          because we use mitigators, social  
17          workers, investigators, and lawyers to  
18          get the job done. And that model you  
19          won't find in private counsel, no matter  
20          how much you pay them.

21                         COUNCILWOMAN PARKER: Right.  
22          And so then the other private counsel who  
23          contracts with the City, they in turn  
24          represent the other percentage?

25                         MS. BRADFORD-GREY: Yes.

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 COUNCILWOMAN PARKER: Got it.

3 Let me close, Mr. Chairman,  
4 Mr. President, again by just saying thank  
5 you to you for what you do. You  
6 represent a holistic approach to criminal  
7 justice reform and you bring a spirit of  
8 innovation.

9 For those who have had the  
10 opportunity to walk through City Hall, I  
11 think outside of almost every office --  
12 here I'm telling my age -- in the  
13 newspaper, Councilman Greenlee, they used  
14 to print off a picture of a block, and on  
15 the block it was every problem that you  
16 could think of where you needed City  
17 services, and they had started it,  
18 Council President, when I was a staffer  
19 for Councilwoman Tasco, and it became the  
20 hottest thing on the market, because if  
21 it was a rodent problem, the number to  
22 contact the pest control was there,  
23 whatever it was.

24 You did that for us via sort of  
25 charting your way through the criminal

1           4/24/19 - WHOLE - BILL 190152, ETC.  
2           justice system. And I know we have it  
3           outside. When I walk through the halls,  
4           you see that outside of people's offices.  
5           And, again, that is very practical. It's  
6           innovative thinking, because it helps  
7           people to chart their way. When you  
8           can't just verbally explain it sometimes,  
9           you need a visual. I need a visual for a  
10          lot of things to like navigate my way  
11          through it, and it helps.

12                        So I think you have a lot of  
13          members of this body who are interested  
14          in seeing your department to continue to  
15          thrive, or the organization that is, and  
16          just keep up the good work and stay  
17          recruiting and competitive. So your  
18          lawyers are competitive. Now it's the  
19          non-legal staff.

20                        MS. BRADFORD-GREY: Yes.

21                        COUNCILWOMAN PARKER: We got  
22          it. We got it. Thank you.

23                        MS. BRADFORD-GREY: Thank you  
24          so much, Councilwoman.

25                        COUNCIL PRESIDENT CLARKE:

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 Thank you, Councilpeople, Council Lady  
3 and Councilman.

4 Did we get your diversity  
5 numbers?

6 MS. BRADFORD-GREY: No. I do  
7 have my diversity. Here we go.

8 COUNCIL PRESIDENT CLARKE: Is  
9 it in your testimony? We didn't see it.

10 MS. BRADFORD-GREY: In terms of  
11 our workforce demographic, our minority  
12 percentage is 46 percent at this point.  
13 I can pass this up to you if you guys --

14 COUNCIL PRESIDENT CLARKE: We  
15 can make sure we get a copy.

16 MS. BRADFORD-GREY: Yeah.

17 COUNCIL PRESIDENT CLARKE:  
18 Okay. Well, I want to thank you very  
19 much for your testimony.

20 MS. BRADFORD-GREY: Thank you  
21 so much.

22 COUNCIL PRESIDENT CLARKE:  
23 Continue to do a good job. Look forward  
24 to working with you.

25 MS. BRADFORD-GREY: I

1 4/24/19 - WHOLE - BILL 190152, ETC.

2 appreciate it.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you.

5 We're not done yet, folks.

6 Hold on. Hold on. We got to do the

7 official thing.

8 There being no additional

9 questions, this Committee will stand in

10 recess until Tuesday, April 30th, 2019 at

11 10:00 a.m. at which time we will

12 reconvene in Room 400, City Hall.

13 Thank you all very much.

14 (Committee of the Whole

15 adjourned at 3:57 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a true and correct transcript of same.

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MICHELE L. MURPHY  
RPR-Notary Public

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