

**DISTRICT ATTORNEY  
FISCAL YEAR 2021 BUDGET TESTIMONY  
JUNE 8, 2020**

**INTRODUCTION**

Good morning President Clarke and Members of City Council. I am Larry Krasner, District Attorney, joining me today are:

- Carolyn Engel Temin, First Assistant District Attorney.
- Robert Listenbee, First Assistant District Attorney;
- Richard Glazer, Acting Chief of Staff;
- Keith Daviston, Chief Financial Officer;
- Mike Lee, Supervisor, Diversion Unit and
- Cecilia Madden, Director of Administration

**DEPARTMENT MISSION & PLANS**

**MISSION:** The Philadelphia District Attorney's Office (DAO) mission is to seek justice and promote safety by exercising its prosecutorial discretion to enforce fair and just prosecution of violations of criminal laws committed by adults and juveniles. The DAO meets this goal by applying data driven policies focused on collaborative approaches to crime prevention, protecting victims' rights, protecting consumers' rights, while diverting and connecting offenders with access to treatment, care, and training.

The DAO seeks to apply restorative justice principles to respond to the victims of crime while promoting public safety through a fair and effective criminal justice system. The DAO is the largest prosecutor's office in Pennsylvania and one of the largest in the nation, employing approximately 600 lawyers, detectives, and support staff as employees of the City of Philadelphia. The staff are dedicated to public service, public safety, and justice for all involved in the criminal justice system.

The DAO is focused on serving the 1.5 million citizens of Philadelphia and is responsible for the prosecution of over 30,000 criminal cases annually. The DAO is organized in eight divisions: Pre-Trial, Trial, Investigations, Juvenile, Law, Narcotics, Detectives, and General Support & Community Engagement.

**PLANS FOR *FISCAL YEAR 2021*:**

In FY21 the District Attorney's Office ("DAO") plans to continue to invest in increasing diversity and inclusion within every division of the DAO, expanding technology resources and strengthening DAO's ability to investigate complex criminal matters. These plans will be accomplished by continued recruiting to bolster diversity and inclusion, retaining staff through pay equity and training, and modernizing DAO technology to keep pace with changing times. The DAO will allocate needed resources to our Investigative Division and its detectives, who investigate and prosecute homicides, non-fatal shootings, drug enterprises, and economic

crimes. In pursuit of our mission to seek justice on behalf of the Commonwealth and victims of crime, the DAO will continue its efforts to achieve a just and balanced criminal justice system through strategic and innovative reforms in collaboration with our criminal justice partners.

To achieve our mission, my top priorities are:

- **BUILD A 21ST CENTURY PROSECUTOR'S OFFICE** – Build a diverse, inclusive, talented, and technologically savvy office – through attracting, recruiting, training and retaining the next generation of prosecutors with equitable pay and advanced technology.
- **DEVELOP AN EFFECTIVE E-DISCOVERY & CASE MANAGEMENT SYSTEM (“CMS”)** - Technology has greatly aided investigations and prosecutions by providing discovery electronically, whereby, documents, videos, and photographs are shared effortlessly with a documented record of transmittal. Electronic dissemination is critical to fulfill our Constitutional obligations to provide discovery to opposing counsel and the judiciary. Due to constant maintenance, system downtime and cyber security concerns, the DAO has reverted to unwieldy manual paper discovery at an increased cost to all parties.
  - Our goals for E-Discovery and CMS updates are as follows:
    - Replace existing obsolete E-Discovery and CMS with new versions that can manage and share the ever-growing volume of electronic data; especially as we increase our reliance on video, audio and digital forensics based evidence.
    - Reduce the cost of our current manual labor-intensive E-Discovery and CMS systems.
- **EXPAND AND STRENGTHEN DAO INVESTIGATION UNITS:** Due to prior funding reductions, we have a shortage of DAO assigned detectives. In 2010, the DAO had 72 detectives. Now we have 44 detectives which amounts to a 39% decrease. With an increase in prosecuting complex criminal cases and higher volumes of video, audio and digital forensic evidence, the DAO needs to increase the number of DAO assigned detectives and train them in advanced investigative methods. The DAO is committed to having diverse detectives, including Spanish speaking and women detectives.

**THE INVESTIGATION UNITS INCLUDES:** Homicide and Non-fatal Shootings Unit, Dangerous Drug Offender Unit (DDOU), Conviction Integrity and Special Investigations Unit, Economic Crime Unit, and the Public Nuisance Task Force.

- **EVALUATE THE SOCIAL AND ECONOMIC COST/BENEFIT OF REFORMS** – The DAO has both independently and in partnership with stakeholders implemented criminal justice reforms at all stages of the system. Charging, bail, diversion, sentencing, supervision, and Juvenile Justice reforms have been and continue to be implemented. The policies

of mass incarceration and mass supervision were implemented with scant evidence of their effectiveness and at great cost to tax payers. District Attorney Krasner believes that evidence-based policies can be cost effective and improve public safety and quality of life outcomes. Evaluating the social and economic benefit gives tax payers transparency and holds the DAO accountable. Potential savings from reforms can be reinvested by the City into long-term crime prevention strategies like: education, jobs, housing, and public health and safety.

On behalf of the entire staff of the District Attorney's Office, thank you for inviting me to testify today, and for your consideration and approval of our FY21 budget request. We look forward to continuing to collaborate with this Council and all other Criminal Justice stakeholders.

### **PROPOSED BUDGET OVERVIEW**

#### **Revised Proposed Funding Request:**

The proposed Fiscal Year 2021 General Fund budget totals \$33,335,098, a decrease of (\$8,794,891) over Fiscal Year 2020 estimated obligation levels. This DECREASE is based on the Mayor's Revised Proposed Budget which represents a 21% reduction over the current fiscal year funding.

#### **The revised proposed budget includes:**

- \$30,221,343 in Class 100, which represents a **decrease of \$7,366,453** when compared with the current FY20 Target Spending Level. This funding includes the mandated DC47 and FOP salary increases, partially offset by FY20 contractual bonuses. The Mayor's Revised Proposed Budget recommends a \$7,503,269 reduction in Class 100 staffing. The proposed Class 100 funding level will not support the current mission of the DAO.
- \$2,693,738 in Class 200, represents a **decrease of \$1,173,434** from FY20. The loss in funding will severely reduce our ability to procure expert testimony, software licenses, equipment maintenance, and IT support. Funding will be inadequate to fully cover existing contractual obligations. The DAO will continue its dependence on a defunct and inoperable E-Discovery & Case Management system.
- \$420,017 in Class 300/400, represents a **decrease of \$255,004** from FY20. This funding level will only cover basic office supplies, printer toner, etc., and will prohibit purchases of office equipment, equipment upgrades, and COVID-19 PPE supplies.

**STAFFING LEVELS**

The DAO is requesting 629 budgeted positions for FY21, an increase of 27 positions over the FY20 staffing level. Five of the positions are FY20 newly funded grant positions and 22 positions are related to an increase in the general fund headcount. The increase in general fund headcount is needed to expand our capacity to conduct complex criminal investigations, impact gun violence, and to continue our efforts to increase diversity and inclusion in the Office.

**BUDGET SUMMARY & OTHER BUDGET DRIVERS**

Staff Demographics Summary (as of December 2019)					Employment Levels (as of December 2019)		
	Total	Minority	White	Female		Budgeted	Filled
Number of Full-Time Staff	629	227	402	349	Number of Full-Time Positions	597	629
Number of -Exempt Staff	521	173	348	290	Number of Part-Time Positions	5	3
Number of Executive Staff (deputy level and above)	7	4	3	2	Number of Exempt Positions	484	521
Average Salary, Full-Time Staff	\$69,516	\$63,476	\$72,926	\$65,259	Number of Executive Positions (deputy level and above)	7	7
Average Salary, Exempt Staff	\$70,705	\$64,943	\$73,570	\$68,302	Average Salary of All Full-Time Positions	\$65,724	\$69,516
Average Salary, Executive Staff	\$156,270	\$152,189	\$161,712	\$149,735	Median Salary of All Full-Time Positions	\$65,283	\$64,000
Median Salary, Full-Time Staff	\$64,000	\$60,000	\$68,000	\$61,500			
Median Salary, Exempt Staff	\$64,453	\$60,000	\$67,016	\$63,900			
Median Salary, Executive Staff	\$167,030	\$132,128	\$177,470	\$149,735			

General Fund Financial Summary by Class						
	FY19 Original Appropriations	FY19 Actual Obligations	FY20 Original Appropriations	FY20 Estimated Obligations	FY21 Proposed Appropriations	Difference: FY21-FY20
Class 100 - Employee Compensation	\$37,168,476	\$34,265,564	\$35,016,343	\$37,587,796	\$30,221,343	(\$7,366,453)
Class 200 - Purchase of Services	\$4,094,296	\$3,427,641	\$3,367,172	\$3,867,172	\$2,693,738	(\$1,173,434)
Class 300/400 - Materials, Supplies & Equipment	\$529,521	\$1,726,611	\$525,021	\$675,021	\$420,017	(\$255,004)
Class 500 - Contributions	\$0	\$2,861,279	\$0	\$0	\$0	\$0
	<b>\$41,792,293</b>	<b>\$42,281,095</b>	<b>\$38,908,536</b>	<b>\$42,129,989</b>	<b>\$33,335,098</b>	<b>(\$8,794,891)</b>

<b>Contracts Summary (Professional Services only)</b>						
	FY17	FY18	FY19	FY20	FY21	FY20 YTD (Q1 & Q2)
Total amount of contracts	\$1,671,457	\$1,243,687	\$2,322,030	\$2,812,925	\$2,382,672	\$2,489,970
Total amount to M/W/DSBE	\$60,000	\$130,000	\$175,000	\$225,000	\$50,000	\$225,000
Participation Rate	4%	10%	8%	8%	2%	9%

<b>Total M/W/DSBE Contract Participation Goal (Public Works; Services, Supplies &amp; Equipment; and Professional Services combined)</b>			
	FY19	FY20	FY21
M/W/DSBE Contract Participation Goal	NA	NA	NA

<b>New Hires (from 7/1/2019 to December 2019)</b>							<b>New Hires (from 12/1/2019 to 3/2/19)</b>	
	Total Number of New Hires	German	Korean	Romanian	Russian	Spanish		Total Number of New Hires
Black or African American	22	0	0	0	0	0	Black or African American	7
Asian	8	0	2	0	0	0	Asian	3
Hispanic or Latino	7	0	0	0	0	0	Hispanic or Latino	2
White	46	1	0	1	2	1	White	2
Other	6	0	0	0	0	0	Other	9
Total	89	1	2	1	2	1	Total	23



# Philadelphia District Attorney's Office

M/W/DSBE Participation on Large Professional Services Contracts											
Top Five Largest Contracts, FY20											
Vendor Name	Service Provided	Dollar Amount of Contract	RFP Issue Date	Contract Start Date	Ranges in RFP	% of M/W/DSBE Participation Achieved	\$ Value of M/W/DSBE Participation	Total % Participation - All DSBES	Total \$ Value Participation - All DSBES	Local Business (principal place of business located within City limits) [yes / no]	Waiver for Living Wage Compliance? [yes / no]
GRM Information Management Services	File storage & management services	\$185,000	NA*	7/1/2019	MBE:	0%	\$0	0%	\$0	Yes	No
					WBE:	0%	\$0				
					DSBE:	0%	\$0				
Stellar Services, Inc.	Technology Consultant for ediscovery and case management	\$100,000	1/1/2017	1/1/2020	MBE:	100%	\$100,000	100%	\$100,000	No	No
					WBE:	0%	\$0				
					DSBE:	0%	\$0				
Osiris Group, Inc (DBA Mighty Engine, Inc.)	Development of a new DAO website	\$75,000	3/5/2019	6/1/2019	MBE:	100%	\$100,000	100%	\$100,000	Yes	No
					WBE:	0%	\$0				
					DSBE:	0%	\$0				

<b>Non-Profit Vendor Demographics</b>		
<b>Anti-Violence Partnership</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	54.00%	84.00%
Executive	50.00%	100.00%
Board	62.00%	50.00%
<b>Council of Spanish Speaking Org.</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	98.00%	72.00%
Executive	100.00%	0.00%
Board	100.00%	44.00%
<b>JEVS Human Services</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	71.00%	68.00%
Executive	11.00%	33.00%
Board	8.00%	33.00%
<b>Northeast Victim Services</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	25.00%	100.00%
Executive	0.00%	100.00%
Board	0.00%	44.00%
<b>North Central Victim Services</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	100.00%	80.00%
Executive	100.00%	0.00%
Board	71.00%	30.00%
<b>Northwest Victim Services</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	100.00%	100.00%
Executive	100.00%	100.00%
Board	62.00%	54.00%
<b>Support Center for Child Advocates</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	28.00%	88.00%
Executive	9.00%	73.00%
Board	14.00%	55.00%
<b>Temple University</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	19.00%	53.00%
Executive	23.00%	38.00%
Board	14.00%	17.00%
<b>Victim Services of South Philadelphia</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	78.00%	67.00%
Executive	0.00%	100.00%
Board	55.00%	55.00%
<b>Women Against Abuse</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	70.00%	85.00%
Executive	20.00%	90.00%
Board	35.00%	83.00%
<b>Women Organized Against Rape</b>	<b>Minority %</b>	<b>Female %</b>
Workforce	48.00%	55.00%
Executive	75.00%	75.00%
Board	21.00%	79.00%





# Philadelphia District Attorney's Office

## Staff Demographics (as of December 2019)

Full-Time Staff				Executive Staff	
	Male	Female	Non-Binary	Male	Female
	African-American	African-American	African-American	African-American	African-American
<i>Total</i>	53	99	0	3	0
<i>% of Total</i>	35%	65%	0%	100%	0%
<i>Average Salary</i>	\$69,642	\$57,437	\$0	\$147,242	\$0
<i>Median Salary</i>	\$62,900	\$56,718	\$0	\$159,263	\$0
	White	White	White	White	White
<i>Total</i>	199	200	3	1	2
<i>% of Total</i>	50%	50%	1%	33%	67%
<i>Average Salary</i>	\$76,639	\$69,230	\$73,029	\$185,655	\$149,735
<i>Median Salary</i>	\$70,960	\$63,950	\$69,088	\$185,655	\$149,735
	Hispanic	Hispanic	Hispanic	Hispanic	Hispanic
<i>Total</i>	12	20	0	0	0
<i>% of Total</i>	38%	63%	0%	-	-
<i>Average Salary</i>	\$73,086	\$64,474	\$0	\$0	\$0
<i>Median Salary</i>	\$63,200	\$60,000	\$0	\$0	\$0
	Asian	Asian	Asian	Asian	Asian
<i>Total</i>	11	23	0	1	0
<i>% of Total</i>	32%	68%	0%	100%	0%
<i>Average Salary</i>	\$73,642	\$67,407	\$0	\$167,030	\$0
<i>Median Salary</i>	\$64,000	\$66,034	\$0	\$167,030	\$0
	Other	Other	Other	Other	Other
<i>Total</i>	2	7	0	0	0
<i>% of Total</i>	22%	78%	0%	-	-
<i>Average Salary</i>	\$50,828	\$57,596	\$0	\$0	\$0
<i>Median Salary</i>	\$50,828	\$60,000	\$0	\$0	\$0
	Bilingual	Bilingual	Bilingual	Bilingual	Bilingual
<i>Total</i>	19	28	1	0	0
<i>% of Total</i>	40%	58%	2%	-	-
<i>Average Salary</i>	\$74,192	\$65,783	\$90,000	\$0	\$0
<i>Median Salary</i>	\$64,000	\$64,900	\$90,000	\$0	\$0
	Male	Female	Non-Binary	Male	Female
<i>Total</i>	277	349	3	5	2
<i>% of Total</i>	44%	55%	0.48%	71%	29%
<i>Average Salary</i>	\$74,841	\$65,259	\$73,029	\$158,884	\$149,735
<i>Median Salary</i>	\$70,000	\$61,500	\$69,088	\$167,030	\$149,735

## **LANGUAGE ACCESS**

- 1. Has your leadership received language access training?**  
Yes, staff have received language access training.
  
- 2. Do you currently have a language access coordinator?**  
Yes, Vania Tonelotti, Human Resources Specialist is our language access coordinator.
  
- 3. Has your department written a language access plan and is it posted online?**  
Yes. In partnership with the Office of Immigrant Affairs (OIA), the DAO has completed a language access plan. The plan is posted on the DAO and the OIA's websites.
  
- 4. Explain what your department has done to improve language access services over the past year.**  
DAO staff were provided with information needed to access language line services. In addition, posters have been strategically placed throughout the Office with key information relative to accessing assistance and support.

## CLIMATE CHANGE

### **1. How has climate change affected your department's provision of services?**

At this point, we have not experienced a material increase in our cost of services or procurement costs based on Climate Change. However, from a technological standpoint the DAO is ill-equipped for global events like climate change. Climate change, or any other event that would restrict physical access to DAO office space or prevent physical court attendance, would impact our delivery of justice. Virtual legal work is possible and is happening in many jurisdictions around the world, on a daily basis.

### **2. How might worsening climate change increase costs and demands for your department?**

While the impact of climate change is uncertain, it is imperative that the DAO remain flexible and adaptable to the potential changes. Given that migration and immigration patterns are changing and continuously bringing new cultures into Philadelphia, worsening climate change could increase the number of languages needed to communicate with victims, witnesses and defendants within our criminal justice system. Having a diverse and inclusive staff is one safeguard, but, technology needs to be updated to overcome cultural barriers. Video evidence is one example of how technology can overcome cultural barriers. As climate change worsens and migration and immigration increases, the DAO will need diverse staff with supporting technology to overcome potential cultural barriers.

Worsening climate change has the potential to impact DAO staff from physically being in the office or courtroom. Whether it is a snow day or worse, existing DAO technology cannot support virtual work to its full potential.

Crime has historically increased during warmer months and decreased during colder months. As Philadelphia's climate changes so will its crime pattern. Extreme weather events can lead to economic uncertainty and an increase in risky behaviors. Worsening climate change would further strain existing social safety nets. The DAO hopes this would not necessarily lead to an increase in crime, however, the DAO does believe that an increase is possible and would increase demands on prosecution.

### **3. How does your department intend to mitigate and adapt to climate change?**

A 21st Century prosecutor's office lives in the cloud. The DAO is mitigating and adapting to changing times including climate change by transitioning from a paper-based CMS to a cloud-based system. In addition to better supporting prosecution in the courtroom, a cloud-based CMS would allow DAO staff to continue to perform vital functions if normal work life was disrupted. The DAO continues to invest in updating and stabilizing existing E-Discovery and CMS to create a smooth transition into a cloud-based CMS.

Additionally, a 21st Century prosecutor's office is diverse. National recruiting of diverse and talented people is positioning the DAO to be culturally intelligent with people who migrate or immigrate to Philadelphia because of climate change. The ever-increasing DAO staff diversity is blending language, customs and traditions to better reflect today and tomorrow's Philadelphia.