

Philadelphia District Attorney's Office
Philadelphia City Council Budget Testimony – Fiscal Year 2021
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Introduction:

Thank you, Council President Clarke and City Council, for the opportunity to present testimony on the District Attorney's Office's ("DAO") Fiscal Year 2021 Request.

This is an extraordinary moment to be a public official, and to have the resources and the power to help repair harms done to people in communities we are privileged to represent. Philadelphians are in pain, and are shouting their pain, caused by multi-generational poverty, gun violence, a war on drugs that was really a war on people, a love affair between government and big pharma that led to our opioid epidemic, climate change, the destruction caused by mass incarceration, an infectious disease pandemic that moves faster among poorer and more vulnerable populations, and racial and systemic injustices as old as this nation's founding.

To the people of Philadelphia: This District Attorney's Office hears you. We will continue to work toward greater public safety and greater justice. We will do so by being an anti-racist, anti-sexist, and anti-classist prosecutors' office that honors the great power you have given us by being transparent, accountable, and of service to your communities, in your communities.

Since taking office in 2018, I have implemented a merit-based pay scale and recruited prosecutors and staff representative of the communities we serve in order to directly address institutional racism in the criminal legal system. I have also worked to correct long-standing practices that disproportionately affected Black and Brown people, low-income and poor people, and people whose prior involvement in the criminal legal system, even for very minor offenses, were subjecting them to employment, housing, and other forms of discrimination.

The DAO has already made significant reforms to bail recommendation policies, sentencing requests, pardons, and commutations. These reforms have reduced overall future years of incarceration and supervision leading to potential combined estimated savings of \$131.4 million to Philadelphia and to Pennsylvania that are already taking place. Over time, the savings become much, much greater as the effect of fixed costs in personnel and facilities that are no longer necessary to incarcerate begins to reduce. Ongoing divestment from mass incarceration and mass supervision can and should be reinvested back into the most impacted communities, by elected officials with support of communities you represent. Continued commitment to our efforts to reform the criminal legal system will create yet more opportunities for such reinvestments in the communities we serve.

Despite the savings we have already generated and the potential for much more, the proposed Fiscal Year 2021 General Fund budget totals \$33,335,098, a 21% reduction from Fiscal Year 2020. Our role in public safety is crucial. The role of the lawyer, both prosecutor and defense, is to serve as a check and balance in public safety. Reducing funding during a pandemic, civil unrest, and realignment of societal values will undermine reforms and their intended outcomes. Independent elected offices, like the DAO, are vital to holding government accountable to the people for its actions.

The City's proposed \$8,794,891 decrease would negatively impact our capacity to investigate and prosecute violent crimes including gun crimes using emerging technologies, dismantle drug trafficking operations, protect against election interference, investigate economic and employment crimes, combat illegal evictions and deed fraud, and update technology to keep up with the digitization of evidence like videos and virtual hearings. A 21% reduction would hinder planned innovation in non-carceral accountability programs in Juvenile Justice, Restorative Justice, and community-based diversion models, as well as transparency tools for the public. Most importantly, this decrease would negatively impact our ability to refine our focus on the 6% of people who commit 60% of crime, and to seek justice through even-handed accountability and enforcement for the government and its citizens.

It is imperative that the DAO continue our efforts to work collaboratively with communities in order to build trust through transparency and accountability not just with the DAO but with all of public safety.

Community Trust:

The DAO will continue to invest time, resources, and people to restoring trust with all Philadelphians in the legal process and its outcomes. Throughout FY20 the DAO has invested in community and civic engagement, and collaborations with Community Development Corporations, community groups, and individual Philadelphia Police districts, across Philadelphia.

The epitome of these efforts are our One-Stop Community and Resource Hubs. Since September of 2019, the DAO has held a monthly hub to connect community members, whether justice-involved or not, with employers, resources, and education providers. Post COVID-19, we are planning to host monthly virtual hubs to complement our monthly virtual town halls.

The DAO plans to continue to build trust in the community through our public data sharing to hold us accountable. For too long, prosecutorial decision making has been a "black box" of information. In collaboration with private partners, the DAO launched the DAO DATA Dashboard as a tool to aid the public, policymakers, and elected officials in understanding current and historic trends in public safety.

Doing everything we can to get it right the first time is necessary for building trust. Take these past 10 days, for example: Since mass demonstrations against racism and

injustice began in Philly, DAO Charging, Diversion, and Special Investigations Unit personnel have been working literally around the clock to make sure people who are arrested during protests who have committed no crime are released as soon as possible. We have not brought charges against anyone for expressing their First Amendment rights. But we have charged people arrested for commercial burglaries and break-ins, assaulting police officers, and vandalism. We are also investigating accusations of misconduct by police during the City's response to protests.

The prosecutors and staff of the DAO make monumental decisions impacting the lives of Philadelphians under stressful conditions, using as much information as we can obtain in very short amounts of time. For almost each one of the hundreds of cases sent to us over the past 10 days, we had to review civilian video, body worn cameras, surveillance video, pull criminal histories, and track down witnesses. As I have stated in previous budget hearings, we are still behind the curve in technology upgrades that would allow us to better conduct independent evaluations of evidence, pass discovery, and present video evidence in court.

COVID-19:

The near-total closure of courts in mid-March to halt transmission of the coronavirus has forced the DAO to reimagine and rebuild the criminal legal system daily. Our office is not working less; we are working differently and creatively. As much as some of our colleagues in Washington might wish it, the U.S. Constitution must still be honored during this unprecedented judicial emergency. People cannot be held pre-trial indefinitely, nor should they be. And accountability must be equal in society or we will have more George Floyds murdered and we will have more unrest, forever. More than any other DA's Office in Philadelphia history, our DAO has done the right thing on issues of police accountability. It makes everyone safer, including the vast majority of police officers who do the right thing. Our finest police officers are lifted up when their brutal, racist colleagues are knocked down.

The mass demonstrations have delayed reopening of more court functions by at least another week. We are already prepared, however, to participate in hundreds of virtual preliminary hearings and status hearings when the courts resume. We are also working with our partners including the Philadelphia Police Department, Defender Association, First Judicial District to hold more hearings in this new, mostly virtual environment. But it should not be a surprise that aging technologies and equipment, and a lack of equipment and supplies, remain a challenge. The DAO has maintained constant contact with victims and witnesses, a number of whom reside far from Philadelphia, to inform them of proceeding delays. We have continued to relocate victims and witnesses during COVID-19, and continue to offer additional resources.

We mourn the loss of life of people within the jail and prison systems. None of them were sentenced to die from COVID-19 while incarcerated or working in our prison systems. Our prosecutors and staff mobilized early to make sure as many people who could be safely released from jails and prisons were approved for release. We've

reduced the jail population by 20% to historically low levels, and recent testing suggests a mass coronavirus outbreak was safely averted.

We have also supported external efforts to provide people exiting the jails with cell phones, so they may stay connected with supportive resource providers, probation officers, other court personnel, and defense counsel. In addition, we submitted public comment on the Office of Homeless Services application for 2020 Coronavirus Aid Relief and Economic Security (CARES Act) – ESG-CV funds, as well as a letter of support for the Friends Rehabilitation Program's application for funding under the ESG-CV program to support housing solutions designed to prevent the spread of COVID-19.

However, the jail population is rising again, in part due to events of the past week. The DAO continues to work to ensure more people are safely released from custody and that the system does all it can to prevent outbreaks of COVID-19.

Gun Violence:

Long before COVID-19, Philadelphia has been ravaged by the public health crisis of gun violence. The DAO continues to take a balanced approach rooted in science, data, and experience to gun violence by focusing prosecution resources on people who commit violent acts with firearms while working with community groups and survivors of gun violence to address the trauma these violent acts generate. The DAO continues to work with City Council, the Mayor, and public safety stakeholders to partner in violence intervention efforts to reduce gun violence and its surrounding trauma.

For the last year, the DAO has partnered with state officials, the Mayor's Office, and City Council to relaunch Group Violence Intervention ("GVI"): an evidence-based gun violence reduction strategy that has yielded positive results in other municipalities. COVID-19 is forcing the working group to rethink some components of the intervention like group call-ins, but the DAO remains committed to a city-wide launch of the Group Violence Intervention plan as soon as possible.

Recently, the Philadelphia Police Department ("PPD") requested support deepening our partnership to stop gun violence. Traditionally, the PPD/DAO have worked together to investigate homicides. For the first time, this partnership will be extended to non-fatal shootings similar to our collaboration with the First Judicial District to consolidate the homicide and non-fatal shooting trial rooms.

Our theory is: By increasing collaborative investigations of non-fatal shootings and treating them as seriously as we do fatal shootings, we will get more shooters off our streets, thereby preventing and deterring homicides and shootings overall.

These investigations will be spearheaded by Assistant District Attorneys working from each of the six police divisions over the city. Additionally, we are partnering with PPD by providing a data analyst to improve information and data sharing. These ADAs will

also work with the DAO Community Engagement Unit to further build and maintain community trust between the DAO, PPD, and the public.

Before, during, and after COVID-19, our Victim/Witness Services Unit allows police to do detective work, while we provide social services and support families of victims within 24 hours of a homicide. The in-home visits and physical embraces by CARES workers have paused for now, as we all practice physical distancing, but they continue to provide comfort and support during some of the most challenging times in a person's life.

Conclusion:

Thank you again, members of Council, for allowing me to present this testimony before you during this incredibly challenging time for our city. My team and I are available to answer any questions you have about our FY2020 budget request.