

City Council Budget Hearings: FJD

April 4th, 2023

Follow Up Questions from budget hearings:

1. Please provide a list of First Judicial District's specialty programs/courts

- Criminal Trial Division:
 - o *Mental Health Court*
 - o *Intermediate Punishment Program*
- Municipal Court Criminal
 - o *AMP (Accelerated Misdemeanor Program)*
 - o *Accelerated Rehabilitative Disposition (ARD)*
 - o *VETERANS COURT*
 - o *DV DIVERSION*
 - o *Project Dawn Court - Prostitution Initiative*
 - o *Mental Health Initiative*
 - o *Philadelphia Drug Treatment Court (PTC)*
 - o *Philadelphia DUI Treatment Court (DUITC)*
 - o *TCY (The Choice Is Yours)*
 - o *Summary Diversion Program*
 - o *Early Bail Review*
- *The above listed options are alternatives to trial for defendants. The First Judicial District of Pennsylvania has several other processes to assist in case management.*

Off the record questions submitted by Councilmember KGR:

Childcare Questions:

- 1. In 2000, the Commonwealth of PA passed Act 105 to fund the creation of childcare centers in our state's court systems. Allegheny County first opened a childcare space in 1980, and Montgomery County has a robust drop in childcare center for families who are at the courts. City Council held hearings on this issue in 2018, led by my mentor former Councilmember Reynolds Brown. Philadelphia still has not implemented this program.**
 - a. **Is FJD currently collecting the \$5 filing fee allowed under Act 105?**

No
 - b. **If yes, when did you start implementing this fee? How much money did it bring in in FY22?**

N/A
 - c. **Why has FJD still not created a childcare program for families who are at the Courts or for parents who are serving on juries?**

The FJD does not have any space large enough or secure enough in any of our physical locations to host a childcare unit. As was discussed in last year's Budget testimony when questioned by Councilperson Gilmore Richardson the Court

Administrator is willing to participate in a joint undertaking with Council and any City agency to create a childcare facility off site but at a convenient location to our courthouses.

d. Has FJD done any work recently to look into implementing this program? If not, why not?

The FJD has researched the Childcare facilities in both Allegheny and Montgomery Counties with their respective Court Administrators. Both counties indicate that they have outsourced their childcare to non-profit organizations who manage their programs. Court staff are not used at all to operate their facilities. As there are layers of regulations and background approvals in order to work in a childcare facility it would seem outsourcing this program would be the most logical choice. The largest hurdle is the physical location as the FJD maintains three separate Courthouses in center city for Family Court, Court of Common Pleas and Municipal Court.

Workforce Questions:

1. Your testimony notes that you are working to remove all pre-employment and promotional exams at the recommendation of the Office of Diversity, Equity, and Inclusion. How do you anticipate this will improve DEI in your department and help you achieve racial equity in your hiring and promotion?

In general, employment tests pose a risk of being discriminatory. Due to this risk, the Equal Employment Opportunity Commission (EEOC) has provided guidance to employers concerning "Employment Testing and Screening." Some organizations have had lawsuits filed against them because their employment exams were negatively impacting applicants based on race and gender. There are less risky approaches to hire or promote a candidate, such as structured interviews or past performance.

Furthermore, there is no data to support that applicants who passed the FJD's employment exams were better suited to perform a job than applicants who did not pass. In some instances, pre-employment and promotional exams can be helpful for an employer to understand if a job applicant can perform the functions needed to be successful on the job. This is especially true for highly technical positions that require advanced knowledge. After extensive review of our job titles and job descriptions, it was determined that the skills needed for many of our positions can be learned during training. On the other hand, if a job requires certain licenses or education, such as an attorney's license or bachelor's degree, that will be listed as a requirement in the job posting. We are also cautious about which jobs will require degrees and licenses. As part of our DEI initiatives, the FJD's goal is to remove barriers to entry and promotion. Applicants should be hired and promoted based on their knowledge, skills, and abilities regardless of their racial or gender identity.

2. **You note in your testimony that you are working to fill critical vacancies? How many of these vacancies do you currently have and for which positions?**

Currently, there are approximately 120 General Fund critical vacancies for various positions that the FJD is seeking to fill. These vacancies include: Probation Officers, Court Reporters, Court Interpreters, and Court Clerks.

- a. **What are you doing to fill these vacancies?**

All vacancies are posted to the FJD employment website as well as being posted on the City's SmartRecruiter websites. We are constantly evaluating how best to actively recruit for critical vacancies.

3. **There are a vast number of positions in the court system that can have a wide range of experience level. How are you working with workforce development programs and the School District to create pipelines into these careers?**

The FJD is currently working with Drexel University on a Cyber Security pilot program. This is a grant funded program whereby an employee(s) attends courses through Drexel University while working in the cyber security field for the FJD during the day. The program has various levels of competencies, and the ultimate goal is to have the employee(s) obtain Cyber Security certifications. Once the certifications are obtained, the employee will be promoted to a higher-level IT position.

- a. **Do any court systems have apprenticeship programs for any positions?**

The FJD currently has a Judicial Fellowship program for attorneys, Judicial intern program for law students, and internship programs for college students. The Drexel pilot program is also a type of apprenticeship program. The FJD also has a summer internship program.

Adult Probation Officer salaries Questions:

1. **What is the average monthly cost assessed to someone on probation to cover the cost of PO salaries?**

The average monthly cost that the Court shall impose as a condition of supervision is a monthly supervision fee of at least \$25.00. This supervision fee can be waived or reduced per judicial order. With the reduction in money collected as a result of the Unified Distribution Fund and the reduction in Grant Money, only 15 Probation Officers salaries are covered by the Supervision Fee Grant. It is important to note that until a few years ago, approximately forty-eight (48) probation officer salaries were funded by the supervision fees per PCCD and the State Grant and Aid.

2. **How would the City's contribution to these costs allow us to reduce or eliminate these fees on Philadelphians on probation?**

The City of Philadelphia's contribution would support sustainability and would eliminate the financial burden on the supervised population while maintaining the probation department staffing requirements.

3. How many probation officers are there currently and what is their average caseload?

There are 207 Adult Probation and Parole officers and of this number, 176 are case carrying officers. Overall, caseload sizes are dynamic, based on the number of individuals sentenced to supervision and staff vacancies.

The average caseload sizes vary depending on the assigned unit:

Administrative Supervision: 337

Welfare/Fraud: 196

General Supervision: 97

Antiviolence: 44 (excluding VPP Units).

a. Does this caseload align with best practices?

With regards to Best Practices: The American Probation and Parole Association (APPA) and community supervision agencies throughout the country have attempted to develop an ideal/standard caseload size for probation and parole officers without much success. Ultimately, it is recommended that probation and parole agencies adopt a workload strategy to determine staffing needs and caseload sizes that fit the individual agencies. With regards to caseload size and outcomes: The landscape of community corrections is complex. The size, structure, geography, organization, judiciary and supervised population that characterize probation and parole in the United States make it difficult to make definitive statements or recommendations as it relates to caseload sizes.

b. Would having a lower caseload allow us to improve success for Philadelphians on probation?

See above answer noted in 3.a

PJJSC potential out of state placement Questions:

1. We've heard that Family Court leadership has recently issued an order to the judges in the unit to start sending children committed to state placements to the Rites of Passage program in Texas when recommended by Probation. Are out of state placements for Philly youth really on the table?

No, an order was not issued by Administration. Yes, State DHS is considering all options for secure facilities and has contracted with Rite of Passage in Texas. As you may be aware, the City is currently suing State DHS regarding overcrowding in the PJJSC. According to the Memorandum Opinion by the Honorable Ellen Ceisler, attached to this email for your reference, dated November 18, 2022, the Court instructed that the Petitioner (City of Philadelphia) work diligently with relevant stakeholders (FJD and Juvenile Probation) to recommend and secure referrals to the placement options discussed at the November 9, 2022 evidentiary hearing which include. . . the private, out of state provider, Rite of Passage, to meet the various needs of court-committed juvenile

delinquents in this commonwealth. Despite Family Court leadership's continued request for close to home placements, said placements have not been made available by the contracting agency which is DHS.

2. What procedural protections are guaranteed for children for whom Probation recommends placement at Rites of Passage?

Once a juvenile is committed to a state secure facility, State DHS determines the appropriate placement.

- a. Are you aware that at least one juvenile court judge considering placing a child at this facility requested documents from Rites of Passage including, but not limited to, a signature page indicating their intent to follow PA DHS regs, and Rites of Passage refuses to produce the requested documentation? How can you be sure that the program will comply with other family court orders?**

We are aware that a judge ordered documentation regarding Rite of Passage; however, that case was disposed without youth being committed to that facility. We are not aware of any refusal to comply. Any order in which a youth is committed out of state, including Rite of Passage, includes the following language "All relevant PA regulations, including educational requirements, must be followed. Review of the juveniles programming and monitoring of the juvenile's progress conducted by the PA Department of Human Services/BJJS."

- b. How will you ensure that Rite of Passage will comply with our DHS regulations?**

See above answer as State DHS is responsible for maintaining oversight of a facility and ensuring all PA regulations are followed. Additionally, the Juvenile Probation Officer (JPO) will monitor/supervise their youth which will include in person visitation.

- c. What if parents, caregivers, or the children's counsel object to the placement?**

A dispositional hearing is held in which the parent/guardian must be present as well as the youth. The court determines what is in the best interest of the youth as well as any undue hardship on a case-by-case basis.

- d. What records from the Texas Juvenile Justice independent ombudsman, are the courts reviewing in assessing the appropriateness of the placement for individual children?**

Question best asked of the State as they are the contracting agency.

- e. How are the judges assessing the cultural competence of this particular program to serve Philly's youth?**

A state and local team including representatives from the DA's Office, Defenders, DHS, Juvenile Probation (and others) conducted a visit of the facility to determine appropriateness.

3. What financial impact will these placements have, both in terms of any contracted fee and when considering that each child's family will be entitled to FOUR airfare tickets

to visit their children, along with lodging expenses? How many children have been recommended for placement at the Rites of Passage program in Texas?

We do not see a financial impact to the FJD other than the cost of travel for the JPOs. The State recommended 8 youth for the Texas program (1 has been committed, 2 not committed, 4 awaiting dispositional review hearings and 1 committed elsewhere).

- 4. As recently as November 2022, there were complaints of plumbing problems and sewage leaking under the building – what remedies exist for our children if they experience these or similar conditions of confinement? <https://www.brownwoodnews.com/2022/11/07/commissioners-agree-to-repairs-at-juvenile-detention-center/>**

The PJJSC facility falls under the City of Philadelphia, DHS. If Family Court Administration or Juvenile Probation becomes aware of any health or safety issues at the PJJSC, we immediately communicate our concerns to DHS leadership whom we have found to be very responsive.