

## INTRODUCTION

Good Morning Council President Clark and Members of City Council. My name is Keir Bradford-Grey, Chief Defender of the Defender Association of Philadelphia. I am here to present testimony in support of the Association's FY 2017 budget appropriation. With me today are James McHugh, First Assistant Defender and Kristen Muhl, Chief Financial Officer.

We are a 501(c)(3) non-profit corporation that provides legal representation to indigent Philadelphia citizens accused of crimes, both adults and youth, as well as children who are involved in our child welfare system due to abuse and neglect. We are charged with the duty to protect the constitution and ensure a fair and equitable justice system for all. At the same time, we use our unique position to help improve the lives of families and communities in Philadelphia.

## MISSION AND HOLISTIC REPRESENTATION

While our office has a great national reputation for trial advocacy, we are adding to our mission to ensure our clients have the assistance they need outside of the courtroom to improve their lives, and their families lives. Our new mission embraces holistic advocacy, using the flashpoint of criminal justice system contact as an opportunity for personal and community growth. The Supreme Court has expanded our role to include understanding each person's unique life circumstances, advising them on the collateral consequences of a criminal conviction, and helping the incarcerated plan for reentry. Perhaps more importantly, however, holistic representation allows us to address why people have come into contact with the law, reduce recidivism, and improve public safety.

At the core we all want a system that is fiscally responsible, fundamentally fair, and that promotes public safety.

**Fiscal Responsibility:** The Defender Association's structure & representation model proves to be an effective use of taxpayer dollars.

Despite the high volume of cases our office handles, our structure and service delivery provides a huge savings for the city of Philadelphia's criminal justice costs. We process cases quickly and effectively. With targeted units such as Mental Health and Prison Services, we employ specialized staff to rapidly resolve cases the right way. Here are a few examples of how we use our limited funding to save the city money:

- **Alternative Sentencing**

We Identify individuals with low-level offenses who are serving county jail sentences. When the Judge has made them eligible for parole and reentry services, we file petitions with individualized parole plans to reduce wait time in prison. In 2015, we saved the city approximately \$ 6.7 Million in incarceration costs by filing early parole petitions for

1,756 individuals. To further these savings, we are using MacArthur Foundation funding to expand these services to cases initially handled by other attorneys. By filing petitions in over 400 more cases, we expect to save the city an additional 1.5 million dollars at no cost to the city, using only \$30,000 in private foundation money.

- **Efficient Representation**

We prioritize cases where someone is incarcerated to ensure people don't unnecessarily languish behind bars, using up costly prison bed days. Based on a snapshot of the jail population taken in 2015 for the MacArthur Safety and Justice Challenge, we begin to see the dramatic cost savings we provide. Individuals represented by court appointed lawyers had been in jail awaiting trial for 229 days, while our clients were in custody for only 93 days. This translates to a savings of more than \$11,000 per client.

Analyzing these cost-savings to scale, we see how amazing the return on the city's investment truly is. We looked at a year's worth of data to compare individuals charged with the exact same offenses and with the same backgrounds. We compared how long individuals stayed in jail awaiting their cases when one person had the Defender, and another had a court appointed attorney. We cut jail wait time by more than 1/3 for 11,700 clients. At a conservative estimate of \$95 a day, with a conservative reduction in length of stay of 40 days, we saved the city of Philadelphia 44.5 million dollars in pretrial prison costs alone. That is more than our allotted budget for this year. Further investment in the Defender Association will continue to yield cost-savings for the city.

- **Partnerships with Collaborative Courts**

The Defender Association is vital to Philadelphia's Diversion Programs. The Defender plays a vital role in giving individuals a chance to improve their lives without the devastating impact of a conviction. We identify candidates for diversion, coach individuals on the process, follow up on their cases, and promote completion. We are a critical component. These programs include:

The Choice is Yours; Future Forward; New Leash on Life; Goldring Reentry Initiative; Roots 2 Reentry; Second Chance Act; Forensic Intensive Recovery; MENTOR Program; County Intermediate Punishment; State Intermediate Punishment; AMP I and AMP II; ARC; Drug Treatment Court; DUI Treatment Court; Project Dawn Court and Veterans Court.

**Fundamental Fairness:** The Defender Association helps to reduce disparities in our justice system promoting a trustworthy and fundamentally fair system.

- **Reducing Bias through Community Engagement**

Our juvenile unit saw significant disparities in how African American and Latino youth were being treated in the courtrooms of Philadelphia. We brought this perspective to the

policy table. Even as the numbers of adjudications of delinquency decrease, the racial and ethnic disparities have remained prevalent. This perspective fueled our work to co-create the Disproportionate Minority Contact (DMC) corporation. DMC works with law enforcement, community, and other stakeholders to help improve relationships between law enforcement and youth in communities heavily patrolled by law enforcement.

- **MacArthur Funded Initiatives**

Our work also helps Criminal Justice system stakeholders make more informed, individualized, decisions at critical stages. Providing decision-makers with a complete picture of each person helps combat implicit and explicit bias. The defender staffs initial arraignment court 24 hours a day 7 days a week, however we currently lack the capacity to speak with those being arraigned. Through the MacArthur Safety and Justice Challenge grant, we will use pretrial advocates to obtain information about the person's life circumstances, helping bail magistrates make informed decisions on what conditions will ensure public safety and a person's return to court.

**Public Safety:** Our holistic approach utilizes an interdisciplinary team of lawyers and social service advocates to work with families and communities to identify individual needs and increase the likelihood of success and thereby promoting public safety.

- **Reentry**

We find alternatives to incarceration whenever available, putting community first. And while we all know how complicated the court system can be, navigating the obstacles of reentry can be even more daunting. To support this effort, we would use case navigators to work with the community to help individuals overcome barriers to reentry in housing, education, employment, and mental and physical health, thereby eliminating the need for future justice system contact.

- **Identifying Needs & Services**

This holistic approach includes partnering with Community Legal Services to coordinate training with our lawyer to help them understand the effect of pretrial detention on housing, mental health, employment, public benefits, and family custody. We want to make sure the system does not make vulnerable populations more desperate.

Our model requires us to understand the impact of criminal justice policies on communities. Increased technological capacity will allow the Defender to analyze the impact of our programs on recidivism and improved outcomes.

- **Mentoring**

Community engagement allows us to create initiatives that are more effective and less damaging than involvement in the criminal justice system. The defender office has

applied for a grant with BBBS, the DA's office, Judge Lori Dumas and FJD, Salvation Army and Enon Tabernacle Church to provide mentors for specific juvenile-involved youth. This kind of initiative has been proven to have long lasting positive effects on children, reducing recidivism, and enriching communities. This is an initiative I started with BBBS and the DA in Montgomery County and it has been a tremendously valuable, evidence-based program, to promote positive youth development.

### **BUDGET INCREASE REQUESTS**

- **Pay Parity for Defender Employees - \$1,120,000**

We discussed this issue at length with the previous Administration and were given a commitment by that Administration to implement a pay equity plan amongst the City-funded legal services offices, i.e. the Defender, City Solicitor and the District Attorney. In order to determine pay equity, we performed an in-depth comparison of our salaries and that of the District Attorney and other City agencies. This analysis, which was shared with the previous Administration, revealed that our office lagged seriously behind and would need over \$7 million to bridge this gap. The previous Administration was committed to this goal, and laid out a plan to begin correcting the inequity by agreeing to give us \$2 million by the end of FY 2016. However, the Defender only received \$1 million. We are requesting the \$1million that was agreed to but not provided last fiscal year, to be included in FY 2017.

The cost of this program is \$1,120,000 and includes \$1,000,000 in salary increases as a step towards pay equity with the District Attorney's Office and \$120,000 for employee benefits as a result of higher salaries. The \$120,000 is comprised of employer payroll taxes, retirement matching contribution and life, long-term disability, and state unemployment insurances.

- **Technology Budget Increase to Support Data Collection & Analysis - \$200,000**

The increase in technology to support the data collection program totals \$200,000 and is comprised of both hardware and software upgrades to enhance the office's ability to gather and generate case data, while adding to efficiency and mobility.

- **Staffing Increases to Support our Case Navigators and Community Engagement Initiative - \$216,000**

In order to continue and enhance our holistic model of representation, the Defender is requesting an additional \$160,000 in salaries and \$56,000 in benefits to hire an additional five social workers. The cost of benefits is comprised of medical insurance, employer payroll taxes, retirement matching contribution and life, long-term disability, and state unemployment insurances.