

## Budget Request Overview

The Defender Association of Philadelphia would like to thank the Mayor's Office and City Council for considering our budget proposal, and why this allocation of resources is essential to our office providing a continuum of care for the thousands of adult and child clients we serve.

We truly appreciate the Mayor's proposed budget increase of \$5 million. Our proposal will not only demonstrate the value of the services we currently offer but present a rationale for our request of an **additional \$5 million**, which is necessary for us to augment the already high-quality legal representation we provide for our clients (**Table 1**).

<b>Table 1: Proposed budget allocations</b>		
	<b>Distribution of Mayor's Proposed \$5M increase</b>	<b>Distribution of Additional \$5M Proposed by Defender</b>
Inflation Increase	\$2,700,000	
Maintain Currently Budgeted Staffing Levels; Retention and Infrastructure Cost, including increases associated with Collective Bargaining Agreement	\$2,300,000	
Child Advocacy, Social Services & racial justice initiatives		\$3,600,000
Mid-Year Transfer Ordinance from FY2023		\$1,400,000
<b>TOTAL:</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>

The additional investment will be primarily dedicated to our recruitment, training and retention of the workforce need to meet our clients' complex legal and social needs. Our intention is to use the resources expanding our child advocacy and social services units and maximize our unique position as a "one stop shop" for our young clients and help to stem the tide of violence.

### Specifically, these funds will be used to:

- Hire additional attorneys and social workers for our Child Advocate Unit so we can staff all dependency courtrooms.
- Add data analyst for Child Advocacy Unit
- Hire formerly dependent youth to serve as peer mentors for our current child advocate clients.
- Provide stipends to former or current child advocate clients to serve on a youth advisory board.
- Increase the number of attorneys assigned to our Majors Unit to manage increased volume of more serious cases.
- Hire an education attorney to advise and if necessary, represent children involved in the dependency or delinquency system.
- Increase the number of mitigation specialists and social services advocates to meet anticipated social services needs and move towards case management strategies for highest need clients.
- Sustain our recruitment, training, and retention initiatives.
- Address increased costs of insurance premiums and rent.

## Overview of the Defender Association

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The Defender Association of Philadelphia is a 501 (c)(3) non-profit organization that has contracted with the city of Philadelphia to provide legal representation for indigent criminal defendants and other litigants since 1973. Though we have provided the city's constitutionally mandated service for 50 years, our organization has been providing indigent defense to Philadelphians since its founding 89 years ago in 1934.

Most people rightfully associate our office with the provision of indigent defense services in criminal cases. **We provide legal services in more than 70% of the criminal cases opened in the city of Philadelphia each year.** Our clients include adults and youth charged with violations of the Pennsylvania criminal code from arrest through appeal, at violation of probation and county parole hearings and children who have been arrested are involved in delinquency proceedings (**Table 2**).

**Table 2: Defender Case Volume**

Case Type	New Cases	All Cases	Hearings
Adult Criminal	21,361	49,241	150,739
Youth*	908	3,501	17,302
Violation of Probation	12,018 (had a hearing)	12,018 (had a hearing)	44,702
Total	<b>34,287</b>	<b>64,760</b>	<b>180,059</b>

*\*Dependency and /or delinquency cases and hearings.*

**Our office also represents:**

- Clients and former clients who are eligible for early termination of probation or parole and record sealing or expungement,
- Adults facing involuntary mental health proceedings and
- Children who are alleged to be abused or neglected in dependency proceedings through our Child Advocacy Unit

## **The Defender’s Child Advocacy Unit (CAU)**

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The CAU represents children who have been taken into protective custody or for whom a dependent petition has been filed. Our role is to represent the children who are the subject of child welfare proceedings in family court. We represent them in their legal case, identify resources for clients and their families and advocate for them to receive the support they need so the child can be safely reunified with family as quickly as possible. **Our CAU relies on an interdisciplinary model which means:**

- Our client team includes lawyers, social workers, and administrative staff; and
- The whole team practices under the attorney/client privilege which enables us to build trust with our clients.

**The interdisciplinary model is nationally recognized as best practice in representing children whose families are involved in the dependency process.** There are some key differences between an interdisciplinary practice and practices deployed by smaller firms without social workers on staff (**Table 3**).

**Table 3: Comparison of Representation Models**

With the Interdisciplinary Model	Without the Interdisciplinary Model
<p>Children are <b>represented by attorneys who are highly trained and specialize in child advocacy.</b> The attorneys exclusively represent children who are the subject of abuse and neglect proceedings in Philadelphia.</p>	<p>Children are <b>represented by attorneys who have completed 6 hours of support center training and court observation.</b> The attorneys may practice other types of law and/or in counties and states outside of Philadelphia.</p>
<p>Children are <b>assigned to a specially trained social worker, who is familiar with all of the resources available for children and their families in the region and is particularly attuned to the emotional well-being of the child.</b></p> <p>The social worker visits the child between court dates in their homes, treatment centers, or placements to continue to identify resources to meet the child's needs.</p>	<p>Children are <b>unlikely to receive the benefit of a social worker.</b> Lawyers are not necessarily trained to be focused on emotional well-being.</p>
<p>The institutional <b>infrastructure supports a diverse team with internal and external expertise, training, supervision, and administrative support.</b></p>	<p><b>Solo practitioners lack the infrastructure</b> to adopt a team approach or include people with lived dependency experience in the legal team.</p>

**OUR CAU CLIENTS:**

Last year our Child Advocate Unit represented children in **1,452 dependency cases and 6,262 scheduled dependency hearings.** These cases involved 1,290 unique children. Some children had two or more dependency petitions open within this fiscal year.

Our dependency clients range in age from newborn to 21 years old. 1,170 of them still resided in Philadelphia at the time of their last hearing. **Our children are disproportionately Black or White Hispanic<sup>1</sup>.** Specifically:

- 62% Black Non-Hispanic;
- 15% White Non-Hispanic;
- 14% White Hispanic; and

<sup>1</sup> We have complete race, gender, and ethnicity data for 1,147 of the clients.

- 4% Black Hispanic.
- 52% of the children were female and 48% of the children were male.

Our clients involved in dependency cases reside throughout the city. **Due to staffing shortages we are currently unable to staff one of the dependency courtrooms**, which handles cases involving children who reside within parts of Councilmanic Districts 4, 8, and 9 (**Figures 1 & 2**).

Figure 1:

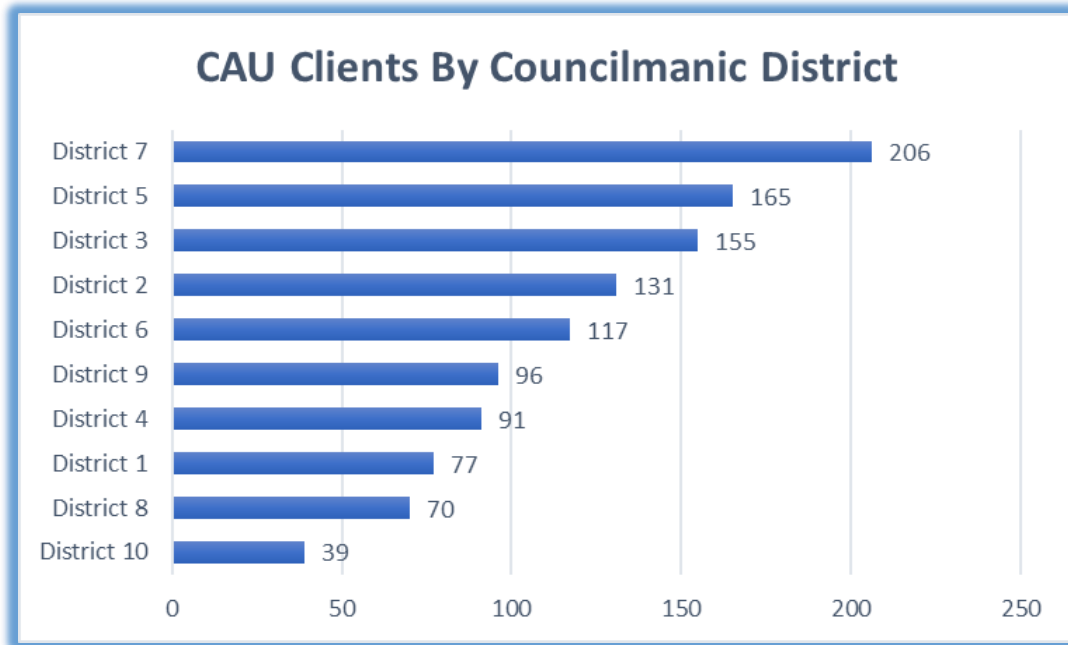
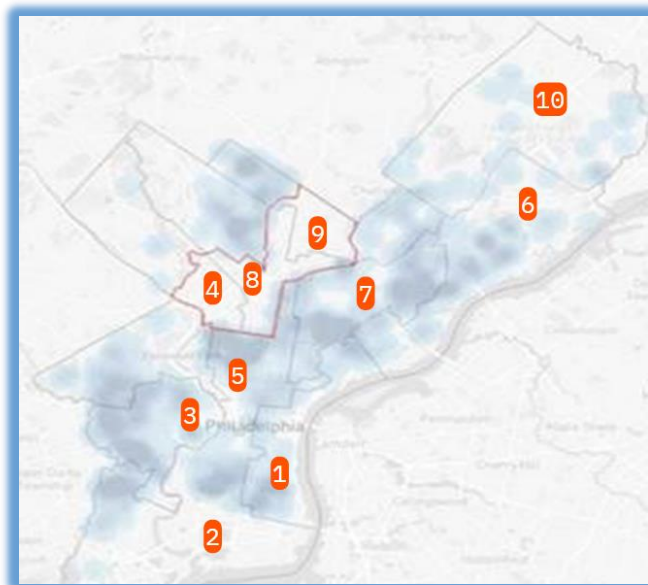


Figure 2: Defender CAU Clients by Residence

Darker shading indicates a higher concentration of clients and boundaries represent updated City Council districts.



Child advocacy cases are unique because some children remain in the child welfare system for years, sometimes decades. Last year for example, over 550 CAU clients with scheduled court dates had cases that were initiated up to 5 years ago. But over 600 clients had cases that originally entered the dependency system prior to FY 16 with 300 clients whose representation began over 10 years ago.

## A WELL-FUNDED CAU IS AN INVESTMENT IN PUBLIC SAFETY:

The complicated and often overlapping nature of the criminal legal and child welfare systems mean that we often see people and families involved in multiple systems over the course of their lives. Last year, for example:

- **12%** of the people we represented at a preliminary arraignment hearing had a **prior or active dependency case**.
- Similarly, **25%** of the children we represented in delinquency cases and **24%** of the children who were charged with adults had an **active or prior dependency case**.
- And, a February snapshot of the PJJSC population revealed that **34%** of the children housed there had a **prior or active dependency case**.

Dependency cases were most prevalent in people with multiple arrests in the year. Of clients with multiple arrests last year, we found a dependency history in 18% of all adults, including children charged as adults, and 22% of adult Black Non-Hispanic male clients.

While the percentages of White Hispanic and White non-Hispanic clients with prior dependency cases are lower, **the prevalence of prior dependency cases among all people, regardless of race or ethnicity, with multiple arrests is still noteworthy**. Specifically, for White Hispanic people, 10% of those with one arrest had a prior dependency case but 14% of those with two or more arrests did. For White Non-Hispanic people, 4% of those with one arrest had prior dependency involvement while 7% of those with two or more arrests did.

Nationally, an estimated 25% of foster care children become involved with the criminal system within two years of leaving care. Over half of youth in care experience an arrest, conviction, or overnight stay at a correctional facility by age seventeen. **In Philadelphia, our older youth are particularly vulnerable to future entanglement with the legal system**. Our recent analysis of all of Philadelphia's dependent youth suggests that 31% of children who aged out of foster care between July 1, 2017 through June 30, 2022 concurrently or subsequently became involved with our delinquency or adult criminal legal system. (Table 4)

**Table 4 : System entanglements among children who have aged out of foster care between July 1, 2017 and June 30, 2022.\***

*\*NOTE: some children have had less than one year to become involved with another system since aging out.*

Type of Allegations	Number of People	Percent
Both Delinquency & Adult Criminal*	207	10.6%
Adult Criminal Only*	139	7.1%
Delinquency Only	249	12.8%
Neither – No Future System Involvement	1,353	69.5%
<b>Total</b>	<b>1,948</b>	

**Because Defender represents children involved in the dependency system, we are uniquely positioned to provide interventions at the earliest touchpoint.** This early intervention can address three of the primary factors that increase the likelihood of young people participating in—or being the victim of—violence:

- disruption of the family unit;
- economic and housing instability; and
- school disengagement

Our interdisciplinary model enables us to protect the integrity of families by connecting children and family to resources and services they need so our clients can safely return to family promptly.

Our practice also enables us to build long standing relationships of trust with clients who are involved in the dependency system for longer periods of time. This relationship allows us to better advocate for the support and services they and their family need and influence policy and practices that have positively or negatively impacted them.

**Our requested budget will add 6 attorneys and 6 social workers** to this unit so we can accept cases assigned to all the dependency courtrooms. This will allow us, subject to conflicts, to accept more dependency cases and ensure that children entering the dependency system from every neighborhood in the city will equally benefit from our services.

**These funds will also be dedicated to hiring formerly dependent youth** to serve as peer mentors for our current clients and to provide stipends for formerly dependent youth to serve on an advisory board (YAB).

Our peer mentor program will provide a forum for current foster youth to connect with their peers, gain an understanding of the law, and learn what supports are available to them as they gain more autonomy and successfully transition out of the foster care system.

The YAB will consist of 10 youth who are current or former clients, ages 18-24. Through storytelling and raising systemic issues that directly affect Black and Brown youth, the work of the YAB will influence systemic change in how the Defender Association approaches clients and cases, and ultimately how the clients are treated within the dependency system. This work will take place both internally and externally, starting with evaluating our own culture and approach.

## **The Defender's Social Services Team**

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Our interdisciplinary representation model is not limited to the CAU. It is implemented across all our practice units. **Social workers are often key members of our clients' legal team.**

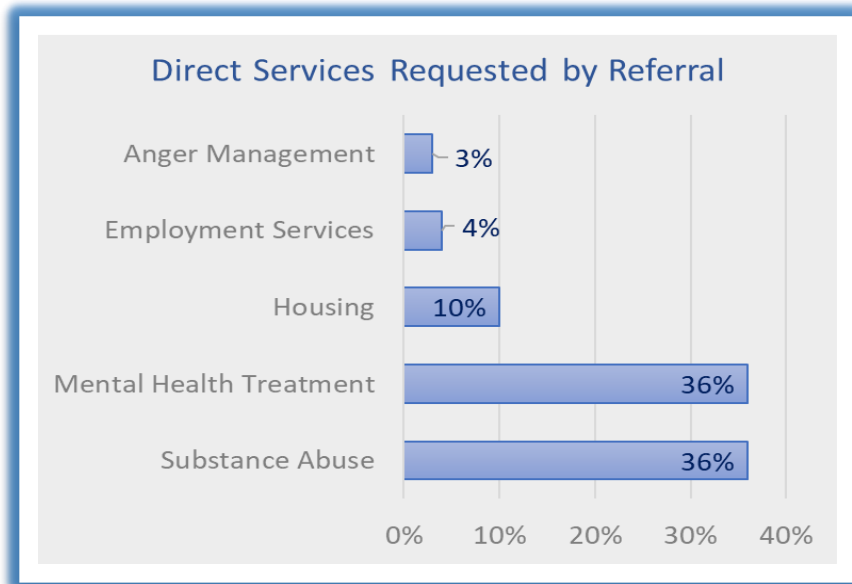
Clients who are represented by our specialty units, including the Child Advocate, Homicide, Mental Health and Special Defense Units and every child charged as an adult, are automatically assigned a social worker. The social worker is embedded in the practice unit and receives specialized training to work with these types of cases.

The balance of our adult clients are referred to social services by their attorneys. These referrals may be for direct services, and/or to develop re-entry support plans or mitigation reports, as appropriate. Our Social Services Unit provides supportive services for clients who are in or out of custody. These often include finding alternatives to placement or sentencing or connecting clients with mental health substance abuse treatment or housing. Our Social Services Unit also submits referrals for the *Forensic Intensive Recovery* (FIR) program, which dedicates substance use treatment slots to people housed in the Philadelphia jail. **Social workers also conduct visits with youthful clients housed in out-of-state placements.**

Between July 22 and December 31, 2022 our adult social services received 989 FIR referrals and 472 referrals for supportive services. Supportive services included requests for direct services, re-entry planning and mitigation reports. Requests for direct services account for 77% of referrals for social services. The most frequently requested supportive services include mental health and substance abuse treatment and housing (**Figure 3**).



Figure 3: Types of Services Requested for Clients July 22 through December 31, 2022.



**Though the majority of social services requests involve direct services, those referrals seeking the preparation of mitigation reports and re-entry or release plans are the most labor-intensive requests.**

#### **ANTICIPATING INCREASED NEED FOR SOCIAL SERVICES:**

We have been leveraging data to gain a better understanding of our clients' life experiences. Based on our analysis, we anticipate our clients will have an even greater need for social services in the coming years. This is driven, in part, by the fact that our clients are facing more serious charges. More serious cases typically require increased requests for mitigation so that attorneys are in the best position to provide the most complete picture of the client. Another driver is that our clients are more likely to have been impacted by community level violence or other traumas that may affect their need for social services.

**While the total new cases for the fiscal year has decreased, a greater share of them are felonies.** Even though there are more than 11,000 less cases entering the system altogether in FY 21 than FY 18, there are actually *more* F1 felonies, the most serious felonies (**Table 5**). As the number of serious cases entering the system rises, mitigation work becomes even more intensive and necessary.

<b>Table 5: Proportion of Felonies to Misdemeanors in New Cases FY 18 to FY 21</b>				
	<b>Felonies</b>	<b>Misdemeanors</b>	<b>Other</b>	<b>Total</b>
<b>FY 18-19</b>	16,870	13,742	2,202	32,814
	<b>51.4%</b>	<b>41.9%</b>	<b>6.7%</b>	
<b>FY 21-22</b>	13,534	5,988	2,091	21,613
	<b>62.6%</b>	<b>27.7%</b>	<b>9.7%</b>	

As previously noted, we observed relatively high rates of prior involvement in the dependency system among our clients. **This is especially true for children involved with the delinquency system or facing adult prosecution and adults with multiple arrests in a single year.**

Similarly, we are only beginning to understand the impact exposure to community level violence is having on our clients, particularly our youth. A closer look at the communities where our youthful clients reside reveals that:

- **Only 9** of the children we represented in delinquency cases last resided in census tracts with **no reported shootings last year**; and
- **More than ¾ of the 602 Philadelphia youth** who faced delinquency charges last year resided in areas of the city that were ‘most impacted’ (averaging 19 shootings last year) or ‘impacted’ (averaging 7 shootings last year) by gun violence.

With additional staff, we could move away from our referral-based system and move towards a case management approach for some of these higher needs clients. We could also provide more timely mitigation reports so our attorneys can provide the judge and DA with sufficient information to ensure more individualized and appropriate outcomes for the cases as soon as possible.

## Supporting Racial Equity in Our Office, Courtrooms and Community

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**Last year, with 465 staff, including 217 attorneys, our office represented an astounding 64,760 cases at 180,059 hearings.** Given the high volume of our practice, and the demographics of the clients we represent, it's essential for our office to continue our current work to recruit, train, and retain a diverse and talented team.

Defender clients are resilient and unique individuals who are part of a network of family and friends. They are disproportionately Black men and typically under the age of 40.

### **Of our adult clients, including children who are charged as adults,**

- 81% were male and 18% were female
- 85% were People of Color
  - 64% Black Non-Hispanic
  - 1% Black Hispanic
  - 17% White Hispanic
  - 1% Asian / Pacific Islander
- 15% were White Non-Hispanic

**Youth of Color are even more over-represented in the delinquency system than their adult counterparts. Of our youth facing delinquency cases:**

- 95% were Children of Color with
  - 81% Black Non-Hispanic
  - 2% Black Hispanic
  - 11% White Hispanic
  - .4% Asian / Pacific Islander
  - .6% Bi-Racial
- 5% were White Non-Hispanic
- 84% were male and 16% were female

Over the past year, to further our efforts to practice antiracism and inclusion in our professional practice, we have been piloting new initiatives to recruit a diverse workforce, especially our attorney class. Our efforts yielded positive results: **50% of our fall class are diverse candidates**. Now we must deploy similar strategies to retain our attorneys and staff of color.

To develop a leadership pipeline and build a culture of racial equity in the office, we began piloting a monthly series of management and DEI trainings on a range of topics, including: **Transitioning into Management; Onboarding New Team Members and Setting Expectations; and Micro and Macro Aggressions**. These trainings are mandatory for our supervisors but also available to staff members participating in our Pathways to Leadership program.

Another key retention strategy is to reduce unnecessary workplace stress, particularly for our attorneys of color. One way we've sought to achieve this is through hosting a series of in-house educational sessions centered on a variety of topics related to racial justice and workplace inclusivity. And evaluating our internal policies and practices, particularly related to benefits, with an equity lens.

We are also working to ensure our attorneys have the skills and confidence they need to succeed. This includes revamping our new attorney training and partnering with the Managing Director's Office to secure federal funds to provide specialized training for our staff representing young people delinquency cases.

## **COMMUNITY LAWYERING, EDUCATION, & OUTREACH**

Last year our office coordinated, facilitated, and staffed over 75 community engagement events and attended countless more. **These include our community office hours, community-based expungement and record sealing events, barber shop-based community education series, school-based programming, Defender led coalition meetings, and community education events.**

Defenders also support the work of our community partners by tabling at resource fairs, attending and volunteering at food distribution events. In November 2022, we launched a special Defender Day series designed to give youth housed at the PJJSC the opportunity to participate in age appropriate activities and connect with community-based service organizations.

## **EXPUNGEMENT AND EARLY TERMINATION OF PROBATION**

Many people face unnecessary barriers and burdens after they've been involved in the justice system. We try to remove some of them by filing requests for the early termination of supervision or petitions for expungement or record-sealing. Last year our office filed 15,010

petitions for record sealing or expungement including 153 through the Promise Record Clearing Community Grant. We also filed early termination of probation motions in 283 cases.

## Conclusion

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We are extremely grateful for the funding we received in 2023. The additional resources enabled us to dramatically reduce staff turnover, which results in better service for our clients and the city's taxpayers.

Now, in the midst of a gun violence crisis, we want to take what we have learned from our interactions with clients and our extensive data analysis to position ourselves as an agency that can help mitigate the factors that contribute to gun violence in Philadelphia. Increasing the Mayor's proposed increase from \$5 million to \$10 million will enable us to expand the programs and supports we provide for our clients and communities, while maximizing the incredible contributions of our attorneys, social workers, mitigation specialists and administrative staff who serve our clients every day.