



First Judicial District of Pennsylvania
COURT OF COMMON PLEAS
OFFICE OF THE PRESIDENT JUDGE

SHEILA WOODS-SKIPPER
PRESIDENT JUDGE

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June 4, 2018

Council President Darrell L. Clarke
City Council
City Hall, Room 494
Philadelphia, PA 19107

Dear Council President Darrell L. Clarke:

Attached are follow-up responses to questions posed during the First Judicial District's Budget Testimony Hearing on April 24, 2018. Please forward these responses to the respective City Council Members or to the Council Body.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Woods-Skipper".

HONORABLE SHEILA WOODS-SKIPPER

SWS:lh



Provided are follow-up responses to questions posed during the budget hearing of the First Judicial District on April 24, 2018.

Question posed by Councilperson Jannie Blackwell

At the Youth Study Center and/or at 48th and Haverford, adults (over age of 18) are being held in detention with juveniles and are being harassed and intimidated by the older individuals. How will Family Court handle this?

FJD Response- The Juvenile Justice Services Center (JJSC) at 48th and Haverford, is a state licensed facility that is operated by the Department of Human Services. JJSC holds in secure custody juveniles with delinquent charges aged ten (10) to twenty (20). Juveniles whose cases were originally heard in the Adult Trial Division and whereas decertification proceedings remanded their cases to the Juvenile Division by order of the Court, may at times also be held at the JJSC. The Rules of Juvenile Court Procedures define JUVENILE as "... a person who has attained ten years of age who is alleged to have, upon or after the juvenile's tenth birthday, committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision." Juvenile Court's jurisdiction extends up to a juvenile's twenty-first (21st) birthday. Least restrictive options are always explored before the Court considers holding a child in temporary secure detention custody.

The JJSC ultimately maintains and provides for the care, protection, and educational services of court ordered youth while in secure detention care and in accordance to the Pennsylvania DHS' 3800 Regulatory Compliance Code. Juvenile Court relies on the Department of Human Services to accommodate and group youth in multiple residential units that are based upon age appropriateness. Any reports of aggressive behaviors amongst youth are investigated by DHS, calls are made to PA DPW childline accordingly for further investigation, youth are immediately separated and subsequently moved to separate units until the conclusion of the investigation.

Questions posed by Councilperson Maria Quinones-Sanchez

How will the FJD FY17 year-end savings will be allocated or reinvested?

FJD Response – the FJD does not have a capital budget and funds its technology advances, equipment purchases and maintenance within its budgeted funds. The allocation of FY17 year-end funds will be used to upgrade the FJD telephone system to VOIP and the planned move of our Adult Probation and Parole Department from 1401 Arch St to 714 Market St. The final amount of these two items has not been determined but our estimates anticipate the amount to equal or exceed the FY17 transfer amount of \$2.3 million.

Is the refusal of treatment (drug or other) monitored?

FJD Response- Treatment for substance dependence is a foundational aspect of Philadelphia Treatment Court (PTC) and the drug court model. All participants pending voluntary entry into PTC are screened by a clinical evaluator, staffed under the Forensic Intensive Recovery (FIR) program managed by Public Health Management Corporation (PHMC), to determine an individualized treatment recommendation. This recommendation is determined utilizing Pennsylvania Client Placement Criteria (PCPC), guidelines identified by the PA Department of Drug and Alcohol Programs. Participants who enter PTC must attend treatment and adherence is

closely monitored by the court via regular reporting and in-court treatment representation. Refusal of treatment attendance may result in sanctions to the program participant. Refusal of medications, whether Medication Assisted Treatment (MAT) or recommended medical or psychotropic medications, does not result in a sanction and participants are never ordered to take medications. In such events, program clinical and case management staff will continue to work to educate, re-evaluate, and monitor participant progress regarding medication compliance. This is accomplished through weekly treatment, case management support, and court status listings.

Categorize the different drug treatments (marijuana, opioids...)

FJD Response- PTC participants, after a full bio-psycho-social evaluation and review of prior treatment history, are prescribed treatment care that ranges from outpatient to in-patient levels of care. In addition, MAT (including Methadone, Suboxone, and Naltrexone), co-occurring services, or trauma counseling is recommended and received, if appropriate. Clinical decisions are made by treatment clinicians that participate in weekly court status listings and provide recommendations to the court on appropriate treatment interventions. PTC works closely with a provider network of approximately 10 treatment facilities and a clinical evaluation and case management staff that services the intensive clinical, ancillary, and legal demands of PTC participants. Treatment planning is conducted shortly after intake at local facilities and individualized to the participant based on core competency and practice guideline requirements required by the Department of Behavioral Health Office of Addiction Services (DBH/OAS). The DBH/OAS also credentials Philadelphia treatment providers and contributes substantial financial support to the program by way of treatment dollars and funding for the PTC case managers and evaluators managed by Public Health Management Corporation.

What is the process of review for Drug Court, Mental Health Court and other specialty courts.

FJD Response- PTC conducts a post plea diversion program. Identification of the pool of potential candidates begins shortly after arrest. As an alternative to incarceration, most defendants are released on special conditions of bail as opposed to cash. The District Attorney's Office targets individuals charged with felony drug offenses; most frequently charges are delivery and possession with intent to deliver. Eligibility is further limited on the basis of a prior criminal record to candidates with a total of no more than two, non-violent prior convictions, including juvenile adjudications and diversionary dispositions. Candidates are assigned a first listing within 10-21 days of arraignment and, at that initial listing, are scheduled to undergo a clinical evaluation by the PTC Clinical Evaluation Unit. Clinical eligibility is dependent on the presence of a primary substance dependence, as determined by PCPC criteria, and all participants that enter PTC are required to attend treatment. Participants and legal representatives are made aware of individualized treatment requirements prior to voluntary program entry.

Is there a plan to increase diversity? Specifically increasing Hispanic hires.

FJD Response- the FJD Office of Human Resources recognizes the need to increase minority hiring within the First Judicial District of Pennsylvania. In an effort to accomplish this goal, the Office of Human Resources will be reaching out to various community organizations and

newspapers / media outlets within the under- represented communities to attend career fairs, post job announcements and discuss future opportunities with the public.

Do we use a matrix to check the performance of all our individual courts?

FJD Response – there is no set criteria for performance of our individual courts. Individual courts have different standards to determine performance and each court strives to be as efficient as possible. Our courts must be transparent, accessible and affordable to the citizens of Philadelphia as every litigant has a right to their day-in-court. There are some performance measures used in various courts such as time to disposition, age-of-pending inventory and clearance rates and our Annual Report outline these outputs along with our caseloads, dispositions and collections.

Questions posed by Councilperson Helen Gym

What is the process Family Court takes to place the youth in out-of-county facilities?

FJD Response- for both dependent and delinquent youth, Family Court attempts to exhaust all the community-based resources available prior to the disposition of placement that may occur outside the county. Considerations of referrals within the county may include foster care, group homes, or placement with other relatives or interested relatives. These contracted providers offer treatment that may include but not limited to, cognitive behavioral interventions, trauma informed care, and associated treatment focused therapy that address youth criminogenic needs.

How many Truancy cases are outstanding?

FJD Response- During the current school year (2017-2018), the School District of Philadelphia (SDP) and the District Attorney's Office have referred 2,921 cases to the Family Court, Truancy Unit. Upon receipt of the referral, the Truancy Unit will schedule the case in one of the four (4) designated regional courts located in the community. The unit issues a citation, notifying the family of the hearing date, time, and location. Prior to the first hearing, a Department of Human Services (DHS) contracted truancy provider, begins to work with and engage the family to identify and eliminate any barriers to truancy. All referrals to the Family Court, Truancy Unit have been processed and there is an active caseload of 654 cases in the regional courts.

How many cases in Family Court start as Truancy and end up as Dependency?

FJD Response- Through-out the regional court process (approximately 120 days) the provider works with the family and progress is monitored at the hearings. At the conclusion of each hearing, the Hearing Officer will make an assessment whether to give the family more time to come into compliance, discharge the case, or recommend DHS file a dependency petition with Family Court. Upon review and investigation, DHS filed 1,205 dependency petitions with Family Court, on cases that may have initially been heard in the truancy regional court in SY 2016-2017. An adjudication of dependency was determined on 845 cases and no dependency in 360 cases.

There is a perception that Philadelphia Probation is providing information used by ICE to arrest immigrants. Is the Courts open to a policy similar to New York City that prohibits Probation from providing information to ICE.

FJD Response- We have met with various immigration coalitions concerning numerous topics from PARS access by ICE to APPD. We have promised to maintain an ongoing conversation to address the concerns of the immigration coalitions. We do not actively contact ICE nor do we have any ongoing collaborations or communications. We do honor any valid ICE warrant or detainer as we would for any law enforcement agency. So far this year ICE has submitted only five (5) requests to detain defendants on probation under our Sexual Assault Unit. We currently do not have any written policy concerning our relationship with ICE just as we do not have any written policy concerning our relationship with any Federal, State or Local law enforcement agency. We do have protocols in place where we must receive a copy of the warrant before we will detain any probationer. Our courts are not familiar with New York's policy nor its basis for any such policy. Currently our courts have no plan to generate a policy similar to what is characterized as New York City's.

Questions posed by Councilperson Derek Green

What criteria is used to determine if a 30% or 3% fee is applied when cash bail is refunded?

FJD Response- PA Rule of Criminal Procedure 535 (D) states:

Unless a motion is pursuant to paragraph (E), within 20 days of the full and final disposition of the case, the deposit shall be returned to the depositor, less any bail-related fees or commissions authorized by law, and the reasonable costs, if any, of administering the percentage cash bail program.

Philadelphia Criminal Division Rule 528 (B) states:

With respect to deposited bail pursuant to subsection A, the Court is empowered by General Court Regulation to designate a minimum sum of money which will be retained by the Court. This sum shall be considered earned at the time the bail undertaking is executed.

Philadelphia Criminal Division Rule 528 (D) states:

Upon the full and final disposition of the criminal case in which defendant has deposited bail in accordance with the Rule, the bail deposit, less the retention amounts provided in subsection B, shall be refunded to the individual who originally paid the deposit.

Administrative Governing Board Administrative Order 3 of 2012 states:

The minimum retention figures designated pursuant to subsection (B) are a fee equal to 30% (thirty percent) of the amount of the deposit or 3% (three percent) of the total amount of the bail. However, the maximum amount retained shall not exceed \$1,500 regardless of the total amount of the bail or the amount of the cash deposit. In no event shall the amount retained by the Court be less than \$10 (ten dollars).

How was the local fee determined?

FJD Response- The 30% figure and the 3% figure are the same amount stated differently. For example, if bail is set at \$1,000.00, 10% of that (\$100.00) is required to be paid to secure the release of the defendant. Upon disposition of the case, \$30.00 would be retained by the Court, which is 30% of \$100.00 or 3% of \$1,000.00. There is no choice between 3% and 30% because they are the same thing.