



Written Testimony for

FY 2026 Operating Budget

DEPARTMENT MISSION

The Defender Association of Philadelphia's mission is to provide high-quality, client- centered legal representation, courtroom advocacy, and a connection to social services. We strive to protect the Constitution, ensure a fair and equitable criminal justice system, and improve outcomes for vulnerable populations.

PLANS FOR FY 26

The Defender Association of Philadelphia's proposed operating budget aligns with the Mayor's One Philly 2.0 top budget priorities because our work is a long-term investment in public safety, ensuring a fair and equitable system of justice, with heightened focus on youth development and economic opportunity for justice system involved people while also prioritizing multi-year contracts with our staff dedicated to serving the needs of Philadelphians.

In FY 2026, with additional investments from the city, we will:

- Negotiate long term collective bargaining agreements with our unionized attorney and non-attorney staff;
- Continue to implement long term recruitment and retention strategies;
- Fully staff a specialized unit to provide civil defense against immigrant family separation;
- Sustain prison population reduction initiatives;
- Expand our pool of social workers to provide additional support for adult clients with behavioral health needs and re-entry support to youth returning home from periods of detention or placement;
- Lower caseloads for attorneys handling specialty or more serious youth delinquency cases to better align with national standards;
- Expand representation of homicide cases from 20% of homicide cases to 40% over the next two years; and
- Anticipate and meet operating cost increases.

AGENCY BACKGROUND

The Defender Association of Philadelphia is a 501(c)(3) non-profit organization established in 1934 to provide criminal defense representation to people accused of crimes who are unable to afford attorneys. Our agency has without interruption contracted with the city of Philadelphia to provide these constitutionally mandated indigent defense services since 1973. Our practice includes the representation of adults and children charged with violations of the Pennsylvania

criminal code including all felony and misdemeanor charges from arrest through appeal, homicides, persons subject to early parole/re-parole petitions and violation of probation and parole hearings and children subject to delinquency proceedings. The Defender Association's work also includes representation of adults and youth involved in involuntary mental health proceedings and dependency proceedings.

While we are an independent organization, nearly all of our funding comes from our legal services contract with the city of Philadelphia. But unlike city agencies, our city budget must also cover all costs associated with benefits for staff, rent, furnishings, building maintenance costs, insurance, travel and technology, as well as costs directly related to representation including but not limited to investigatory and expert services.

Our FY 25 city budget was \$66,497,780. In FY 25, we served **31,827 individual clients** in over **59,000** cases and staffed just over **203,000 hearings**. This includes over **2,900 youth** involved in either delinquency or dependency cases,

We employ **238 full time attorneys**, **4 part time attorneys**, and **278 full time non attorney staff**. We anticipate 15 attorneys will join our team for our fall cohort. On average, our legal staff have 12 years of experience, social service staff 10 years, and investigative staff 12 years—each bringing deep expertise in Philadelphia's criminal, dependency, and delinquency systems.

For FY 26, we are requesting a budget increase of \$15,950,020 for a total base budget of \$82,447,800. This increase will fund a number of essential initiatives, outlined in the sections that follow.

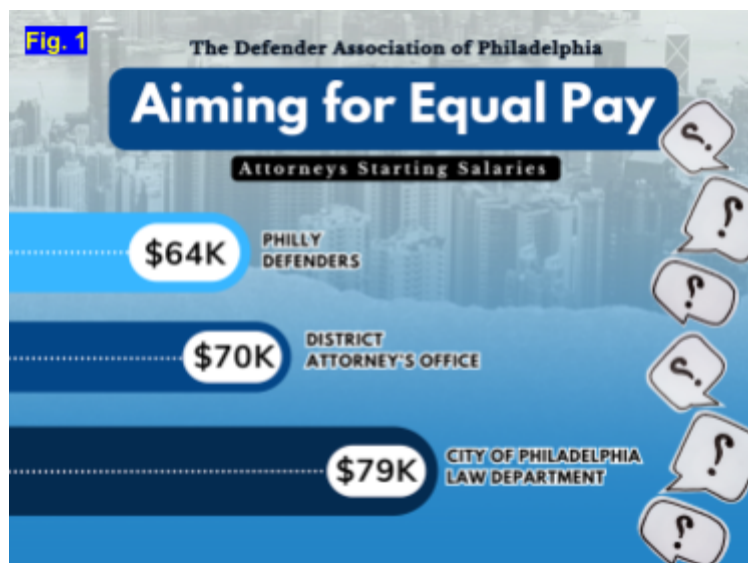
Staff Recruitment and Retention: \$8.2 million dollars.

Philadelphia is a union town and the Defender Association of Philadelphia is a union office. Both our attorneys and non-attorney staff are unionized under the United Autoworkers of America and AFSCME 47 respectively. Like the city, we too seek to negotiate fair multi-year contracts with our unionized workforce. Unlike the city, our FY 26 budget does not set aside \$550 million in labor reserve funds to support this negotiation or the \$12 million in funds earmarked for teachers' salaries.

Negotiations for the attorney contract (effective 7/1/2025) have begun, and our non-attorney staff will hold elections and begin negotiating for their first contract soon. Management simply cannot effectively bargain with the unions without additional funding. Like their counterparts in other city agencies, our AFSCME 47-represented employees play a critical role in serving Philadelphia and its residents.

The funds requested may be used to support work place conditions which may be the subject of bargaining including:

- raising starting salaries to be more competitive with peers (as reference attorney starting salaries at the Law Department are \$79,000, the DAO at \$70,000 and Defender at \$64,000 [Fig 1]);
- seniority pay increases required by the Collective Bargaining Agreement;
- cost of living adjustments;
- hiring additional staff to meet client needs; and
- other incentives including comprehensive benefits packages and training and education opportunities that may be the subject of bargaining.



IMMIGRATION DEFENSE UNIT: \$1,500,000

An estimated 40,000 - 45,000 Philadelphians are at risk for detention and deportation, a number likely to increase if immigration practices continue to change. And if current trends continue most of them will navigate the exceedingly complex immigration court system without the assistance of an attorney. Since October 2019, **65% of the 102,671 deportation cases processed by Philadelphia Immigration Court were unrepresented individuals.**¹

Immigration law is extremely complex and can be impossible to navigate without the assistance of an attorney. This is especially true for young people, who require additional legal support to prevent unjust separation from their families and communities. Starting in 2019, Philadelphia launched a small pilot program, the Pennsylvania Immigrant Family Unity Project (PAIFUP), to provide free legal representation for those facing deportation; essentially a public defender system for immigration.

This project has represented over 200 non-citizens in a wide variety of cases and results in release or removal protection at two to three times the rates of those without counsel. The annual contribution from Philadelphia now stands at \$500,000 per year, and more recently, Pittsburgh and Allegheny county have granted a combined \$200,000 towards these efforts. By comparison, however, New York and New Jersey spend \$64.2 and \$8.2 million per year respectively on similar programs.² And we know legal representation has significant impacts on

¹ Executive Office for Immigration Review, "EOIR Case Data (October 2024)," database (Falls Church, VA: Executive Office for Immigration Review), <https://www.justice.gov/eoir/foia-library-o> (statistics yearbook).

² See Vera Institute, Apr. 20, 2024, <https://www.vera.org/newsroom/nys-budgets-immigrant-services-funding-shortfall-jeopardizes-family-protection-community-stability>, New Jersey, Dep't Human Serv. Memo, June 12, 2024, https://pub.njleg.state.nj.us/publications/budget/governors-budget/2025/dhs_follow_up_response_sba.pdf.

case outcomes. For example, among people who were initially detained, 45 percent of clients were released from custody, either on bond or at the conclusion of their legal cases, allowing them to stay within the community and with their families or jobs. Additionally, representation enables our clients to effectively raise their legitimate defenses, with 70 percent of clients applying for some legal defense against deportation, and among these people, 80 percent pursued protection-based claims for relief, like asylum.

Until now, the Defender Association's role in immigration defense has centered on meeting our constitutional mandate to advise clients pending criminal charges of the potential immigration consequences related to their criminal case. In this role, we have shared staff with NSC and become part of a coalition of agencies providing immigration support to Philadelphians at risk for detention or deportation. Now, with the support of HIAS and NSC, Defender is prepared to take on more of this work. It is the joint request of all coalition members for the city to increase the funds annually directed to PAIFUP and provide them directly to the Defender Association in the upcoming fiscal year.

With the proposed funding, we will be prepared to hire additional staff and build an Immigration Defense Unit. Using a universal representation model, the unit will provide direct legal services to PAIFUP-referred residents, workers, and students in Philadelphia who face detention or deportation. Removal defense is challenging and time consuming. A single lawyer can handle roughly 25 detained client cases per year along with many more non-detained clients. While our request will not meet the full demand, it is a critical step toward protecting the rights of the Philadelphians at risk.

With additional resources, consolidating these services within the Defender Association will enhance oversight, improve efficiency, and allow attorneys and staff to specialize. It will also create opportunities for advancement and retention, ensuring experienced professionals remain to provide high-quality legal services long into the future.

Finally, additional resources will allow the Defender Association to hire social workers and investigators as part of a holistic immigration team. These professionals will help ensure immigration courts have a full understanding of each client's circumstances while connecting individuals to services that support stability. By investing in this work, the city protects its workforce, strengthens local businesses, and safeguards the economic contributions of long-standing community members.

JAIL POPULATION REDUCTION STRATEGIES: \$1,750,000

Our strategies to safely reduce the jail population are another component of increasing public safety and economic opportunity. Because we know even brief periods of unnecessary detention can have long lasting negative consequences, including job loss, family disruption, and housing instability, we have a number of initiatives dedicated to safely reducing the jail population. These initiatives have been critical in ensuring a safe reduction of the prison population which remains critically understaffed. It is through our work -without additional

resources- in partnership with the Courts and the District Attorney's Office that has led to a significant reduction in the population.

Early Bail Review (EBR) and Emergency Bail Hearings (EBH)

EBR and EBH provide a second or third and more thorough review of the pretrial population, particularly those facing relatively less serious cases. The Defender provides stabilizing social services to our clients who participate in EBR and EBH. These services support smoother transitions into the community and workforce. By reducing detention, particularly for those facing lower level offenses or detained on out of county detainers, we can help mitigate adverse consequences of detention by giving people a better chance to avoid re-arrest and successfully reintegrate into society.

In four months of EBH, our office presented 200 individuals for the courts review for emergency release. Thanks to our efforts, the court reduced bail or dismissed charges in 178 cases. Since then, 56 of those individuals have fully resolved their cases. Importantly, 48 people who likely would have remained in jail had their charges dropped or dismissed (nolle prossed).

Similarly our Early Bail Review program provides an interim review of whether individuals with relatively low level offenses should remain incarcerated pending the adjudication of their case. This is a high volume practice for the Defender—we prepare **over 400 early bail review hearings every month**. Our office has an expedited interview process in place for clients eligible for the early bail review hearings, and one of our most experienced social workers works to connect hundreds of clients with high needs to social services prior to their hearing.

Funding for this project was initially provided by the MacArthur Safety and Justice challenge. Since 2016, this project has been supported by an additional contract for services with the Managing Director's Office - as part of a portfolio now overseen by the Office of Public Safety. It is our understanding that while all other city agencies that participated in the MacArthur Safety and Justice have had those funds sustained as part of their city budget, our funding for this initiative will end on June 30, 2025.

As noted [in a letter of support from Administrative Judge Joffie C. Pittman](#), EBR and EBH have been instrumental in reducing unnecessary pretrial detention and connecting hundreds of people to services that promote successful reentry. This endorsement underscores the urgency of sustaining this funding beyond June 30.

Alternatives to Incarceration

Our Alternative Sentencing Unit plays a critical role in safely reducing the jail population by advocating for faster review of individuals held on technical probation violations. Many of these individuals are eligible for shorter sentences under Act 44—a reform championed by Chairman Jordan Harris. By ensuring these reviews happen promptly, we help prevent unnecessary incarceration and support more efficient use of jail resources.

The unit also helps people get off probation early when they're eligible, including under Act 44. By supporting early termination, we reduce unnecessary supervision and ease the burden probation places on individuals and their communities across the city.

Recently, the Alternative Sentencing Unit has also stepped into re-entry work, representing over a dozen clients, and successfully obtaining release for two in their pursuit of early release from the jail on parole.

Wellness Court

The jail population reduction funds will support the continuation of existing pilot programs and potential expansion for Kensington Wellness Court. The Wellness Court pilot is currently staffed by our First Assistant and our Managing Director of Pretrial, an unsustainable arrangement in the long term. Additional funding will ensure we will be able to staff any expansion sufficiently and cover any unanticipated technology costs related to these projects.

This investment will also enable us to provide additional dedicated attorneys and social workers for clients with behavioral health issues (including but not limited to those involved in the Kensington Wellness Court), which are often exacerbated by incarceration. **Last year, our office made 2,507 referrals (2,335 unique clients) to the Forensic Intensive Recovery program.** Because our clients experience long wait times for their FIR evaluation, our office has been working to expedite evaluations for clients for whom we can find direct services. We also made 1,685 referrals for community based supportive services. Notably, 45% of these referrals were for mental health or substance abuse treatment.

Even if the Wellness Court initiative is not expanded, addressing our clients behavioral health needs remains a top priority for our office. We anticipate a renewed focus on court's problem solving courts with a special focus on diverting, deflecting, or offering alternatives to incarceration for people with behavioral health needs who enter the system and will need additional social workers for our adult social services team to continue to move towards a case management model for our clients with behavioral health needs.

Currently, we staff the city's pilot project with two attorneys who are essential to daily operations at Defender: our First Assistant Defender; and our Managing Director of Pretrial. If the pilot project continues or expands, this temporary solution will be ineffective. We will need additional funding to dedicate specialized staff to this role.

Recently two members of our office were recognized as [unsung heroes by Federal Judge Gerald McHugh](#) for their work to decarcerate the jail through these various programs.

YOUTH JUSTICE WORK: \$500,020

Thanks to City Council's investment into our Child Advocacy Unit, I am pleased to report that we've been able to reduce caseloads to at or below the national standards. We can now represent young people throughout the city, and staff every dependency courtroom—something

we were not able to do prior to three years ago. We are looking for a similar but much smaller investment for youth in crossover court and/or delinquency proceedings.

Our Juvenile Special Defense Unit is a highly specialized team that represents children charged in adult court, and also youth facing certain serious felony charges in delinquency court. The unit currently has 6 lawyers. Last year, **JSDU represented 77 new cases of children charged as adults this year and an additional 813 delinquency cases** that require specialized services. JSDU attorneys each handled between 100 and 130 cases per year—far exceeding the recommended caseload limits for serious delinquency cases, let alone those involving youth tried as adults.

Now more than ever, as we see a return to harsh, punitive treatment of youth—especially Black boys—we must reduce attorney caseloads and increase mitigation support. Although fewer youth are being charged as adults overall, the approach to these cases has become more punitive and less focused on rehabilitation. Two years ago, 95% of non-homicide cases involving youth charged as adults were either dismissed or sent back to juvenile court, with just 3% ending in adult convictions. Last year, that dropped to 82%, while adult convictions rose to 17%.

This investment will cover the salary, benefits, and technology needs of one experienced attorney and four full time mitigation specialists. The additional mitigators will enable our attorneys to present more complete pictures of the clients our attorneys represent, while providing re-entry services to support youth returning home from placement and/or incarceration at the juvenile detention center.

Last year city wide 1,379 children facing delinquency cases spent at least one night in the Juvenile Justice Services Center.

- 86% (1195) of the youth were from Philadelphian youth.
- 85% are male
- 82% are Black
- 14% are Latino

More than a third had a history of involvement in the dependency system. But that number doesn't capture children who received DHS services without a formal court case, or those growing up in neighborhoods with high rates of violence, deep poverty, and limited access to behavioral health care. Similarly, of the children who spent one night in the detention center, over a third (citywide) had a second admission to the detention center in the same 12 month period. **We believe this re-admission reflects the need for more effective trauma-driven case management and re-entry support upon release from the detention center** and are prepared to launch a re-entry program, similar to the one we've recently launched for adults seeking release on supervised parole.

Our youth re-entry services help young people and their families adjust to their return home and avoid re-arrest and recidivism. These services include connecting youth with mentors,

education, job training, and mental health support to give youth the tools they need to participate in the city's economy and avoid future involvement with the delinquency and criminal legal systems.

HOMICIDE EXPANSION: \$1,500,000 FY 26 AND FY 27.

Since 1993, the Defender Association has been handling 20% of homicide cases, while 80% of homicide appointments go to private counsel and court-appointed counsel. With an investment of \$3,000,000 over two years, we propose that the Defender Association's allocation of appointed homicide cases be increased to 40%, gradually over the next two fiscal years. [This letter of support from Supervising Judge Rose Marie Defino-Nastasi](#) underscores our assertion that this long term investment which ultimately will result in a better defense, fewer errors, fewer wrongful conviction lawsuits, and built in accountability for people facing homicide charges in the city of Philadelphia.

OPERATING COSTS: \$2,500,000

An additional \$2,500,000 of our requested budget reflects the actual and projected increases to the types of expenses city agencies do not incur [Fig. 2]. Typically, these cost increases are unknown during the regular budget cycle and are requested via mid-year transfer ordinance. The Defender Association has received only one mid-year transfer ordinance in the last decade. The amount requested includes actual FY25 and projected FY26



increases in operating costs such as insurance premiums (*covering health, unemployment, liability, premises liability, malpractice, and cybersecurity*), investments in our IT infrastructure (*such as licensing, software, hardware, digitization, cloud storage, and upgrades to our case management systems*), and rising building maintenance and operating costs (*including annual lease-mandated rent increases, property tax payments, common area maintenance, utilities, telecommunications, pest control, shredding, and file storage*).

Specifically, our office Defender Association is facing significant increases in operating costs for line items that, unlike other city agencies, are not covered by the City of Philadelphia. These

escalating expenses, which totaled \$1.58 million last year alone, are necessary to maintain essential services and continue our commitment to public safety and justice.

Key components of these operating costs include increases in:

- **Health/Benefits and Wellness Costs** : We incurred a \$680,000 increase in FY25 in the cost of benefits, including health insurance renewals, mental health support, and transit subsidies and we anticipate an additional \$383,000 in increases for FY26. These costs are critical to maintaining a healthy and effective workforce, which is essential for our ability to deliver on our mission.
- **Rent and Common Area Maintenance (CAM) increases:** We have incurred lease-mandated rent increases of \$410,000 and increases to our CAM charges, which are actual costs passed on to us from our landlord of \$124,000, for a total of \$534,000. We also paid \$330,000 in property taxes to the City of Philadelphia.
- **Technology Infrastructure:** Our technology needs have also expanded, with \$255,000 required annually for IT consumables and an additional \$648,000 for critical expenses such as file server backups, phone system replacements, and other necessary IT purchases. These upgrades are vital for protecting sensitive client data, ensuring compliance with regulatory standards, and maintaining operational efficiency.

Without this funding, the Defender Association will struggle to meet these rising costs, compromising our ability to provide high-quality legal defense and jeopardizing the broader public safety framework. This funding is not a request for new initiatives but a necessary measure to cover unavoidable expenses that ensure our continued function and service to the community.

CONCLUSION

As always, City Council faces difficult decisions, and we recognize that resources are limited. But as you weigh our request, we urge you to compare our budget to similar agencies fairly. Unlike city departments, we must cover our own insurance benefits, retirement contributions, building expenses, property taxes, and technology costs—expenses city agencies do not bear. While our request may appear high, we ask that you consider the rising costs we all face—whether in your own homes or small businesses—from property tax increases to the growing price of essential services. We are also significantly out of step in our starting salaries which is detrimental to our recruitment and retention efforts and impedes our ability to effectively represent our clients.

This investment is not about organizational growth; it's about ensuring that every Philadelphian—regardless of income, language, or immigration status—has access to high-quality legal representation and a justice system that lives up to its name.

