COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, May 1, 2012
10:30 a.m.

PRESENT:
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA

BILLS 120164, 120165 and 120166
RESOLUTION 120167

- - -

COUNCILMAN GREENLEE: Good morning. This is a continuation of the public hearing of the Committee of the Whole regarding Bill Nos. 120164, 120165, 120166 and Resolution No. 120167.

I would ask Ms. Lewis to please read the titles of the bills and the resolution.

MS. LEWIS: Bill No. 120164, an ordinance to adopt a Capital Program for the six Fiscal Years 2013 through 2018 inclusive.

Bill No. 120165, an ordinance to adopt a Fiscal 2013 Capital Budget.

Bill No. 120166, an ordinance adopting the Operating Budget for Fiscal Year 2013.

Resolution No. 120167, a resolution providing for the approval by the Council of the City of Philadelphia of a Revised Five Year Financial Plan for the City of Philadelphia covering Fiscal Years 2013 through 2017, and incorporating proposed changes with

respect to Fiscal Year 2012, which is to be submitted by the Mayor to the Pennsylvania Intergovernmental Cooperation Authority (the "Authority") pursuant to the Intergovernmental Cooperation Agreement authorized by an ordinance of this Council approved by the Mayor on January 3rd, 1992 (Bill No. 1563-A), by and between the City and the Authority.

COUNCILMAN GREENLEE: Thank you.

The first office today is the First Judicial District. If the members could come up. It looks like we have a visual to help us today. And I'm sure the members will be coming down soon.

(Witnesses approached witness table.)

COUNCILMAN GREENLEE: Good morning, everyone.

(Good morning.)

COUNCILMAN GREENLEE: If you could identify yourself for the record,

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please, and proceed.

MR. WASSON: Yes. Good morning. I'm David Wasson, Court Administrator of the First Judicial District, Councilman. With me is the Honorable John Herron, Administrative Judge for the Court of Common Pleas Trial Division, Chair of the FJD Administrative Governing Board, and Kevin Cross, Chief Financial Officer.

COUNCILMAN GREENLEE: Good morning.

(Good morning.)

MR. WASSON: We just have two pages of highlights of our testimony. If it pleases Council, I'd like to present that at this time.

COUNCILMAN GREENLEE: Absolutely.

MR. WASSON: So with Council's indulgence, I'll give a brief summary of who we are, highlight some of our many accomplishments in FY12 and share several initiatives for FY13.

The Philadelphia Courts are the third branch of Council government and consist of three courts; namely, the Court of Common Pleas, our general jurisdiction court; two limited jurisdiction courts, the Philadelphia Municipal Court and the Philadelphia Traffic Court.

We are 125 commissioned judges, 14 senior judges, six Arraignment Court Magistrates and 2,500 full- and part-time employees. We adjudicate more than 400,000 cases annually and supervise about 60,000 adult and juvenile offenders. The cases we hear range from capital homicide and complex mass torts to small claims and traffic citations.

We are a diverse court. The racial makeup of our non-judicial staff is 38 percent African American, 54 percent white, 7 percent Hispanic and 1 percent other. Our M/W/DSE participation has increased in each of the last five years from 35 percent to 46 percent, and

our largest service contract is awarded to a M/W/DSE business, our core mental health contract.

We have many accomplishments in FY12. I'd like to highlight a few.

Our nationally recognized Mortgage Foreclosure Program helped more than 4,500 homeowners stay in their homes. This program will continue without change in FY13. We're pleased to announce that.

Community Court expanded from one location in Center City to five neighborhoods throughout the entire City under the Accelerated Misdemeanor Program, which is a special diversionary program for the low-level offenders.

The Clerk of Courts, formerly the Clerk of Quarter Sessions, is now fully integrated into the FJD. Ninety percent of CQS employees transferred to the FJD, and the remaining 10 percent are made up of retirees and those who have accepted other positions with the City.

Our Clerk, Joe Evers, is making aggressive moves to modernize its operation by implementing paperless courtrooms and e-filing this fiscal year. Such innovative initiatives increase our sustainability and help us to meet our goals to create an eco-friendly work environment.

For the children, more than $178 million was collected in child support by our Support Court.

The Release to Electronic Monitoring Program began its pilot for the early parole of 200 inmates to the community on house arrest with ankle bracelets.

And criminal court reforms continue at an unprecedented pace. Thanks to all the justice partners involved, not just the Courts, it is a collaborative effort, and here are highlights of some of those.

Collections of court assessments continue to increase, and the

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amount turned over to the City, including grants and civil receipts, accounts for 77 percent of our entire FJD budget.

Bail judgment initiatives, which began two years ago, have collected about $2 million a year and vacated another $1 million a year. We have a way to go with this, but are making steady progress.

Our bail guidelines are being completely overhauled, and the regulations for corporate sureties have been amended in order to encourage more participation by private companies.

A new Bench Warrant Court opened its doors on April 16th, 2012 to address the defendants who perpetually fail to appear for court and restore respect for the conditions of pretrial release.

And, finally, the first full year of Zone Courts significantly improved efficiencies by saving millions of dollars in police court overtime and

by adjudicating cases more timely and on the merits. And while we closed Gun Court due to funding issues, which is a concern of several Councilpeople, the cases formerly assigned to Gun Court were adjudicated in Zone Courts at a higher rate than before, and offenders are being now supervised by probation officers in their appropriate risk category.

Moving on to civil and family courts, our civil and family courts are nationally recognized for best practices. We have met our goal of an average for one year of processing cases, and overall this has eliminated our backlog. These accomplishments are a testament to the professionalism and hard work of our judiciary and staff.

We will strive to improve upon these accomplishments and others in FY13. We have requested funding for ten additional initiatives in FY13. And while we have addressed these with the City, the Administration, due to

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budgetary concerns, we have dropped all but three, and I'll highlight those now.

First and foremost, our probation officers' salaries require some attention. We seek 408,000 in additional Class 100 funds to bring their salary range into parity with surrounding county probation officer and other similar City positions.

Second, as offender supervision is a key component to public safety, our officer caseloads are dangerously high. We cannot afford to lose even one officer. However, this year, certain ARRA funding -- next year, I'm sorry, ARRA funding for probation officers is expiring, so the City has already agreed to fund $500,000 of this amount, and we are grateful.

Third, and most significantly, the City and the FJD have agreed to return $8.8 million in counsel fees to the City. It is the City's executive responsibility, not the judiciary's, to

fund all indigent counsel expenses, not just the Defender contract. The FJD has agreed to continue to process the attorney payment vouchers for as long as necessary in FY13 to ensure a smooth transition.

Thank you very much for the opportunity to highlight our testimony. On behalf of the Philadelphia Judiciary, AGB and employees of the FJD, we respectfully seek City Council's consideration and approval of our FY13 General Fund budget request, as amended, of $101,370,323 and Grants Revenue budget request for $55,124,937.

We will take your questions immediately following just a very short, brief two-minute video to highlight one of our key courts, our Philadelphia Veterans Court, and if it pleases Council, we would like to present that at this time.

COUNCILMAN GREENLEE: Sure. Go ahead. We like visuals.

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(Video played.)

COUNCILMAN GREENLEE: Thank you. And that Veterans Court is a great idea. To recognize what those men and women have done is very important, and to give them some special attention makes a whole lot of sense.

MR. WASSON: Thank you. We appreciate your support.

COUNCILMAN GREENLEE: I appreciate your testimony.

I just had a couple of questions regarding the bail that you talked about. You mentioned that $2 million has been collected, about another million dollars vacated. You say we still have a way to go. Can you define a little "way to go" a little bit more? How much are we talking about there, real money?

MR. WASSON: There's a billion dollars in outstanding debt.

COUNCILMAN GREENLEE: A billion?

MR. WASSON: A billion dollars, going back to the 1970s. We started this project several years ago at the request almost of Council and the City. No one was going after this amount. It was the Clerk of the Quarter Sessions' responsibility at that time, and the Court decided to pick up this daunting task.

The $2 million -- we've been collecting 2 million a year. So since we started, we're over $4.4 million, moving our way up to $5 million. It's anticipated that, best-case scenario, we'll collect 4 percent, which is $40 million, and this will be over time. It won't be in the next year, unfortunately. We try very hard to do that.

COUNCILMAN GREENLEE: So 40 million total as time goes on is what you think?

MR. WASSON: That's our best estimate at this time and what the experts have said we could for this old

debt and this type of debt and the type of debtors that we have.

COUNCILMAN GREENLEE: Sounds like our real estate taxes.

MR. WASSON: We're working very hard to collect every court assessment that the Courts have ordered to ensure compliance and get as much money back to the City as possible.

COUNCILMAN GREENLEE: Okay. I appreciate that. And I know a lot of those people are probably long gone and you can't really find them anymore, right?

MR. WASSON: Yes. We're finding that we can't find them.

COUNCILMAN GREENLEE: I got you.

And, again, sticking on the bail issue, you talk about the overhaul of the bail guidelines. Could you give a little more detail as far as what that is? Or if that's a long answer, maybe you can just submit what those changes

are as far as the overhaul.

MR. WASSON: The guidelines are over a decade old. They were scientific guidelines by Dr. Goldkamp of Temple. It's time to refresh them.

We are doing another scientific evaluation called a random forest evaluation to determine the risk level of defendants. We're starting that as we speak. That will be an ongoing process. It will take months, maybe even a year or more to do that. But it's scientific based, not clinically based. And a lot of our new initiatives on how we supervise offenders and our caseloads are based on scientific methods.

So that will change how we categorize risk level and offenders, and based on their risk level and their offense, that will change the options available to them for pretrial release. So that's all being developed. We don't know where that's going exactly. One change that was made, however, by Judge

Herron and the AGB is to encourage private bonds companies, private sureties to write more bail in Philadelphia. Their claims are that they have a higher success rate at making their clients show up for court. So our regulations governing that have already been changed to allow more companies to write in Philadelphia. We'll see how that goes as well.

COUNCILMAN GREENLEE: So it's sort of still a work in progress?

MR. WASSON: Work in progress, but that is a key initiative of the criminal reform initiative going on right now.

COUNCILMAN GREENLEE: Okay. Thank you. I just have one more question. I know other members have questions.

Your Mortgage Foreclosure Program, I think you stated it's helped more than 4,500 homeowners stay in their homes. Do you have any estimate in FY13

how many people you think you can help and how long do -- is there a time -- how long you intend to run the program? Do you have a forecast? Is it a continuing program, do you see?

MR. WASSON: I'll pass this to Judge Herron.

COUNCILMAN GREENLEE: Sure, Judge.

JUDGE HERRON: We really don't know how many homes we can save, as you put it. The program is extraordinarily well received and respected.

COUNCILMAN GREENLEE: Right.

JUDGE HERRON: It is unchanged at this point. We attempted for a period of time to consider introducing a case management order, as we do with all civil cases. The ABA standards are simply not met without a case management order, but we heard the concerns expressed by the community with regard to having a case management order and decided not to proceed in that fashion but to continue

the program unchanged.

We at this point are hoping that the housing crisis will abate, as we all hope, but it's unpredictable, obviously.

COUNCILMAN GREENLEE: Sure. No; I understand. Okay. I appreciate that, and I appreciate -- I know a lot of people had concern about that program. So it's good to see it for at least immediately it's staying put.

Thank you.

Councilman Oh.

COUNCILMAN OH: Thank you very much, Mr. Chairman.

Good morning, Mr. Wasson.

MR. WASSON: Good morning.

COUNCILMAN OH: In terms of the transfer of monies, $8.5 million back to the City, that's currently in discussions; is that correct?

MR. WASSON: As of 9:00 a.m. this morning, we have an agreement with the City --

COUNCILMAN OH: Okay.

MR. WASSON: -- that they'll take it back, they'll take 8.8 million back and run the program.

COUNCILMAN OH: So at this point in time, the City, through the Mayor's Office, is going to provide the payment process for counsels who provide indigent services; is that correct? Or could you let me know what's going on?

MR. WASSON: That's correct. Exactly how they're going to do that, whether it's under the current system of the guaranteed fee system, which is a pay per case basis, or -- they have a range of options. They may not follow -- it's up to them how they want to do it. We will continue under the GFS until they have come to a determination of how they want to do it. So the Courts will still process the payments, which means payments will be paid timely. The process to the attorney will be seamless, unless and until the City embarks on

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another way to --

COUNCILMAN OH: In terms of selecting counsel, will that remain with the judiciary or will that be shifted over to the executive branch as well?

JUDGE HERRON: The Courts will continue to appoint counsel. That has always been recognized as, first and foremost, the responsibility of the court. All we're doing is changing the end game a bit so that the City will make direct payment to counsel as opposed to the court making payment out of its own budget. But the processing of the fee petitions by court-appointed counsel will be handled by the First Judicial District until the City is ready to accept that function itself, and we anticipate that occurring within a year or so, perhaps sooner.

COUNCILMAN OH: Okay. In terms of looking at the work product of the attorneys involved, will there be some kind of guidelines or will there be some

type of evaluation for the City to look at or is it really just going to be that the City receives the money and when the bill comes in, the City pays it?

JUDGE HERRON: I don't anticipate that there will be any change whatsoever in the current practice of appointing counsel. As you may know, lawyers are assessed in terms of their qualifications by the Bar Association committees, and they review the lawyers' credentials and qualifications and then categorize the lawyers as capable of performing certain types of representations, waiver trials, felony trials, misdemeanors, Traffic Court offenses and so forth, all the way up to capital cases, and of course, there is a Supreme Court rule to qualify capital case lawyers, Rule 801. All of those processes for evaluating lawyers' ability to handle those level of cases will be conducted by the court and will not be passed along. There may be processes put

in place by the City later on, similar to those establishing the Defenders Office, but that will be a City initiative, not a court initiative.

COUNCILMAN OH: Thank you very much, Judge Herron.

JUDGE HERRON: You're welcome.

COUNCILMAN OH: The next question that I have has to do with our dealing with persons incarcerated or held in our system and your thoughts on our City's efforts, which we can't do without the court system in some type of fashion -- I know the Courts are independent, and should be that way, but our efforts to look at day reporting or boot camp type programs or some type of alternative sentencing or holding of persons that are anticipated go to court, low risk, low risk of flight, that type of thing, so that we could move and clear up some of our secure facilities for more violent offenders. Is that something that is anticipated or welcomed or not

welcomed by the court?

JUDGE HERRON: Well, we have a number of programs that are focused in that way, and they're always welcomed. One of the most recent ones developed with the City's support has been the REM program, Release on Electronic Monitoring, and we have -- the City has funded 200 electronic monitoring units for a population of sentenced individuals where the sentence would be six months or more and for certain categories of offenses. And the concept there is just as you described, it is to relieve the City prison population by using an alternative sentencing mechanism, and it requires, of course, judge approval in individual cases and then judicial supervision of that specialized electronic monitoring during that individual's sentence. But it will be a sentence served in the community and not in the prison, which is, of course, what you're suggesting we ought to look at,

and we are looking at that all the time.

COUNCILMAN OH: All right.

Thank you very much, Your Honor.

Thank you, Mr. Chairman.

COUNCILMAN GREENLEE: Okay.

Thank you, Councilman.

Councilman Squilla.

COUNCILMAN SQUILLA: Good morning, gentlemen.

(Good morning.)

COUNCILMAN SQUILLA: I'd like to piggyback a little bit on Councilman Oh's questioning on the electronic monitoring, which I think is a great idea. Is there any idea -- I know you said 200 people I guess as a pilot program -- of the savings that would generate from not housing the 200 people? Is that something that has been done, or no?

MR. WASSON: That's a fun question.

COUNCILMAN SQUILLA: That's a fun question?

JUDGE HERRON: There are ranges of answers we could give you and they range from $114 for the first day of processing to far less per day. I honestly can't tell you what that number is, but the cost of electronic monitoring is clearly far less than a day's cost of incarcerating an individual. And while I mention the 200 REM units, that, of course, is a small proportion of the total electronic monitoring units we have. We have 900 others that are in place constantly and being monitored by the Pretrial Unit. So we have at this point 1,100 electronic monitoring units available for a population, and we are aware that there's interest in increasing that number, but it will always come back to an issue of the level of support required for that additional number of electronic monitoring units.

MR. WASSON: And that number is increasing every year. When I started nine years ago, we had 400 people on

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electronic monitoring. So now we're pushing 1,100. So we continue to increase and look for new ways to incorporate that technology.

COUNCILMAN SQUILLA: I think that's great. And also I know we used to have, I guess, in the past the Community Court and now it seems like we're going more toward the neighborhood court system and maybe going more toward actually using community service as, I guess, a way to calculate time for inmates or people who have committed a crime.

Is there any plan to do that with partnership with the City to have the community service people actually go out and perform duties within the City to help the City out in some areas?

MR. WASSON: We're certainly open to that. I don't know any comprehensive plan at this point, but we do have community service hours. They're not credit against the fines and costs, which some jurisdictions do. I'm not

sure if that's what you're referring to.

COUNCILMAN SQUILLA: Yes.

MR. WASSON: But that would be an option that could be presented.

Community service is a big part with many partners, in our AMP program, which is now with the Community Courts, and if we can expand that, the judges certainly have been receptive in the past to those types of things.

COUNCILMAN SQUILLA: I think that's a great idea. I mean, working before I was the Councilperson, we worked in some neighborhood groups where we had community people who needed community service time and actually came into the playgrounds and cleaned up and cleaned alleys and lots, and even speaking to them during the process, it actually made them feel good about themselves. They were giving back to the community. These were people who actually lived in the neighborhoods that they came back to. So it was sort of a win-win all the way

around, and if we could find a way maybe to reduce some of their time for community hours that they perform, I think it would be a great way to even limit the cost to the City, plus benefit them in cleaning up some of our properties. I mean, if I could help you or work with you on that, I would really enjoy being a part of that process.

MR. WASSON: Great.

COUNCILMAN SQUILLA: Thank you.

COUNCILMAN GREENLEE: Thank you, Councilman.

And if I could just piggyback on that for a minute. I certainly agree with what Councilman Squilla said. I think community service really makes sense all over. And just talking about community, Community Court, I know you said now it's going to be in five neighborhoods. Can you tell us where they're going to be?

MR. WASSON: That is a very good question. I don't have that off the

top of my head right now. Mr. Cross does --

COUNCILMAN GREENLEE: If you could forward that to the Council President's office, we'll get that, because I think a lot of people are interested in knowing -- every District Councilperson probably wants one in their district. As long as it's in the City, Councilman Kenney, Councilman Oh and I are okay and Councilman Goode, but if you could get us the specifics, we'd appreciate it.

MR. CROSS: Councilman, Kevin Cross. I do know that they are aligned with the police divisional units. So they're in the Southwest District, the South District, the Northeast, the Northwest, but we'll get you the actual detail.

COUNCILMAN GREENLEE: If you could get the exact, we'd appreciate it. Thank you.

MR. CROSS: Yes.

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COUNCILMAN GREENLEE:

Councilman Henon.

COUNCILMAN HENON: Thank you, Mr. Chairman.

Welcome, Your Honor, David and panel. Thanks for coming in today. I wanted to echo what Councilman Squilla had said about the community service aspect of in lieu of fines or in addition to community service in the neighborhoods. I have had some ongoing discussions, and this goes to a bigger picture and the restructuring of the Courts, which you guys have been doing a very good job at, and it's more of a -- it's a more effective way I think to stop behavior in some of our neighborhoods. I've been speaking with president judges in the Courts regarding community service when it comes to specialty courts, such as trying to entertain the thought of a Quality of Life Court. That affects our neighborhoods and dealing with some of these ongoing habitual violators and

offenders and having them in turn give back to the community that they're stealing from, robbing and contributing to blight in our neighborhood. So I'm very happy and pleased to be dealing with the First Judicial District on a lot of those conversations and hope they continue in a positive way.

You had mentioned -- well, I mean, what can I tell you about the Veterans Court and some of the specialty courts. So I applaud you on that.

If you could provide to the Chair at another time the cost savings that some of these specialty courts and restructuring some of the systems have provided to the First Judicial District and the City of Philadelphia, I would appreciate it, because it seems like you're doing a very good job -- you're doing a lot in a short period of time, let's just say that, in some of these specialty courts. So I hope they continue. I hope that this Council body

is a part of your effectiveness and trying to relate to the communities. And this electronic monitoring, there's no doubt about it that there will be cost savings as you move through with the pilot program. There most definitely will be savings as a result of that.

So we look forward to next year seeing those cost savings as you move forward, as we all move forward, and look forward to working with you on a lot of quality of life issues.

MR. WASSON: Happy to provide that to you, Councilman.

COUNCILMAN HENON: Thank you.

COUNCILMAN GREENLEE: Thank you, Councilman.

Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Mr. Chairman.

I'd like to get the District's opinion on two issues that have been raised in the press recently, and, that is, one, the use of prosecuting grand

juries in an effort to cut down on witness intimidation and people not showing up for preliminary hearings and the like, and also the use of private bail bondsmen to collect bail when people jump. Just your general opinions on those two issues as it relates to the efficiency of the court or potential efficiency.

JUDGE HERRON: There are a number of interesting and great questions there. I guess to begin with, we are in the midst of a reform effort commissioned by the Chief Justice and Justice McCaffery, and as a result of that reform report, there are a number of measures we're taking now that, frankly, are bold efforts to address systemic problems that really haven't been addressed for quite some time. As a matter of fact, we are just getting performance measures on a number of the criminal justice programs and within the court that allow us a much greater insight and the ability to

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analyze.

So beginning with Bench Warrant Court, for example, which is an initiative to address the FTA rate, the failure to appear rate, it has been one-third, an extraordinarily high percentage of individuals fail to appear. This disrespects obviously the judicial system, the community, the witnesses and all parties to the cases and is extraordinarily expensive to the City in police expenses for police appearances that are wasted. So we have had an average of about 65 bench warrants per day. Since the implementation of the Bench Warrant Court, the average has dropped to 52 per day. It's too early to tell whether this particular initiative will have a continuing effect on changing the culture of failing to appear or not, but we're hopeful.

With regard to the second question concerning private bail bondsmen, it has been shown in many

communities where this exists, Pittsburgh, for example, Allegheny County, that private bail bondsmen perform well. And we are doing nothing more in Philadelphia other than recognizing the success in other communities in Pennsylvania.

As you know, the law allows for private bail bondsmen to perform services in Pennsylvania. Up to this point in time, we've only had one private bail bond company willing to come into this market. I'm hopeful that the recent orders we've issued from the Administrative Governing Board will stimulate other competitive bail bond companies to come into this market. And, of course, they're now required to file not only with the Department of Insurance and so they will be reviewed by the Department of Insurance in Pennsylvania, but they're also required to file with a court and with the District Attorney.

So I'm hopeful that we'll have

adequate supervision over those practices, and whether that proves to be significant in terms of producing defendants for trial or not remains to be seen, but it is, again, a bold effort on our part to try to address that concern.

The other issue is grand juries, and much has been mentioned about that. We don't know what, if any, effect that will have, but the concept is excellent, and if it reduces witness intimidation, we are fully supportive of it. There are certain efforts to redesign the criminal justice system to allow for witnesses who may be intimidated to come in in a separate physical location.

That's just one of many thoughts that we would totally embrace as an effort to combat witness intimidation, which is a nightmare for the community.

COUNCILMAN KENNEY: Good. Thank you, Judge. Thanks.

Thank you, Mr. Chairman.

COUNCILMAN GREENLEE: Thank you, Councilman.

Councilman Oh.

COUNCILMAN OH: Thank you very much, Mr. Chairman.

I was wondering about the legalities of adding a fee to bail, a fee for the City, so that if defendants were given bail, that there would be a fee to reimburse the City some level of cost in each and every case. Could you give me your thoughts on that?

MR. WASSON: Well, there is a fee now, Councilman, that we do charge. It's 3 percent of the total amount of bail or 30 percent of the deposit. We retain that. At the end of the case if there's -- if the defendant shows up for court or otherwise follows the conditions, that's turned over to the City when the refund is issued.

In addition, if the defendant does fail to appear and the case goes into judgment, normally their whole

deposit is forfeited to the City, so that 10 percent deposit is forfeited. So there's the fee for the program, which is 3 percent, and possibly the forfeiture of the 10 percent, if that's what you're referring to.

COUNCILMAN OH: So that being the case, what is the mechanism to increase that to a set -- for example, increase the number?

MR. WASSON: You read our mind, because that's already happened. Under the same order, the maximum was increased from $750 per case to $1,500 per case.

COUNCILMAN OH: Okay.

MR. WASSON: So even with the 3 percent, there was a cap. For a million dollars bail, we weren't keeping whatever that calculation is. The cap was doubled from 750 to 1,500 under Judge Herron's recent order.

COUNCILMAN OH: Okay. Well, thank you very much. That's all my questions.

Thank you.

COUNCILMAN GREENLEE: Thank you, Councilman.

Are there any other questions for the Courts?

(No response.)

COUNCILMAN GREENLEE: Seeing none, thank you all very much. Thank you for coming.

(Thank you.)

COUNCILMAN GREENLEE: Thank you for your patience in waiting.

The next office before us is the Public Defender.

(Witnesses approached witness table.)

COUNCILMAN GREENLEE: Good morning, everyone. How are you?

MS. GREENLEE: Good morning. Well. Thank you.

COUNCILMAN GREENLEE: Please identify yourself and proceed, Madam Public Defender.

MS. GREENLEE: Good morning,

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Councilman Greenlee, members of City Council. I'm Ellen Greenlee, Chief Defender, Defender Association of Philadelphia. It's my pleasure to appear before you in support of the Association's fiscal request for 2013. On my left, my First Assistant Charles A. Cunningham, and on my right, one of our Assistant Controllers, Kristen Muhl. That's M-U-H-L, Muhl.

It is indeed a pleasure to appear before you today to present our appropriation request and to thank you for your continuing support and encouragement of the work of the Association in representing Philadelphia's poorest citizens charged with criminal offenses, those with mental and emotional problems in both civil and criminal hearings, and also through our Child Advocate Unit, thousands of dependent children in contested custody matters, many of whom are the victims of abuse and neglect. You will have only to

read the newspapers these days to understand the gravity of the work that our child advocates do.

We are justifiably proud of the work of our organization and the dedication of all our staff, and we invite the members of Council, especially the newest members. We have had the pleasure of meeting Councilwoman Bass in her office and having a chat with her. We invite you to come visit our office at any time and/or to observe our attorneys representing your constituents in the Criminal Justice Center and Family Court. Mr. Cunningham is a wonderful guide to introduce you to our work in the courtrooms, I assure you. He's had a lot of experience.

The Administration has proposed an appropriation of 36 million and change for Fiscal Year 2013, the same amount appropriated for this fiscal year. This amount is not adequate for Fiscal Year 2012 and clearly will not suffice for

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Fiscal Year 2013. We now face a deficit of approximately $460,000 at June 30th due to increased medical insurance costs not covered by the Administration to date.

We have struggled through budget cuts over the last four years, as most agencies and departments have, with a hiring freeze, necessary reductions in our benefits package, postponing equipment and computer upgrades and, of course, no salary increases for staff. At the same time, there has been no reduction in workload or the number of courtrooms staffed by Defender attorneys.

The Association needs 250 attorneys to meet the demand for courtroom representation, but we are funded for only 228 attorney positions, which is where we are right now. We will not be able to hire additional attorneys in Fiscal Year 2013, which will mean that we will be forced to reduce our areas of representation in Fiscal Year 2013.

Attrition continues a pace as our poorly paid attorneys find better positions.

Our issues are the same as last year and many years before. We need additional attorneys to cover all assignments. We need an increase for operating expenses, which have been funded at the same level for the past five years. We need the annual increase in benefits costs added back into the Five Year Plan so we don't have to beg every year. And we must take steps to improve our salary structure for all employees, who are well below any City employees or any employees in the District Attorney's Office or City Solicitor's Office.

We certainly understand the straightened economic times we're all going through, and if Association attorneys were on par with their District Attorney counterparts and City attorneys, we would have no justifiable complaint. But they are not. A fourth-year

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Assistant District Attorney earns approximately $65,000, while an Assistant Defender will have ten years of service or more before getting close to that amount, and the gap continues to widen.

Defender staff are disadvantaged in all positions. For instance, Administrative Clerks start $6,000 less than City employees. City employees require to have only a tenth grade education, while we require a high school diploma. Paralegals start at $4,500 below their counterparts in the District Attorney's Office.

The Association's budget request for Fiscal Year 2013 is $41,636,305, a stunning proposed increase of five and a half million to be expended as follows:

First, to fund the current deficit for medical costs and the anticipated increase in medical in Fiscal Year 2013. I'm sure everyone realizes that we are not part, since we're an

independent agency, we are not part of any City benefits package and we have to go into the open market and fund our own medical benefits as well as malpractice and other insurance that we cover.

Secondly, we need to fund 22 additional attorneys to meet the workload demands. If this request is rejected, as it has been by the Administration up to today, the Association will begin to scale back its courtroom coverage and representation to a level that matches the size and capacity of our current staff.

Third, we need to fund an increase in our rent and other operating expenses.

Fourth, to fund a general salary increase for staff.

And, finally, to review and revamp the base wage standard currently in place and make improvements where necessary so that we might catch up with City employees and other employees in

major law offices in the City; that is, the public interest or public service law agencies.

Quite obviously, we are aware of the impact such a large increase will have on the City's financial situation, and we do not make this request lightly. We have always endured the same budget cuts given to City agencies, even though we are not a City agency and our salaries at all levels are not at parity. Attorneys routinely shoulder caseloads and workloads exceeding accepted standards. Changes in legislation continue to up the ante for defendants, while the creation of zone and specialty courts has created the need for more public defenders, and we have none to spare.

Throughout it all, over the past five years, we adapted to the changes and did the work without additional funding by hiring additional attorneys, which positions were not

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funded, requiring unsustainable workloads and sacrificing needed support staff and services.

Having the lowest salary levels among the players in the criminal justice system is complicating our ability to attract and retain quality candidates, especially minority candidates. We ask for your support in our quest for fairness for Defender staff.

Thank you for the opportunity to appear before you to present testimony on our appropriation request. We will, of course, be happy to answer any questions anyone may have.

Thank you.

COUNCILMAN GREENLEE: Thank you very much.

Let me just ask a question I know the Council President had here, and it goes along with what you were talking about. What is the current caseload per attorney?

MS. GREENLEE: There are no

such figures in our system of caseloads per attorney on the misdemeanor and felony level, because we do not operate in vertical representation, which is what is recommended by every national association. We operate in a zone system for the most part, except -- and I'll pass this to Mr. Cunningham -- except in some specialized units. So an attorney will represent all Defender clients on the list that day in Municipal Court or Felony Waiver. Only in some specialized units -- let me pass this to Charlie -- do we do individual caseloads.

MR. CUNNINGHAM: Charles Cunningham, First Assistant Defender.

When you talk about caseloads for the Defender Association, it's easier to talk about it in terms of, say, for instance, looking at a Municipal Court list and asking the question how many cases is your lawyer going to have to represent -- or how many clients will your lawyer have to represent today. And

in some of those MC courtrooms, whereas a private counsel may come in with maybe one or two cases at the most, our lawyers may be looking at handling at least 25 cases that day.

In the Felony Waiver program where clients are looking at felony convictions, we have a cap of eight cases. Now, that eight cases sometimes can be a little less depending upon the court's scheduling of those cases, but on occasions it can also be more, because you may actually have some cases that get extended. So a lawyer could possibly be walking into those rooms with as many as 10 or 12 cases.

So if you look at it, you're talking about a lawyer in a Felony Waiver program who could be looking at somewheres between 32 and 40 cases a week, and that's felony waivers. If you're looking at that MC list, you could be looking at somewheres in the neighborhood of 75 cases that you have to

handle within that week. And that doesn't include handling violations of probation cases, because many of the probation cases are handled by our lawyers even though the client may have originally had a private lawyer to represent him or a court-appointed attorney to represent him.

COUNCILMAN GREENLEE: Okay. All right. I appreciate that answer.

Councilman Oh.

COUNCILMAN OH: Thank you very much, Mr. Chairman.

I have a question, and, that is, in terms of obtaining fees from those that you represent, and I understand that they're indigent or you wouldn't be representing them, but are there any opportunities that you see within your structure that you would be able to charge some fees for your services?

MS. GREENLEE: Well, I think it's like blood from a stone is what that's called or blood from a turnip with

the current financial situation that just about everyone in the City finds themself in. We have not ever, Councilman, really explored charging fees. It's very harmful to developing any type of relationship with a client. Most of our clients -- all of our clients, as you know, are poor. So we have not explored that seriously.

COUNCILMAN OH: Okay. I think differently, just letting you know, but I understand what you're saying, because private attorneys charge their clients and it does not damage their attorney-client relationship. I understand that they're poor. It doesn't mean they cannot afford any type of fee, and I think we're coming upon new and different situations. I understand the amounts of money that you need and you're even challenged to get more money into the future. So I do respect your request, but we as -- I cannot speak for everyone in Council, but we're really

challenged right now to find every dollar we can possibly find in a very stretched system and we are looking for new ideas from the agencies and entities that are coming to us with these requests.

I think there is an issue in Philadelphia that many criminal defendants will understand that they can get representation from the Defenders Office and that in the course of things, there may be some amount that they can afford to pay, even if it's a small amount. If you're telling me that's just out of the question for reasons that are yours to decide because of your leadership and your expertise, I certainly respect that. Is that what you're telling me?

MS. GREENLEE: That's my position, yes.

COUNCILMAN OH: Okay. Well, thank you very much.

COUNCILMAN GREENLEE: Thank you, Councilman.

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Councilwoman Bass.

COUNCILWOMAN BASS: Thank you. Good morning.

(Good morning.)

COUNCILWOMAN BASS: How are you?

Just one question or statement, because I think it's quite troubling in terms of when you look at the direction funding, particularly from the state, where it comes from, the investment in prisons versus the investment in education and our young people, and so it says to me that the Defenders Association, while very busy and underfunded now, could expect to be even more overwhelmed and just have a huge caseload. And what I wanted to see if you had any thoughts about were, were there any ideas in terms of prevention or outreach that the Defenders Association currently does -- I just don't know -- so that we can do something about making sure that particularly young people

before they get themselves into a situation that they cannot get out of and get themselves into the system, is there something that collectively we could do? And not just on the Defenders Association; as City Council and the Police Department. Are there already prevention outreach efforts that you do or are those things that you'd be open to and we could talk about at a later date maybe?

MS. GREENLEE: Well, we do have some outside funding in the juvenile area for specialized programs. We have published a booklet on what the consequences of convictions are, which we use in trainings in the schools so that young people will be aware of not just the immediate consequences of getting involved in criminal activity but the long-range look at it, that you will carry this record now for the rest of your life.

We do trainings. We've done

trainings across the state and in some of the schools here in Philadelphia. We also have been involved in efforts aimed at disproportionate minority confinement, and we worked programs with the police agencies and students. We bring them together in forums so that they can dialogue and talk to one another and talk, for instance, about the kind of interactions they might have on a corner and how each side might view that and kind of look at it differently so that it doesn't blow up into an arrest and confinement.

So we do a good bit of work and we do considerable focus on the young people, because it's really my feeling that that is where you can make a difference --

COUNCILWOMAN BASS: Absolutely.

MS. GREENLEE: -- in a young person's life more so than once they've gotten themselves into the adult system.

We also have a very extensive

effort in getting expungements of juvenile records, probably a thousand or 1,200 in the last year, where we get their records wiped clean so that they're then able to get jobs, they're able to get into the military service, if they want to go that way. That's a big effort that we've undertaken in terms of expungement.

So we are working to try to keep them out of the system, to explain to them what it means to get involved in the system, and then if they have been at some point, to try to make efforts to wipe the record clean so they can get a fresh start.

COUNCILWOMAN BASS: Very good.

MS. GREENLEE: We've done a lot of efforts in the juvenile area.

MR. CUNNINGHAM: There's also -- we also participate in a program that allows us to try to get our young clients who are looking at a juvenile adjudication back into Dependency Court

where instead of being charged with a crime, we can address the need of the child so that he or she doesn't carry a record with them and hopefully they will have the opportunity to go on and have a successful life.

But there are other programs on the adult side, for instance, that we participate in, for instance, the TCY, the Choice is Yours program, which is one of the programs that was started by the District Attorney, and I do want to give him credit for it, but we play a major part in that. We also play a major part in all of the treatment courts for adults that are caught up in the justice system.

So there are a number of programs that, frankly speaking, function because there is the Defender Association and would not function if there were not an organized body like the Defender Association. And when you look at treatment courts and you look at the success rate that the people that go to

treatment court have, the only question that you really should be asking is, why aren't we expanding a lot of these programs.

COUNCILWOMAN BASS: Do you have any rough numbers in terms of what the success rate is or how many people you've served through the treatment courts, roughly?

MR. CUNNINGHAM: Let me just say this: The Treatment Court, the original Treatment Court that started, I think that the success rate was at least 80 percent.

COUNCILWOMAN BASS: Wow.

MR. CUNNINGHAM: And I might be low when I say that. It might actually be higher. But I know that it was a very, very high success rate, and I urge everybody that if you have the opportunity, take an afternoon and go to a Treatment Court graduation ceremony, because it is very inspiring and I think that it will show you the things that we

do need to do and how people can be put back on the right track. And there's other programs that we participate in too, such as Dawn's Court, which is taking in young women who are caught up in the world of prostitution and trying to give them a new start in life.

So there are a number of programs, and, frankly speaking, Mary DeFusco of our Association is very much active in that and probably the driving force behind that.

COUNCILWOMAN BASS: Okay.

MS. GREENLEE: There actually is a Treatment Court graduation coming up within the next two weeks. I'd be happy to send you the date and the time.

COUNCILWOMAN BASS: That would be great. If we could share with the Chair, we could get it out to everyone, to as many members as possible.

Do I have time for one more question?

COUNCILMAN GREENLEE: Sure.

Why not.

COUNCILWOMAN BASS: I just wanted to go back to the juvenile expungement, if we could get a little more detail about that. What is the success rate in terms of making sure that people don't return back into the Defenders Association because they've now committed some other crime or somehow had another contact with the system, parole violation or whatever? What kind of success rate have you had there as well?

MS. GREENLEE: You know, I don't know that we've tracked that, but we will look into it. I'm not sure that we've tracked those, whose records have been expunged.

COUNCILWOMAN BASS: That would be --

MS. GREENLEE: But I'll take a look at that from our -- with our juvenile chiefs and give you the information.

COUNCILWOMAN BASS: That would

be great. And also if we could get an idea too of the demand. So if we know the demand for the Treatment Court, you service, let's say, 200 people, you need to service another 500 people, you know, just so that we can have some sort of an idea of what the actual demand is would be helpful, I think.

MS. GREENLEE: I think they have accurate information, because Treatment Court has been in effect now for about 15 years.

MR. CUNNINGHAM: Right.

MS. GREENLEE: About 15 years. They're very good at keeping these statistics, so we'll get that information to Council.

COUNCILWOMAN BASS: Thank you.

COUNCILMAN GREENLEE: Anything you can get through the President's Office, we can get to the members.

MS. GREENLEE: Absolutely.

COUNCILMAN GREENLEE: Councilman Jones says if it ain't

measured, it isn't counted, or some words like that.

Councilman Oh.

COUNCILMAN OH: Thank you very much, Mr. Chairman.

I guess at this point I will make this statement, that I am very much for the Public Defender's Office constitutional right, its many things, but on the issue of funding, as you were presenting it, at least in my case, I need to see some effort.

We have an all or nothing system. You get a free lawyer or you get a private lawyer, and it's much harder in the counties to get a Public Defender, and I believe that in our system, there is room for some type of creative thought. What I have suggested is a grading system, that a person cannot afford any type of private attorney because they don't have, let's say, you know, the thousands of dollars that you need for the preliminary hearing

representation, but they could afford a hundred dollars, some grading that would allow some contribution within their means, not outside of their means. But not everybody just can't afford anything, because I think where we are is that from the numbers that you've produced and the disparities that you're showing and kind of what we're looking at in terms of the budget and look going into the future, I think we're challenged to meet those numbers.

MR. CUNNINGHAM: Councilman, I just want to ask one question. You do understand that we're not the ones who accept the clients in terms of make the determination as to who becomes our client?

COUNCILMAN OH: Yes.

MR. CUNNINGHAM: That is not our determination. That is made by Pretrial Services. And they are the ones that decide whether the Public Defenders Office is appointed or not.

COUNCILMAN OH: Do they then make the determination or do you have no input on, for example, any type of grading of --

MR. CUNNINGHAM: We have absolutely no input into who it is they appoint to our office. That is the way that it has always been. They make those determinations, and once they assign a client to us, then it becomes our responsibility to in fact represent that client. We don't make that determination.

COUNCILMAN OH: Okay. Would you be opposed to, from a policy point of view or leadership point of view, if they were, through looking at the clients' background, finding that they believe they could afford $500 for the entire representation, would you be opposed to such a charge?

MS. GREENLEE: As long as they collect it.

COUNCILMAN OH: Yes, as long as

they collect.

MS. GREENLEE: We're not going to be in the collection business.

COUNCILMAN OH: Right. I understand.

All right. Thank you very much.

COUNCILMAN GREENLEE: Thank you, Councilman.

Just one last question. You said about the Courts being -- like if you don't get this money, that you won't be able to man all the courts. I guess that would mean then that private attorneys would have to be assigned?

MS. GREENLEE: That's correct, and it would cost more --

COUNCILMAN GREENLEE: It would cost more.

MS. GREENLEE: -- if we have to withdraw from cases and from courtrooms, which we will have to do because our numbers are already down to 228, if not below, and we're having serious attrition

this year because of the staleness of the salary scale and the disparity in compensation between us and the District Attorney.

MR. CUNNINGHAM: Let me also say this: When you talk about having court-appointed attorneys handle the cases in the absence of the Defender Association, it is not just the fact that they will be representing the person, he will have to pay that court cost, but you're going to have additional cost because private counsel will not be in the room. There is a defender in the room. Consequently, all Defender cases are handled that day. If on the other hand private counsel were to handle that same case, he or she may be in a different courtroom or in fact in a different county.

COUNCILMAN GREENLEE: So you could have continuances.

MR. CUNNINGHAM: You will have continuances. And if you have people

that are in custody, that will mean that they will stay in custody longer and, consequently, all your costs are going to go up.

COUNCILMAN GREENLEE: Okay. Thank you.

Any other questions?

(No response.)

COUNCILMAN GREENLEE: Seeing none, thank you for coming. Appreciate that.

MS. GREENLEE: Thank you very much. Appreciate it.

COUNCILMAN GREENLEE: We are going to take a short break and we will come back at 1 o'clock I think for the District Attorney's Office will be next. Thank you very much.

(Short recess.)

COUNCILMAN GREENLEE: Good afternoon. We're back in session here. The next office is the Office of the District Attorney.

(Witnesses approached witness

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table.)

COUNCILMAN GREENLEE:

Mr. Williams and all, welcome. Good afternoon.

DISTRICT ATTORNEY WILLIAMS:

Thank you.

COUNCILMAN GREENLEE: Please identify yourself for the record and proceed.

DISTRICT ATTORNEY WILLIAMS:

Thank you. Good afternoon, Mr. Chairman. And for the record, I am Seth Williams, District Attorney for the City and County of Philadelphia, Pennsylvania.

Mr. Chairman and Councilwoman Quinones-Sanchez and Councilman Squilla, good afternoon.

I'm here today to discuss the proposed Fiscal Year 2013 budget for the Philadelphia District Attorney's Office. I am joined today by Mr. Ed McCann, who is the First Assistant, and Mr. Greg Rowe, who is a Chief of my Legislation and Policy Unit. You can also see that

we have approximately 20 to 25 members of my staff that are here also. I'd ask today that if I say anything appropriate or positive, that you attribute it to them, and if I make any mistakes, that you merely attribute that to me.

COUNCILMAN GREENLEE: We can work that out very well.

DISTRICT ATTORNEY WILLIAMS: Thank you, Councilman.

And also I'm under strict orders by Ms. Murphy to speak very slowly, so I will try to do that for her.

COUNCILMAN GREENLEE: You won't believe what she is able to get down sometimes. I think you'll be fine.

DISTRICT ATTORNEY WILLIAMS: Mr. Chairman, I have submitted my full testimony to the Council President. I would ask that that be made a part of your permanent record.

COUNCILMAN GREENLEE: Absolutely.

DISTRICT ATTORNEY WILLIAMS:

With your permission, Mr. Chairman, I will today merely summarize my testimony.

COUNCILMAN GREENLEE: Sure.

DISTRICT ATTORNEY WILLIAMS: Mr. Chairman, we find ourselves in the midst of unacceptable levels of violent crime. In Philadelphia, all types of violent crime have risen so far this year. As of April the 15th, there have been 102 homicides in the City, up 9 percent from the same point last year. Aggravated assaults with guns are up 19 percent, and violent crime is up 4 percent. Philadelphia continues to fare much worse than the country as a whole, with murder and robbery rates four times the national average during 2009 and 2010.

To make Philadelphia safer, we need to be able to stay one step ahead of the criminals and not merely try to keep our heads above water. There is much we have begun to do and much we still have to do. But make no mistake about it,

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Mr. Chairman, meaningfully addressing the growing rate of homicides and non-fatal shootings will require additional funding for all of our public safety partners. I hope today, Mr. Chairman, that we can begin an open and honest dialogue about what the appropriate funding levels should be for all of our partners in the public safety and the criminal justice system here in Philadelphia.

The proposed Fiscal Year 2013 budget acknowledges this reality only in part, as it proposes an increase in funding to the Police by $3.6 million. Unfortunately, no such increase has been proposed for the District Attorney's Office. This omission is a mistake. This omission runs counter to all the important public statements we have all been making about how we can reduce violent crime. After all, more police means more arrests, which means more cases will have to be reviewed and ultimately prosecuted. In effect, the

proposed flat-funding of our office is a cut.

As I will explain in more detail below, I am not coming here simply asking for more money. Instead, I am asking that the District Attorney's Office be given a small portion of the millions of dollars that we have saved the City through our new initiatives and programs over the last two years. Without providing us a portion of the savings the District Attorney's Office has delivered to Philadelphia, we can only hope we keep our collective heads above water.

Let me be more specific. You will recall that during each of the last two years, I have discussed what it has meant to be smart on crime. I explained that to be tough on everything is, in reality, to be tough on nothing. I detailed our new programs to divert lower offenders and how such programs are both good for public safety and for reducing

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unnecessary expenditures of taxpayer dollars. All the while, I calculated the millions of dollars in cost savings, the greater number of cases being held for trial and the increased rate at which cases were proceeding through our system.

Now, our discussions on public safety must focus almost exclusively on reducing violent crime. While Philadelphia's violent crime problem has long been cause for serious discussion, consider what we have seen this year as of April the 15th: 102 homicides, which is up 9 percent from last year; 694 aggravated assaults using firearms, up 19 percent from last year; 841 gun robberies, up 3 percent from last year; 4,644 violent crime, up 4 percent from last year.

The numbers themselves are shocking enough, but they obscure the true cost that victims, families and our city bear as a result of these crimes. Our city cannot thrive, our economic

development cannot continue and our tax revenues cannot increase if Philadelphians are scared for their personal safety.

There are too many people carrying illegal guns. Mr. Chairman, I'm often out with you across this city and in Councilwoman Quinones-Sanchez and Councilman Squilla and Councilman Kenney. Almost everywhere we go every night, the first topic of discussion is public safety, and as we talk about public safety, the next topic, of course, is the illegal guns and the gun violence in our streets.

Philadelphia is flooded with illegal guns. Our law-abiding citizens who buy firearms to protect themselves, collect or hunt are not the problem. The problem is that felons who are lawfully prohibited from owning firearms all too frequently get help from their girlfriends, who buy the weapons under their own names and then illegally

transfer them to the felons.

Secondly, too many people settle their disputes with guns. Even the most petty disputes are sometimes now resolved with gunshots. While better gun laws will help, changing the culture and attitudes which give rise to the unacceptable level of violence is even more critical.

Thirdly, I'm extremely pleased that the Mayor has pledged to hire 400 new police officers by the end of Fiscal Year 2013. There's no better Police Commissioner than Charles Ramsey, and I'm glad to consider him a partner and a mentor. Additional officers mean improved public safety. It is that simple.

We also know something else. We know that incarceration works. While I have and will continue to try to divert certain offenders out of the criminal justice system to make sure we have good reentry programs and to see that our

specialty courts are adequately funded, let me repeat, incarceration works. Anyone who murders, rapes, robs or even so much as carries an illegal gun in our city I believe belongs in prison.

Mr. Chairman, we are being proactive at the District Attorney's Office. In January of this year, you will recall we had more murders than we did days, and everyone righteously was enraged. Everyone looked to government to solve the problem. To his credit, Mayor Nutter called a meeting. We met with him. Police Commissioner Ramsey was there. We came up with lots of goals and lots of ideas of how we could try to reduce the gun violence. We were joined by many members of Council and the Council President at a forum, at a press conference at Strawberry Mansion High School to redress this.

The District Attorney's Office, what did we do? One of our suggestions and something that I'm very proud as of

end of January we enacted was a program I call Got a Gun, Go to Jail.

COUNCILMAN JOHNSON: Go to jail.

DISTRICT ATTORNEY WILLIAMS: That's right, Councilman Johnson, Got a Gun, Go to Jail. You have long led the Peace, Not Guns Initiative here in Philadelphia.

COUNCILMAN JOHNSON: That's right.

DISTRICT ATTORNEY WILLIAMS: This initiative, Mr. Chairman, was that every time -- we're replicating something that began in St. Louis. Every time a defendant who unlawfully possesses a firearm on the streets of this city, when they get arrested, the District Attorney's Office is going to ask for a good bail, that they have to come up with bail, cash bail, before they can get out. In the past, too many of these people got arrested, the same day they were back out on the streets.

Since that time, approximately 70 percent have remained in jail until their trial listing. So we're trying to send a clear message that if you get caught carrying an illegal weapon, you can expect to see the inside of a prison.

We know more now. We know that our model of successful prosecution is far different than it once was. Cases require more time and effort from individual Assistant District Attorneys, and we provide far more specialization. You'll recall, Mr. Chairman, when I took over the District Attorney's Office, Philadelphia had the lowest conviction rate of the 40 largest urban areas. Approximately 59 percent of our felony cases were being dismissed at the preliminary hearing. The District Attorneys, the Assistant District Attorneys were working as hard as they could, but they were assigned to courtrooms for the most part where they received their cases and their caseload

the night before. We have reorganized our office. That was a campaign pledge of mine, and it's something that we made a reality by November of 2011, and I'm very proud to report that we now have six geographic zones where the DAs are assigned based on the percentage of crime in each of those zones.

I'm sorry. It was in 2010, November. I took office in January of 2010.

And so the DAs now more closely work with the Police and the detectives and the probation officers who are assigned geographically.

When I became the District Attorney, I immediately revamped our Charging Unit. As you know, the District Attorney has the sole responsibility for approving or declining defendants' charges when they are arrested. Previously we had about five Assistant District Attorneys assigned to that unit. That unit is open every hour of every day

of the year.

What I've learned as a resident here in Philadelphia for my entire life is that Philadelphians want us to charge the right people with only the right charges, nothing more and nothing less. They want us to have the same standard of justice on every point along Germantown Avenue, Germantown and Erie to Germantown and Evergreen up in Chestnut Hill. They want to have the same standard of justice everywhere. We're trying to do that, and one of the most meaningful ways to demonstrate that is by tripling the number of DAs in our Charging Unit to ensure that we review the cases appropriately and timely and charge the right defendants.

So in addition to tripling the number of DAs in the Charging Unit, we created a Pretrial Division, which, among other things, handles our diversionary programs, such Drug Court, Mental Health Court, Veterans Court and the Choice is

Yours program. Again, attorneys are moved from taking cases to trial to working to put some of our less violent offenders into more appropriate diversionary programs and streamlining the system.

There is no question that these changes were critical. We know that for some offenders; namely, those who are less violent and have drug, alcohol or mental health problems, the traditional process of getting a conviction or a plea, seeking a reasonable sentence and moving on to the next case is not the best strategy. Research shows us that for most of these offenders, addressing their criminogenic needs is critical to reducing the likelihood of recidivism.

But identifying these offenders, working to fashion an appropriate sentence, identifying which program out there -- and there are many -- is most well suited, working with defense counsel to help the defendant

agree to such a sentence and then tracking these cases takes great time, effort and manpower.

These changes have meant that we have fewer people trying our most violent and complicated cases. Witness intimidation affects many of these violent cases as well. When there is witness intimidation, my Assistant District Attorneys must dedicate more time to the underlying cases, trying to ensure that victims and witnesses continue to cooperate and testify at trial.

What we also know is that the District Attorney's Office is woefully underfunded. I have said this during each of my prior two budget hearings. Mr. Chairman, I'm now going to show you a chart, similar to what I've shown you before. Our funding levels continue to be abysmal. When you compare us to other prosecutors' offices in the largest counties in the country, we now have the

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second-lowest funding per unit of violent crime. So you see a chart behind me, Councilman Greenlee, that demonstrates the 22 largest counties in the United States of America, with only Wayne County, Michigan being the least funded than Philadelphia County, Pennsylvania.

I have another chart that also demonstrates the rate of violent crime in the cities, and the city of those 22 counties with the highest homicide rate is our city, unfortunately. It's almost directly inversely proportional the rate of funding to the rate of violent crime in all of those cities.

COUNCILMAN GREENLEE: Mr. Williams, if I could just interrupt for a second. Does that mean City funding from the City?

DISTRICT ATTORNEY WILLIAMS: That's correct.

COUNCILMAN GREENLEE: Okay. Does that take into account state funding to those cities at all?

DISTRICT ATTORNEY WILLIAMS: That's correct.

COUNCILMAN GREENLEE: It does or it does not?

DISTRICT ATTORNEY WILLIAMS: Does not.

COUNCILMAN GREENLEE: Does not. Okay. Thank you.

DISTRICT ATTORNEY WILLIAMS: While I applaud the Mayor for increasing the funding for our Police, I am disappointed that my office did not receive any such increase. My office is already woefully underfunded. Increasing our caseload without providing for additional funding is not good for public safety.

Moreover, we may lose state funding for our Victims of Juvenile Offenders Program. Under state law, we have to provide specific services to the victims of these offenses, and we're going to continue to have to do so even if the Governor, who has cut that in the

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state funding, if that remains in the state budget, we have to provide those services.

Mr. Chairman, I'm asking for an increase of $636,000. I will use that money to hire 13 additional Assistant District Attorneys at our base salary of $48,975. Being able to hire them will permit me to have our more experienced trial prosecutors handle our increasing number of violent cases, especially homicides, non-fatal shootings and rapes.

Now, I'm well aware what some of you may be thinking. Times are tough, budgets are tight and revenues are down. I understand that. But I'm not asking for money to which we are not entitled. Instead, I am asking for a portion of the more than $2 million that we have helped save the City over the last year. This is a term I've been asked to testify in Congress about this very concept of justice reinvestment.

I made this point last year

during our budget hearing, and this is a critical point. If we did not save the City more than 2 million this past year, which is a conservative cost savings estimate, it will be more difficult to make a case for increasing funding for the District Attorney's Office. But asking for less than one-third of the overall savings that the City is now enjoying as a result of the hard work of my office is both appropriate and necessary. The whole point of improving charging and diversionary programs is to free up resources that can be reinvested into the criminal justice system in order to better tackle crime. And we must look at our public safety entities together and not in a vacuum or as part of a silo. In other words, if we save the City money, that should be considered just as good as saving my own office money, because in the end, it means the same thing to taxpayers and to the budget.

Finally, Mr. Chairman, I am

pleased to inform you that the work that all of us in the criminal justice system, especially our colleagues at the First Judicial District, are making in our criminal justice system, the system is better. More cases are being held for court. More victims are receiving justice, and more defendants are being held accountable. Consider that the held-for-court rate is the rate of defendants who have committed felonies that have been bound over for trial, if you will. The rate of these cases in fatal shooting -- I'm sorry; non-fatal shootings in 2011 was 89 percent. That's up more than 25 percent from just two years ago. So through our geographic prosecution, through the DAs working more closely in alignment with the Police and the detectives, by us reorganizing the Criminal Justice Center itself and having more of the cases or all the cases from each of these geographic divisions on one floor, we have streamlined the system and

we have made it more effective, with more victims getting justice and more of these cases being held for court, which also means that we're going to have more of these cases that we're going to have to try now, more very serious felonies.

This great statistic demonstrates that working together for a common purpose will yield significant results. We are doing better, being more efficient and saving money. This year we need to focus even more on tackling violent crime by adapting a model of justice reinvestment and providing me, the District Attorney's Office, the ability to invest a portion of our savings back into our office. We will hold more violent offenders accountable and take them off our streets.

So, again, thank you, Mr. Chairman, for allowing me to give a summary of my testimony. At this time, I will gladly entertain any questions that you or the others members of Council may

have.

COUNCILMAN GREENLEE: Thank you, Mr. District Attorney. I appreciate it.

Let me just start out with a couple, and I know a number of other members want to ask questions.

You had the chart up there about the zones, Zone Courts, and I think you said the number of attorneys vary depending on the --

DISTRICT ATTORNEY WILLIAMS: That's correct.

COUNCILMAN GREENLEE: All right. What is generally the range in each zone, or does it keep moving around?

DISTRICT ATTORNEY WILLIAMS: Previously, Councilman, in our Trial Division, the majority of our cases, about 70 percent of the cases in the Trial Division, were handled by our Municipal Court Unit. That's where the newest Assistant District Attorneys began their careers, and they put on the felony

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preliminary hearings and misdemeanor trials. That would generally fluctuate between 25 to 35 people depending upon the time, what the budget was, in all honesty.

We also had a Felony Waiver Unit. Those were DAs that had been in the office approximately two to four years, a little more, and they try felony cases where the defendants had waived the right to a jury trial, and the majority of our felonies were disposed of in that program.

We also had a Major Trials Unit that, again, had approximately 20 to 25, sometimes even at the highest maybe 30 Assistant District Attorneys. So what I recognized is that crime occurs geographically. All of our -- there's an entire branch of criminology known as the ecology of crime. The police are assigned geographically. Probation officers are assigned geographically. Crime patterns are based on geography.

Your councilmanic districts, the ten of them, are based on geography, those communities and neighborhoods. And so I decided to assign the District Attorneys in the same way, so that as a team -- and they would be assigned to the various divisions based on the percentage of crime that each of those divisions represents against the whole. So if 15 percent of the crimes are in the Northeast, then we would assign approximately 15 percent of the District Attorneys in the Trial Division that would have been in the Municipal Court Unit, the Waivers Unit, the Major Trials Unit to the Northeast Bureau, where they as a team would try those cases vertically from start to finish.

Philadelphia, as you know, is a very parochial city. If you can't pronounce the name of someone's creek or the school, they look at you like you have two heads, and assigning them geographically has made them better law

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enforcement operators.

COUNCILMAN GREENLEE: Because they understand it. I get that. Are there special units in those zones?

DISTRICT ATTORNEY WILLIAMS: No. So we still have in the Trial Division, Mr. Chairman, we still have a Homicide Unit, where our most senior trial attorneys prosecute the most serious cases, our homicides. We also have a Family Violence and Sexual Assault Unit, where very senior attorneys that have a tremendous experience with the empathy that is necessary for the victims of domestic violence and child sexual abuse handle those cases, and those cases take, as you can understand, a lot more preparation than just a stolen car case.

COUNCILMAN GREENLEE: Sure.

DISTRICT ATTORNEY WILLIAMS: So those are two specialized units in the Trial Division. We also have a unit called the Private Criminal Complaint where the average citizen can go. That

was previously in our Trial Division, is now in our Pretrial Division that we recently created. So those are the specialty units that are in the Trial Division - the Homicide Unit and the Family Violence and Sexual Assault Unit.

COUNCILMAN GREENLEE: Okay. Thank you.

Just one more question from me. I think there was more money provided dealing with witness intimidation, right?

DISTRICT ATTORNEY WILLIAMS: That's correct. I'm very thankful that the Mayor and, very specifically, that Councilman Curtis Jones, Jr. --

COUNCILMAN GREENLEE: I was just going to say that, Councilman Jones.

DISTRICT ATTORNEY WILLIAMS: -- was championing the fact that we needed additional funding, because it's a grim reality that in far too many of our cases, there are instances of witness and victim intimidation, specifically almost in every homicide case and almost in a

significant percentage of our non-fatal shooting cases as well, which makes bringing those cases to trial so difficult. And so I'm very thankful for the additional funding that was given to us.

COUNCILMAN GREENLEE: Has there been enough time to see if that's improved cooperation from witnesses?

DISTRICT ATTORNEY WILLIAMS: Well, I think we have done a lot of things, and I'm very thankful, with assistance of the Supreme Court, we've changed a lot of the rules that in many ways were barriers to victims in the past here in Philadelphia. We were able to change a rule that allowed instead victims who maybe their car was stolen or their home was burglarized, they were going to come to preliminary hearings to give merely ownership and non-permission testimony. They no longer have to come. The police officer will testify as to someone stole their car, and they come

later at the trial. So we've done a lot of things that have made it better for the victims.

I think the time might be a little too early for us to really have the empirical data to tell how much of an impact is being made by the additional funding, but I can tell you for those families individually that send us letters and are thankful that they have been moved to a different part of town or that we have provided them some minimal services -- we don't just move people to Phoenix and ask them to come testify. We don't have those resources. But the people who their loved ones have been murdered, that now we have some additional resources to provide them with some assistance, are very, very thankful. So I'd like to thank again Councilman Jones for his leadership.

COUNCILMAN GREENLEE: Okay. Thank you. Let's turn to other questions.

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Councilman Johnson.

COUNCILMAN JOHNSON: Yes. Thank you, Mr. Chairman.

Good afternoon, Mr. Williams. How are you today?

DISTRICT ATTORNEY WILLIAMS: Outstanding. How are you?

COUNCILMAN JOHNSON: I'm doing great. Can't complain at all.

I just wanted to follow up just on a couple of questions as it relates to, I guess, issues that's always close and near and dear to me, and that's the issue of illegal guns.

Just elaborate on the bail initiative. I know Councilman Curtis Jones advocated for increasing the amount of bail that's assigned individuals who are arrested for gun crimes. And then as I mentioned to you off line as well, just elaborate on where we're at with our Gun Task Force, how can the City be supportive of the Gun Task Force moving forward.

I always have a question that I ask the Philadelphia Police Department as well. When a gun is found in a crime, like I remember in Grays Ferry a guy threw a gun down, cops pick up the gun. When that gun is traced back to someone other than the individual who was actually involved in that actual crime, what happens to the person? Do someone go and make a visit to their home and say, Hey, I found this gun? And that's separate from the laws that's on the book, because I kind of get it. City laws can't preempt state laws. So I get that part. But when a gun is found and they do the whole CSI investigative work in regards to the actual gun -- because I remember as a kid, there was a myth that you don't want to get caught with a gun that's been involved in a homicide because you'll be charged with that actual homicide. I'm quite sure that's still the case today in terms of guys exchanging guns from one person to the

next person.

So if you can just elaborate on those three specific things. And I commend you on bringing -- assigning DAs to neighborhoods, if you can just elaborate on that component, particularly for the 2nd Councilmanic District. How many Assistant District Attorneys are assigned to the 2nd Councilmanic District and have you seen an increase of improvement of efficiency as it relates to you restructuring how the DA's Office operate?

Separate from that, I do commend you, though, from growing up and working with you, me being a community activist, yourself a community activist running to become a DA. So I do like how you stepped up and part my generation to kind of revamp how we do things from a public safety standpoint.

DISTRICT ATTORNEY WILLIAMS: Thank you. Thank you very much, Councilman Johnson. You almost like gave

me a law school exam here with about eight different parts, and I'll do my best to hit all of them as consistently and concisely as possible.

But, again, I'd like to thank and commend Council for what Council has done and your concerns about gun violence. And the Council was right to enact legislation that dealt with lost and stolen guns, and I think the message was heard in Harrisburg. Unfortunately, there are too many people -- the gun lobby is a very strong lobby and they have too many people that are otherwise reasonable people believing that they have to have an unlimited source of a handgun to remain safe, where maybe the biggest threat to them are rodents, and as a result of that, we do see there are way too many guns in the City.

As you've stated, our state laws preempt the laws passed by the municipalities, but it's appropriate for City Council to pass those laws and to

make its voice heard.

I'm very proud to be able to address the gun violence, and we have tried to react in realtime with law enforcement efforts to reduce the gun violence. So I'm very appreciative and thankful for the great relationship we are developing and increasing between our office and the Philadelphia Police Department, and, again, I have to give a lot of credit to Commissioner Ramsey. But as a result of the extreme violence that we saw in January, we began GunStat. So we began meeting monthly. Now, it's at the District Attorney's Office, where the Commissioner is there, I'm there. We've identified two districts in the City that we believe have the most gun violence, parts of the 22nd District, parts of the 25th District. We bring those captains in, intelligence officers, narcotics officers to identify the most violent offenders in those districts to do all that we can to get them off of the

street. And the Commissioner and I ask questions of our offices, what are we doing better, what do we have to do, and we're holding their feet to the fire. And we're going to begin to replicate this through the other divisions as well.

(Bell rings.)

COUNCILMAN GREENLEE: That's not for you. Continue.

DISTRICT ATTORNEY WILLIAMS: Okay.

And so I think we have seen significant change since the inception of this program in January where we actually can see the people in one meeting we've talked about and the next month have been taken off the street. And at any time, Mr. Chairman, I would be glad to come and to maybe before the Public Safety Committee talk about exactly that.

COUNCILMAN JOHNSON: Point of information. So you're saying thus far since the program has started, you're saying you're seeing a level of reduction

in actual gun-related crimes in these two particular police districts?

DISTRICT ATTORNEY WILLIAMS: No. What we're saying is that we have seen people that have been identified, defendants with prior records that we know are the scourge of the 22nd District or the 25th District, those that have committed the most violent crimes, those that are committing and creating havoc, making those parts of the City almost unlivable for the tax-paying, the good citizens of those districts. We're seeing that we've identified them and have taken people off the street. So that is, again, a credit to the collaboration between the DA's Office and the Police Department.

COUNCILMAN JOHNSON: So my point is, if you identify some of the most notorious criminals --

DISTRICT ATTORNEY WILLIAMS: Correct.

COUNCILMAN JOHNSON: -- right,

and those two particular police districts, who are probably responsible for, say, how much of the crimes that are taking place, hypothetically?

DISTRICT ATTORNEY WILLIAMS: Right. Well, we know that about 5 percent of the defendants commit about 60 percent of the crimes.

COUNCILMAN JOHNSON: Exactly.

DISTRICT ATTORNEY WILLIAMS: But in these violent crimes, these are the people that are running various loosely confederated drug rings that are the ones that, for the most part, are the driving force behind those violent crime in those neighborhoods.

COUNCILMAN JOHNSON: So my point is, if y'all have taken a significant amount of them off the streets, then as a result you will see a reduction in certain types of violent crime or drug-related crimes based upon these individuals who are using their head being the culprits of those type of

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criminal --

DISTRICT ATTORNEY WILLIAMS: That's correct. And the second point I was going to try to explain, Mr. Councilman, is that I tell folks that when you're in college and law school, plagiarism is bad, but at the DA, plagiarism is a good thing. It's my goal to try to take the best practices, what's working in Brooklyn, what's working in San Diego or San Francisco, and what we found is that in St. Louis, to one of the second parts of your question, I don't have a real good name for it, but I call it Got a Gun, Go to Jail. So this is a program that we saw was working in St. Louis that actually reduced their homicide rate by about 20 percent. And so what it is is that in the past when a defendant got arrested and the most serious charge was they possessed a gun, it wasn't that they used the gun in the robbery or shot someone or kidnapped someone or raped someone, just that they

were on the street and got stopped and they had an illegal gun. For the most part, all those cases, unless the person had a terrible record, for the most part they would be given -- they would be released on their own recognizance and they would just have to come back at some point. Well, I believe that -- you know, we're going to try to do all that we can to ensure that the right people are in jail.

I think there are many cases where non-violent people that have mandatory minimums, maybe they don't need to be in jail, but I really believe that if you carry a gun illegally on the streets of Philadelphia, you are someone willing to kill my mother or shoot my Aunt Shirley or any one of my three daughters, and I believe that those people deserve to be in jail.

So we're going to ask for high bail, cash bail, on those individuals. And what we've seen -- and we have the

statistics, but I know that 70 percent of the people since January the 26th that have gone in just from merely possessing a firearm, they've gotten good cash bail and remain there until their first hearing, at which time many of them will then plead guilty to the crime.

We want the message to go forward: If you carry a gun illegally, you're going to go to jail. So we're working in Harrisburg to ensure that we change -- there's a specific part of the Pennsylvania Crimes Code, 6108, that deals with unlawfully carrying or possessing a firearm in the public streets and the public places of the City of Philadelphia. So I would appreciate the assistance of anyone that can hear my voice to get our lawmakers in Harrisburg to change the sentencing to that that only applies to Philadelphia. So people in Elk County or Blair County shouldn't get too upset. I want to ensure that there's a period of incarceration, even

if it's 90 days or 120 days. If you carry a gun illegally in Philadelphia, you will go to jail.

COUNCILMAN GREENLEE: We're really backed up here, Councilman.

COUNCILMAN JOHNSON: Round 2?

COUNCILMAN GREENLEE: Yeah, could you come around on Round 2?

COUNCILMAN JOHNSON: I'll come back in Round 2.

COUNCILMAN GREENLEE: Thank you. Appreciate it. Thank you, Councilman.

Councilman Oh.

COUNCILMAN OH: Thank you very much, Mr. Chairman.

I had really just two questions about just two very specific areas, because I really wasn't getting information about it, just with the summaries. But could you tell me a little bit about how things are going with the forfeiture program and where is the money going?

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DISTRICT ATTORNEY WILLIAMS: All right. Well, for those of you that don't know, which almost everyone here knows, but anyone that's listening might not know, as a result of the Asset Forfeiture Act of the Commonwealth of Pennsylvania, if in fact a defendant is maybe using a vehicle for the furtherance of a crime or a house or a jeep of some form, that that property can be seized and then possibly forfeited, and the funds from that is to go for the furtherance of law enforcement.

In all of the other counties across the Commonwealth of Pennsylvania, 100 percent of that money goes to the district attorney of that county. In Philadelphia, 40 percent goes to the District Attorney's Office and 60 percent goes directly to the Police Department.

So what we've discovered recently in recent years is that fewer vehicles, houses are being seized, fewer are being forfeited. A lot of that is

because I believe the drug dealers are a little smaller in knowing how to -- those that have cash -- again, people think that drug dealers make a lot of money. The kid most likely to get arrested, the kid most likely to get shot is making about $8 an hour. So that's the reality for those people that have made a terrible decision to spread that poison.

For those that do have some means or have accumulated some wealth to buy whatever, they are trying to -- they know about moving it to somebody else, somebody else owns it or whatever, so it's making it a little more difficult for us to seize and forfeit, and when we do forfeit, we're getting less money now, because of the economy itself. People are paying less for someone's used gold teeth than they used to. We're getting less for these cars. I mean, this is serious stuff that we have that's been forfeited. So we're getting less money back.

But still about 93 percent of the money that we get through forfeiture goes to help offset some salaries in the District Attorney's Office.

COUNCILMAN OH: How much money are you getting, let's say, just in the past year? Do you know that number?

DISTRICT ATTORNEY WILLIAMS: So the state forfeiture account income in the past fiscal year was about $4.1 million.

COUNCILMAN OH: And that is the total or that is the 40 percent that the DA's Office received?

DISTRICT ATTORNEY WILLIAMS: That's the total.

COUNCILMAN OH: Total, okay.

The second question has to do with grants and outside funding. In today's environment, what's that looking like?

DISTRICT ATTORNEY WILLIAMS: In today's environment, it is shrinking. So I'm always out -- I was in Chicago about

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three weeks ago, the MacArthur Foundation, trying to get money to bring money to programs that I think can have a holistic approach to prevent crime. I recognize that we can't incarcerate our way out of crime. We have to do all that we can to teach more young folks methods of conflict resolution.

I tell -- I go to schools almost every day of the week and I give the same speech everywhere, and I ask the kids, What's the number one thing people have in common who are arrested in Philadelphia? And the answer is, they didn't finish high school. So I talk about the need to invest in reducing truancy. So I'm going everywhere to get as much money as we can.

I'm very glad to announce that we created a program called The Choice is Yours. The Choice is Yours is to deal with the phenomena that again a lot of these young men are selling crack, thinking they're going to become

millionaires, where really all they're going to get is a felony conviction, which is an economic death sentence. But then many of them are non-violent and it's a first-time offense, and so instead of just throwing them away or sending them to state prison where they would get a Ph.D. in violence and come home without the ability to get a job, we've created a program. We're replicating a program that they have in San Francisco called Back on Track. And I got a million dollars from the Lenfest Foundation. Gerry Lenfest and Marguerite Lenfest were very gracious to give us a million dollars of their own money. I got approximately $300,000 from the William Penn Foundation. So that we can take these individuals and instead of sending them to state prison for that year, because I give you a mandatory year in state prison if you sell more than two grams of crack -- that's equivalent of two sugar packets or Splenda packets --

instead of doing that, we're going to give them literacy training, vocational training, life skills training, tell them they got to pull their pants up when they go to an interview, how to act on the street and give them a second chance. And if they successfully complete the program -- this is one month of orientation, then 12 months of the program itself. If they successfully complete the program, then they not only have no conviction, they'll have no record. And so that program is in effect now, and that came only through the largesse of the Lenfest Foundation and the William Penn Foundation.

But it's my hope, again, through justice reinvestment -- see, we would spend $40,000 a year incarcerating them in state prison. So if we have 200 people in the program, that's a total of $8 million.

In San Francisco and we hope in our model, it will about $5,000 a year

that we're going to be investing in these young people. And in San Francisco the recidivism rate was about 8 percent as opposed to the approximate 73 percent of the defendants in our state prison who come home, get rearrested in two years.

And so it's our hope that we will be able to show again that if we have 200 people at 5,000 a person, it's about a million dollars a year for The Choice is Yours program, and hopefully through justice reinvestment, we will be able to get the state in Harrisburg and the City to reinvest a percentage of that money back into other ways for us to prevent crime, to invest in all of the partners in our criminal justice system here in Philadelphia.

COUNCILMAN OH: All right.

DISTRICT ATTORNEY WILLIAMS: So we're trying to do all that we can, everything short of bake sales, to get money to support. But, again, I believe that the most saliently, the most

fundamental effort of government should be safety, the safety of its citizens. And President Biden -- I'm sorry; Vice President Biden said, Don't tell me what you value. Show me your budget and I'll tell you what you value.

So I clearly believe that the Philadelphia District Attorney's Office is underfunded, not only in comparison to other cities but just in what the actual need on the streets here in Philadelphia is. Everywhere you go, everywhere Councilwoman Bass goes, people want to know about schools and safety. If you want to help me increase our tax base, help me, Councilman Oh, make the City safer. If you want to help reduce the brain drain of college graduates leaving, help me make the City safer so they'll want to say.

So I say clearly it's an investment that we have to make. I'm asking for 2 percent more. I'm not even asking to give raises to my ADAs, which

they all deserve. I'm just asking for just 13 more people to help us deal with the most serious cases of violence in our city.

COUNCILMAN OH: All right. Thank you very much.

Thank you, Mr. Chairman.

COUNCILMAN GREENLEE: Thank you. Thank you, Councilman.

Councilwoman Sanchez.

COUNCILWOMAN SANCHEZ: Thank you.

Good afternoon.

DISTRICT ATTORNEY WILLIAMS: Good afternoon. How are you?

COUNCILWOMAN SANCHEZ: I wanted to ask you around -- you're asking for half a million dollars for your DAs. How are you going to utilize these DAs and what are your projected savings? You've been very good about coming back and reporting to us on your projected savings as a result of some of your office reforms. Can you speak directly to that?

DISTRICT ATTORNEY WILLIAMS: Certainly. And, again, I think that the estimate that I gave -- I know Councilman Green sent me a text, so I kind of cut right to his question as well, where are we coming up with this $2 million projected savings. And this is a conservative projection based on several policies that with our partners on the criminal justice system here in Philadelphia we've implemented, such as the Small Amounts of Marijuana.

Now, some people when I became the DA said, Oh, there's this new DA, he wants everybody to smoke marijuana. No, that's not the point. The fact is that we were spending thousands of dollars doing the drug analysis, hiring court-appointed or the Public Defender to defend these cases, making copies of the discovery, paying the police overtime to hang out in the Criminal Justice Center, thousands of dollars for when some Philadelphians possessed about $10 worth

of weed. So from just a management standpoint, from an efficiency standpoint and also from a criminological standpoint, it made no sense when we were being under a hurricane of the gun violence to just spend all that resource on marijuana cases.

So now those defendants, instead to going to court on multiple listings, are paying a $200 fine that goes right to the First Judicial District. So we approximate there's a savings of about $180,000 so far from just the Small Amounts of Marijuana program.

The Accelerated Misdemeanor Program, AMP, we believe that about $287,000 has been --

COUNCILWOMAN SANCHEZ: I'm sorry. So you've received $180,000 this year from people paying a $200 fine for marijuana violations?

DISTRICT ATTORNEY WILLIAMS: No. We don't receive any of it. The

$200 fine goes directly to the First Judicial District, the Courts.

So we believe that this $2 million that we've realized comes from SAM, the Small Amounts of Marijuana program, comes from the Accelerated Misdemeanor Program, from defendants that do -- if somebody steals your lawn gnome, I mean just very minor misdemeanors, no cases of violence, are being disposed of in that fashion. Also, through our SMART rooms. So with the First Judicial District, the judges, the Court of Common Pleas, we're taking felony cases and we're seeing a significant change in how these cases are being processed.

Again, when I came into office and when I campaigned, it was that it's not the severity of punishment that changes behavior; it's the certainty of punishment. So instead of asking for a crazy -- making a crazy plea at the first listing of 50 years in jail because that's what we want to see written on the

front page of the paper, that we'll make a reasonable offer, the most reasonable offer at the first listing so that all of our partners, the defense counsel, the judges, everyone knows that you're going to get the best offer at the first listing, and we've resolved -- I think we've resolved almost 40 percent of the cases now in these SMART rooms. And so that is creating a significant savings in the reduction of payment to the defense bar, through court appointments, through the Public Defenders Office, through -- about 80 percent of the defendants that are housed on State Road are awaiting trial. So we're getting many of them through the system, either time served or to their probationary sentences or off to state prison, in a much quicker way as a result of these SMART rooms. But the SMART rooms require, all these specialty rooms require Assistant District Attorneys, they require judicial oversight, they require Public Defenders

to be present to ensure the defendants are knowingly and intentionally making their pleas. So we've seen a savings there as well, Councilwoman.

COUNCILWOMAN SANCHEZ: I do appreciate the community policing and enjoy the relationship that our office has with your ADA, Flores and others, who have come out and given a face to the DA's Office. I think that's been important in our crime prevention efforts.

We talked a little bit and I want to kind of put it on the record. My biggest concern with our public safety efforts is how do we become smarter and more efficient on it. In the discussion with the Police Department with Commissioner Ramsey, I talked about stronger ties with both the state and the federal agencies, because we're taking on their burden. You're prosecuting and spending quite a bit of resources on people that are in violation of both

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state and federal parole.

So one of the things -- and I shared with you the book on David Kennedy. One of the things I'd like for you to say for the record is, what are some of the current ties that you have with the state and feds as you pass those cases on to them, and are we ready to take it to the next level?

I really believe -- and I don't know whether this could be DA driven or from the Police Department or from the Courts, but it is clear to me that we can't continue to pay 25 percent of our budget to public safety and not work smarter.

So can you talk to that, how do we work more efficiently?

DISTRICT ATTORNEY WILLIAMS: Certainly. Again, my mantra is to be smart on crime, not just tough. So that was on my T-shirts when I ran for District Attorney in 2005 and 2009. And I have with me, Councilwoman, a copy of

the book that I use in the text and I teach at Temple Law School and Villanova Law School, Smart on Crime by Kamala Harris.

I think we have to do all that we can to be smart on crime. Being smart on crime doesn't mean being soft on criminals. It means that we do all that we can to prevent crime.

I know your husband, I know your son, who should be going to Central High School soon. They prefer that you weren't shot, not that you were shot and the District Attorney's Office handled the case well. So we have to do all that we can to prevent crime, all that we can to get the guns off the street. Being smart on crime means we do all that we can to better serve the victims of crime.

And so I agree with you, and that's what we're trying to do. I'm doing more with less. I have fewer Assistant District Attorneys than my predecessor. At one point she had 331.

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I'm down to about 294 now. I have a smaller budget than my predecessor did, and we're more efficient, and I'm proud of that. I've answered the call to tighten our budget and to do more, but I'm saying at this point, with the murder rate what it is, with so many children going to sleep hearing gunshots in the City of Philadelphia, that we have to do more now. We have to double-down, and we have to do all that we can to better prosecute these cases.

But I'm very appreciative of you bringing up David Kennedy, and I've met with him in New York. I've spoken with him. I don't say I have him on speed dial, but we have each other's cell phone numbers. So there are a lot of things that I would like to do, working with Philly Rising and working with the Police Department, working with the School District, working with DHS to do all that we can to prevent crime, methods of Mr. Kennedy's of trying to hold these

drug dealers accountable and responsible to each other for keeping the violence down.

So I'm aware of that, and I think we have to do more. But, again, we have to put our money where our mouth is. It's one thing just to talk about it, but we just can't hope that violence goes away. We have to do something. So I'm interested in working with you, the Council President to come up with ways, with Everett Gillison, to fund programs like the Violence Interrupters to have people that are just a little bit out of the game of selling the drugs and the violence, to have them be mentors to those so they can learn what not to do, don't do what I did, but also to be out there listening when they know violence is about to happen between this group and that group.

So I think we have to do that. We have to give them a second chance.

So moving on, I think also we

do have to improve. We're trying to do all that we can and we have these GunStat meetings, Councilwoman. If I don't say it, I'm always beaten to the punch by Commissioner Ramsey. He will say to the First Assistant U.S. Attorney, who is present -- Lou Lappen is there at all these meetings -- he says, What are the feds going to do? If the federal government has the greatest ability to raise taxes, of course, but they spend the smallest percentage of their budget on criminal justice. I think homeland security starts at home. And so the problem is, we try the super majority of those cases and we try everything, not just the case where somebody -- they have a statement and the wire tap and the mother is going to testify against them. We handle everything, and we're going to continue to do that because the citizens of Philadelphia deserve that. But we are trying to get as much as possible for the federal government -- and I have a good

relationship with our U.S. Attorney, Mr. Memeger -- to get them to handle more of those cases. We have Assistant District Attorneys that are down there to handle some of those cases, but we need to increase more.

And also part of your question, the question that Councilman Johnson asked, we do have a Gun Violence Task Force that is funded by the Commonwealth of Pennsylvania through the Attorney General's Office, and we have a great relationship there where we have special agents who are primarily all former Philadelphia homicide detectives, who are helping us investigate cases of people who are straw purchasers of handguns.

But in meeting with the Police Commissioner and Deputy Commissioner Ross, I really believe that we have to do more, and so we've changed our MOU with the Attorney General's Office and the Police, so those agents will do more than just the straw purchasers. They will

actually help us go out to interrupt the flow of commerce of the illegal sale of handguns so that we can do more in cases in which handguns were used in a gun-point robbery or shooting and then somehow the case fell through the cracks, to use those investigators and our power of the grand jury to get witnesses who might have been intimidated to come to court.

So we're doing that, and that's just the MOU that I think we've changed maybe at the end of last year.

COUNCILWOMAN SANCHEZ: I intend to attend one of the GunStats. We did a gun buyback this weekend with the 24th and the 25th Police District, and I never seen police officers so happy to see an AK, you know, because in their minds, this is lives that we've saved. I'm thinking we could have gotten a lot more guns. I'm worried about the quantity and they're worried about the quality of the guns that are out on the street, and it

was just surprising to me.

I'll come back, and I think Councilman Johnson had a point of information. On the next round I'd like to talk a little bit about nuisance businesses, but Councilman Johnson.

COUNCILMAN GREENLEE: Thank you.

COUNCILWOMAN SANCHEZ: I'm finished. My time is up. Go ahead.

COUNCILMAN GREENLEE: No, no, no.

COUNCILWOMAN SANCHEZ: Wait. Councilman Green.

COUNCILMAN GREENLEE: No. We have a whole list of people.

Councilman Green.

COUNCILMAN GREEN: Thank you, Mr. Chair.

I did want to talk a little bit about the 2 million. I don't want you to go over what you mentioned, which is SAM, Accelerated Misdemeanor. With resect to SMART rooms, I have a specific question.

You said 40 percent of cases are resolved in SMART rooms. I don't think that's accurate, right? It's 40 percent of cases result in pleas as compared to the past; they're not all in SMART rooms.

MR. McCANN: Councilman, I think that FJD's latest statistics would be that 40 percent of the felony caseload is being -- as you said, they are guilty pleas, but they're being resolved in SMART rooms, which would be within about six to eight weeks of arraignment. So the point is that the cases are being --

COUNCILMAN GREEN: When you say "SMART rooms," you don't mean the camera TV rooms then?

MR. McCANN: No, sir. It would be in the courtrooms that the FJD set up to take pleas for early resolution. So the cases are being disposed of much quicker than they used to be.

COUNCILMAN GREEN: Great. So the other things leading to the 2 million, I assume one is Police overtime,

one is prison savings, right?

DISTRICT ATTORNEY WILLIAMS: We really didn't include the prison savings in this 2 million.

COUNCILMAN GREEN: Good. Yeah. So Police overtime. What else?

DISTRICT ATTORNEY WILLIAMS: AMP.

COUNCILMAN GREEN: Which is?

DISTRICT ATTORNEY WILLIAMS: AMP is the Accelerated Misdemeanor Program.

COUNCILMAN GREEN: Right. Other than the ones you already mentioned, SAM, Accelerated Misdemeanor, SMART rooms.

DISTRICT ATTORNEY WILLIAMS: There's approximately, I believe, about a 10 percent reduction in costs now as a result of the SMART rooms for the fees associated with court-appointed counsel.

COUNCILMAN GREEN: Court-appointed counsel. Okay. Great.

Now, of those programs, what

are attributable to the District Attorney's Office acting alone and what are as a result of the collaboration that is happening at the Criminal Justice Advisory Board that really started operating in 2008, where most of these programs began?

DISTRICT ATTORNEY WILLIAMS: Well, I would have to say that almost everything that I do I'm very thankful is a result of the collaboration that we have with all of our partners in the criminal justice system. I'd like to thank you, Councilman. Your Chief of Staff, Sophie Bryan, is a tremendous asset to CJAB. She has a great job there, as I'm sure you're aware.

So almost everything that we do -- I don't do anything, for the most part, in a vacuum. I come up with a lot of great ideas. I call I have Irish Spring moments where I'm in the shower and I think of something great, and then I share that with Judge Neifield, who is

the President Judge, who lives on my block, as she's out walking her dog Max, or I'll call up Judge Dembe and we'll talk about it or I'll call the --

COUNCILMAN GREEN: Okay. I just want to deal with the specifics.

DISTRICT ATTORNEY WILLIAMS: Well, I'm dealing with the reality that all of us work very well together.

COUNCILMAN GREEN: Great.

DISTRICT ATTORNEY WILLIAMS: So I'm very thankful that we have that great relationship.

COUNCILMAN GREEN: Well, that's good. I have limited time, so I'm just trying to get facts in and details and things like that, with knowledge that I may not get the same leniency that the other Councilpeople have when the bell goals off.

COUNCILMAN GREENLEE: You're actually right, you won't get the same leniency, how about that?

COUNCILMAN GREEN: So --

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DISTRICT ATTORNEY WILLIAMS: I didn't ask for all 2 million. I said I think a percentage of that.

COUNCILMAN GREEN: No; I understand. The fact of the matter is, we've had an increase in prison costs of more than 2 million this year as a result of the increase in prison population that is anticipated, and with all this diversion and other stuff we're doing, we're actually seeing an increase in prison population, which I have no objection to. If people are bad, they need to go to jail. That's fine. So overall the savings in the criminal justice system that started have really -- they really started to plateau in 2011 and they're trending back up. And so I just want to put on the record, there are not actual savings in the criminal justice system given the increase in the prison budget since you became DA. And that's not a statement about that; it's just a statement of how

much money is left in the criminal justice system to spread around and make available for additional increases.

I also wanted to make sure we got on the record that the Police staffing is going to increase by 400, as you mentioned?

DISTRICT ATTORNEY WILLIAMS: Yes.

COUNCILMAN GREEN: But it's basically replacing people through attrition and it's level staffing for sworn personnel in the Police Department roughly over the course of the entire Five Year Plan. So there is actually not going to be more sworn officers in the long run over the course of the police classes that are in the Five Year Plan and that we have coming up.

DISTRICT ATTORNEY WILLIAMS: Was that a question, Councilman?

COUNCILMAN GREEN: No. I just want to -- I want to make sure the record is clear given the testimony today.

I will come back. Thanks.

COUNCILMAN GREENLEE: Thank you. I appreciate that.

Councilwoman Bass.

COUNCILWOMAN BASS: Thank you, Mr. Chairman.

Good afternoon.

DISTRICT ATTORNEY WILLIAMS: Good afternoon. How are you?

COUNCILWOMAN BASS: How are you?

So I think some of the questions I had had actually been already covered, but I did want to make a statement, and the statement is that I just really appreciate the way and the approach that you've taken to the District Attorney's Office. I think that there has been a marked change and difference in the way we look at crime, look at the way we address crime and violence in our communities.

I was up at Graterford back in December and talked to some of the

inmates, some of the lifers there through a restorative justice program that we had gotten some funding for. And I know you're very familiar with it. Jane Golden runs a program through there. And one of the questions, one of the main questions that the inmates had, the lifers had, was, What can we do to stop the flow of young mostly African American and Latino men from joining us and becoming lifers here at Graterford.

And so I know that it's a very complicated answer to that question, but I do want to tell you how much I appreciate the work that you've been doing thus far and also looking at crime differently. As you said before, we can't prosecute our way out of this. We can't incarcerate our way out of the crime and violence problem that we have.

And so I know you've talked about already some of the things that you've done differently and that you have a new way of looking at methods outside

of Pennsylvania and also new ways of doing things and thinking, but I just wanted to, I guess, see if there was an opportunity for you to add anything else that you've done differently that's made a difference.

Even with the spike in crime, you have to look at the fact that there's the change in the economy. There's so many more factors that are adding to what we see now and that's happening in our communities, but I still think overall if it wasn't for some of the work that we've seen, some of the changes that we've seen in the District Attorney's Office, I think that Philadelphia could be in a much worse position. I think that some of the things that we've done in terms of changing the way we look at small amounts of drug possession, whether it's marijuana or crack cocaine, that if there is an opportunity to turn particularly young people around and get them on a different path and in a different

direction, it really just makes so much more sense.

DISTRICT ATTORNEY WILLIAMS: Well, thank you, Councilwoman. I'm just honored to have the opportunity to serve as the District Attorney in the City that I love. There's almost 600 people that work in our office, and they do an outstanding job every day and I'm very thankful just to be a part of that. I'm thankful -- I'm giving voice to the changes I think that have been necessary for a generation. But just many people would sit around at lunch with me when I was a young Assistant District Attorney, and Mr. McCann was one of them. He still has his hair; I don't have mine. And we would talk about what we would do if we could run the office. And I think Philadelphians want the right people charged with the crimes, nothing more, nothing less. And I think in the past, that wasn't the truth.

Now, different people have

different perceptions. People that live in one part of the City see things one way. People in other parts of the City think that the whole system is just coming down on people on their block for doing silly stuff. And so, one, we have to really try to show a fair and a balanced way of how we're going to do things, and I think by having tripling the amount of people we have in our Charging Unit took a lot of our resources away from our Trial Division, but it was the right thing to do. And it's no longer people are being sent there as a punishment, but people that have demonstrated good judgment are in our Charging Unit. And I think that is important because it gives the system legitimacy. If people think we're not just prosecuting Pookie and Man Man, but we're going to prosecute priests that abuse people or doctors that kill the newborn or we're going to go after dentists that commit insurance fraud, if

they see that we're going to do that, then when juries come in for selection, they'll think, Well, the DA is trying to be fair.

Part of the reason why people were so upset that Trayvon Martin's murderer, the man now charged with it, why they were so upset was because he hadn't been arrested. Now that he's arrested, they know he might be found not guilty, but it gives them a sense of legitimacy that the system is fair and balanced to everyone, and that's what we're really trying to do in Philadelphia, and that's what I think community-based prosecution really addresses that, that, yeah, I'm going to go out to every meeting I can, because I think it's the right thing, but, more importantly, do the Assistant District Attorneys that work for me, do they understand the concerns of the public, do they hear the problems in this neighborhood versus a different

neighborhood. And by them going out and being present and rubbing shoulders with real Philadelphians that have real problems, from Passyunk Avenue to Chestnut Street to Florence Avenue to Wadsworth, everywhere, that they get to understand the real flavor and what's going on and to see that we're trying to work for them. And, again, that creates that sense of we're all in this together.

And so I think in many ways, that is a fundamental change and something that we're really trying to -- we're doing a lot to reduce the tensions between law enforcement. The Police Department was ahead of us light years with community-based policing, and so we're trying to catch up. We've done a lot to have -- I have hired a person to help do Hispanic outreach. For far too long, the Hispanic community was maybe underserved by our office, so we're trying to get to work with them to educate and collaborate. That is the

catch phrase for my people that are out there, Vernon Price and others. They're trying to do things to help the community understand what we do and how we can do it better working in collaboration.

COUNCILWOMAN BASS: Okay. I agree with you. I think fairness is just critical to making sure that we have people who feel that they want to participate, whether they're witnesses or victims, and also people who have been unjustly accused. And so if you have a system that people believe is fair, it goes a long way to making sure that we get down to the bottom of things.

COUNCILMAN GREENLEE: Thank you.

COUNCILWOMAN BASS: Thank you.

COUNCILMAN GREENLEE: Councilman Squilla.

COUNCILMAN SQUILLA: Good afternoon, guys. Thank you for being here. I appreciate the community-based process that was going on, because that's

how I feel that most people engage in the process, and to see your office actually going out there and being at community meetings is a big part of it.

A lot of questions we get are always -- I mean, a lot of them are just quality of life issues, whether it's a nuisance property or a nuisance bar, and these things come up all the time and people feel like that's destroying -- even though it may not be a murder or it may not be a specific crime, it drives people in the cities out. And we know your office is struggling to do certain things, but we do appreciate when you do get involved and go after these nuisance properties. It really makes a difference. And I would like to see -- I mean, I don't know if you can -- but maybe even a little more in that avenue of actually going out there when we get a ton of information, that you go out there and actually go after these homeowners that are part of it, whether they're

renting the property out or whether they're in the home itself, but I know you have a program where you can actually confiscate a property.

DISTRICT ATTORNEY WILLIAMS: Correct.

COUNCILMAN SQUILLA: Which it's a long process and it takes a long time, but once you do this in the neighborhood, believe me, the word gets out, and some of the community groups actually even use that and send a letter saying, If you do not start acting right, we're going to get the District Attorney's Office out there. And believe it or not, sometimes that's all they need, and other times we need your help to actually go in there and do it.

But beside that, we were just talking with the Courts earlier and we had mentioned about community service and also -- do you see that as a way to encourage some of these young people with minimal crimes -- I'm not going to say

minimal, because no crime is minimal, but it's not a serious crime, to be able to go out from and actually perform community service, work within the neighborhoods and make that a priority for your Administration?

DISTRICT ATTORNEY WILLIAMS: Yes, and thank you, Councilman. We have a tremendous relationship with Judge Dougherty, who supervises -- the Administrative Judge for Family Court. I was with him just last week talking about things that we can do. So we do have a youth aid panel, which for many ways juveniles who have committed minor offenses are dealt with by a group, a panel of adults, concerned adults from their neighborhood, from their police district, and many of them do community service. Many of them do other things, some sort of restorative justice for their community. But I'm always interested in finding more ways for more of these defendants in our AMP program,

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Accelerated Misdemeanor Program, to do community service, to give back to the City, to clean up the graffiti, to get those plastic bags off the boulevard, to whatever they can do to help beautify the City.

Two points you addressed. One, Caroline McGlynn is the Chief of my South Bureau, a question that you and Councilman Johnson asked earlier. So she's the point person for the District Attorney's Office in cases in the South Division for those three police districts, and she supervises those ADAs, trains them, but also leads them and directs them to become more involved and more responsive and transparent to the public that we serve.

And so, again, for any of the community meetings that you have, you can contact me but also Caroline McGlynn, specifically as to the crime patterns and to our response to the crime in your district.

Beth Grossman is the Chief of our Public Nuisance Task Force, which has had a tremendous history of success in working with communities to identify problem properties, be they crack houses, houses of ill-repute or whatever, and to seal them, working with the Department of Licensing and Inspection and the Police, to seal them, to then often forfeit them at auction.

And so we have a great relationship, but that again is intensive. It takes work with the community to be able to document the problems that those properties are creating, that we either go into Civil Court or Criminal Court, depending upon the problem, to do what we think is just for that community.

So, again, we encourage all of you to contact us. We have trainings for Council. We had trainings for the Council staff and your constituent services folks so that you can know to

contact Beth and what her number is, and the people that work for her are assigned geographically as well, how they can go out, get that information from your constituents so that we can better serve our citizens.

COUNCILMAN SQUILLA: Well, thank --

DISTRICT ATTORNEY WILLIAMS: Because I'm always looking for more ways and we want to come up with ideas with you to find a better way to do the public -- to have defendants go out and do community service, to identify places and to ensure that what they do is calculated appropriately, not that they just come back with some sort of handwritten note on a bar napkin saying they did something, but that a legitimate agency empirically gathers what they did and they did it, in many ways, that will help them.

So there are a lot of people that we don't need to incarcerate, but

there are some folks that do. Some folks do need to see inside of a jail.

COUNCILMAN SQUILLA: One more thing and it's just a statement. Just the --

COUNCILMAN GREENLEE: I'll be accused of playing favoritism.

COUNCILMAN SQUILLA: It's not Bill Green.

The Community Court is gone now and now they have the AMP courts, right, that are taking over in the specific neighborhoods. Those folks that are coming out of the AMP courts who get community service, are they now working within those communities like in the South District to get -- and they actually go back into the communities and do their community service time?

DISTRICT ATTORNEY WILLIAMS: Yes. That's my understanding. Now, we all had a presentation here a couple years ago with the Community Court from Brooklyn, in Red Hook. So in many ways

that's like the gold standard of what we could shoot for, but, again, what's the commitment? Are we going to put our money where our mouth is? Are we going to have community-based programs that will deliver the assistance to folks?

In many ways, the DA's Office, we are like the social worker of last resort. We recognize we need to invest more in the educational system, but we do find that Community Court process in many ways is very helpful to the victims and to the defendants of crime.

COUNCILMAN GREENLEE: Thank you.

COUNCILMAN SQUILLA: Thank you.

COUNCILMAN GREENLEE: By the way, we noticed that was a question. You snuck a question in there, not a statement. We noticed that, just for the record.

Councilman Johnson.

COUNCILMAN JOHNSON: Thank you, Mr. Chairman.

Just one last question, Seth, because you've been up here for a while. So I just want to again commend you on what you have started thus far. But, again, back to the issue of the Gun Violence Task Force, because I'll follow with Vernon myself, as well as Ramsey, Ross, just so I'm still trying to wrap my head around where the guns come from. I know there's no gun factories in Point Breeze. There's none in Richard Allen. There's none in Kensington. So what I'm trying to really thoroughly have an understanding of, once the illegal guns come in possession -- this is probably more of a question for the Police Department, but since there's a Gun Task Force, it's all interrelated.

Once the guns are swept for prints and we actually, okay, find out who owns this gun, what happens? Do we just say, Okay, a woman named Miss Shirley Johnson purchased the gun. But does the investigation stop there?

That's the only part that I'm not connecting with, is when these guns do come in, what happens? What's the followup with these guns?

DISTRICT ATTORNEY WILLIAMS: Sure. All right. That was like Part 6-B of your eight-point question you gave me earlier, so I'm sorry if I didn't get back to that question.

COUNCILMAN JOHNSON: That's no problem.

DISTRICT ATTORNEY WILLIAMS: So often when guns are recovered, they have a serial number, and as a result of when you purchase the gun, it can be traced back to the person who bought the gun. Also, as you know from watching all types of shows on TV, CSI, whichever city you choose, you can also match the projectile, the spent projectile or the shell casing back to the barreling of the handgun or the rifle to find out who owned it as well.

Often when the handguns are

identified and they're found on the street and you find the serial number, what we find all too often is that the owner purchased the gun lawfully, but was not the person that possessed the handgun. So that is why I'm very thankful that Council worked to create a law for lost and stolen handguns. I wish we could do the same in Harrisburg. If your car is lost or stolen, you have to report it being lost or stolen, but not your handgun. And so all too often, people who lawfully can purchase handguns, they buy them and they either sell them or give them to a person who cannot lawfully possess a firearm and then they use that in the commission of a crime. And so we're trying to do all that we can.

You asked where are they coming from. They're not coming from Point Breeze, you're right. They're not coming from 63rd and Catharine. So we're getting -- many of them we're finding are

from Virginia. There's a portion of them that are coming from Virginia, but many of them, again, they are just purchased by straw purchases, and if people had reported them stolen --

COUNCILMAN JOHNSON: I have another -- let me ask you this, because we're on the same page. I got you about the law, clear with law, and I'll follow up with Vernon.

So are we tracking like -- that's a good point, that we probably normally have in the past. You're saying a lot of these guns are coming from Virginia.

DISTRICT ATTORNEY WILLIAMS: Right. So when it goes back to that person and they say, Oh, you know what, that gun was stolen out of my house, nothing else was stolen, just the gun, there's nothing we can do to them now.

COUNCILMAN JOHNSON: Let me do this then, and I'll wrap up on this last part. This is a very, very important

question. Maybe you can talk off line. I'll talk with Vernon, but you just added a whole different context to this.

So at least at this point, we do have a tracking system of where these guns are coming from?

DISTRICT ATTORNEY WILLIAMS: Correct.

COUNCILMAN JOHNSON: Okay. And I think part of that tracking system would not only be location, but also a person, even though we can't do anything to the person, but we should have information saying these ten guns that were recovered in the year 2012, five of them come from Florida, the other five come from South Carolina, these are the five people that own them here in South Carolina, here go the five people that own them here. We can't touch them because of the law, but we do know that they owned these guns at one particular time. So is there -- so there is a tracking system in place?

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DISTRICT ATTORNEY WILLIAMS: There is, but more could be done, and if we had more ATF agents --

COUNCILMAN JOHNSON: I'm just talking about from a supportive standpoint, but at least from a data standpoint, we do have that.

DISTRICT ATTORNEY WILLIAMS: Clearly.

COUNCILMAN JOHNSON: To at least get the process rolling.

DISTRICT ATTORNEY WILLIAMS: Yes.

COUNCILMAN JOHNSON: All right. And this is a followup in terms of what Councilwoman Sanchez said. I think when we asked for more support on the federal level -- and I don't have a problem supporting and advocating from this aspect. If we do have a heavy load of the federal crimes -- prosecutions as it relates to federal crimes and it's draining our significant resources, we have a federal delegation that I believe

firmly should also be participants in this process. They all get elected, just as we do. And so having a background as a former State Representative, I'm always a firm believer of intergovernmental relationships, but it should also be equal opportunity responsibility when it comes to everybody playing their fair share.

So maybe we could convene those who represent us on the federal level to specifically deal with the issue of resources of support for public safety in the City of Philadelphia on a federal level so we can have a three-pronged strategy, because I know you're already doing your part on the state level as well. So that's pretty much it.

DISTRICT ATTORNEY WILLIAMS: I'll be there with you.

COUNCILMAN JOHNSON: That's where my head is at.

COUNCILMAN GREENLEE: Thank you. Thank you, Councilman.

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Councilwoman Sanchez.

COUNCILWOMAN SANCHEZ: Thank you.

I too want to kind of echo the importance of the Nuisance Task Force and what it means for neighborhoods. We're constantly being asked by the Police Department to be given more tools to go after businesses, and I always believe it's a doubled-edged sword, because in many neighborhoods, the businesses are as much of a victim of what's going on, so we're always kind of juggling these interests.

One of the places where I have been the most concerned about has been on liquor establishments. Can you speak to what other tools, what else do we need? Because it just seems that your department and the community has a huge burden when it goes after these businesses. Is there anything else we could be doing or we need to do so that we don't have to wait for someone to die

in a bar before we could close it? What other things can we do to strengthen that, without going to the extreme of penalizing all businesses?

DISTRICT ATTORNEY WILLIAMS: Right. And I thank you. We have a good working relationship with your office when it comes to identifying these bars. Beth Grossman, who is the Chief of our Public Nuisance Task Force, often says nothing good happens after last call. But what we need is instead of people after the fact, after the triple shooting, say, Oh, yeah, that bar has always been a problem. Right? Often when somebody does something bad and they're on TV, their neighbor will say, Oh, yeah, he's always been doing something wrong. Well, we need them to step up ahead of time. We need people that come to your community meetings to let us know the bars that are a problem so that we can begin to track them, to gather the data that's necessary, to

hopefully sometimes work with them so they can become safer and become better community partners. But those that don't want to become better community partners so that we can shut them down in collaboration with the Department of L&I or the Department of Health sometimes, the state Liquor Control Board, are all our partners when it comes to dealing with those properties. But, again, it takes the community working in collaboration with us. But, again, if you have information about them, we want to be more proactive to gather that information ahead of time.

But I have a BlackBerry. All of you have City-issued BlackBerries. Mine is connected to the Police. I get the reports when there are these shootings, and when we see that one is within so many feet of the bar or inside of that bar, then we begin our own case and we begin looking at is there a pattern to see if it is a property that

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needs to be shut down to better protect the City.

COUNCILWOMAN SANCHEZ: I agree with you. The calls are important. I know I have some nuisance establishments, and when I call our captains, people get frustrated and stop calling 9-1-1 and then it becomes a problem. I'm just wondering if at the state level there's anything else that we should be doing or requesting from them, from their Liquor Control Board around these. It just seems like it's so burdensome. We got to track when the beer renewals are coming. It just seems like the onus is always on us and I just think the state needs to be proactive. And I don't know what that is, but I think we need to start having that discussion, because as Councilman Johnson says here, we need to hold our state delegation more responsible and helping us, give us tools to deal with these establishments so we don't penalize everybody, but that -- because we know

what the problem is. Crime fighting is not a science. We know who the people are. We know where they are. We know where they live, and we know who has the propensity to have a gun, and it just seems like we're always reacting. And that's one of the places where, again, I want to help the Police Department, but it's hard to give them blanket tools to go after all my small businesses, but I do want to be able to help them. So it's a discussion we should continue to have.

That's it. Go ahead, you can have a point of information.

COUNCILMAN JOHNSON: Just --

COUNCILMAN GREENLEE: On that point, yes, please.

COUNCILMAN JOHNSON: Just on that point.

I do know when you -- and this is probably a coordinated effort, but I know unannounced raids on certain bars, and I remember stories of when certain bars were raided in certain places, you

will come in and find like millions of guns on the ground just based upon the actual raid. And so however we can be supportive from that aspect with the nuisance bar establishments.

I don't believe in the whole somebody selling a gun behind the actual bar counter, but I do know in certain bars that people hustle, probably everybody in there is strapped. And so probably some type of coordinated effort every now and then to kind of hit those certain criminal element bars.

We all know bars that are known for doing certain types of things. This bar may do numbers. This bar might be good for hustling. That's just basic street information, intelligence information, but if we could be supportive from that aspect to help y'all push your agenda forward, that will be --

DISTRICT ATTORNEY WILLIAMS: And I'm finding, though, that community-based prosecution and through

GunStat and efforts like that, the Police and the District Attorney's Office, sharing information, real information in realtime and the intelligence of the crimes that are going on at the various locations and us helping now to target those locations as a result of the shared information is making a significant impact, and I think as time goes on -- this is just two and a half years in. As time goes on, we will see a greater impact.

But part of the question also -- Mr. Chairman, I'm sorry -- was to the cost of this violence. And we have seen -- while the homicide rate is high and it's up, the number I gave you earlier, it could be even higher but for the tremendous trauma units that we have in Philadelphia, the Albert Einstein, at the Hospital of the University of Pennsylvania and at Temple Hospital. But the Police Research Forum, of which Commissioner Ramsey is a member, they did

a study for just one week. They found the total cost of gun crime for a week was over $20 million. And they took that by looking at the loss of wages for victims and the defendants, the costs associated with healthcare for all those that were shot and the surgeries and on and on and on. And so there's a significant, of course, dollar value also to the businesses that decide to leave as a result of that. And so there is greater than just the value that we often think of as to just the costs associated with running the Courts or the DA's Office, all these other costs associated with the gun violence.

So, again, I'm just saying that we have to continue to be even more proactive, not just keep our head above water. We really -- we should be doing a lot more to prevent crime and a lot more to invest in the agencies, the Police Department, the Courts, of course, all those agencies that are so interconnected

with law enforcement in our city if we're going to do it right. If we want to be a premier city in everything else we talk about, well, it should be that way when to comes funding public safety as well.

COUNCILMAN GREENLEE: Thank you.

DISTRICT ATTORNEY WILLIAMS: And this discussion has to go on all year.

COUNCILMAN GREENLEE: I understand.

DISTRICT ATTORNEY WILLIAMS: Not just send me a budget of what we're going to be given and then deal with it. But to talk about it and what is on the horizon and what we can do working together to improve the situation in our loved city.

COUNCILMAN GREENLEE: Agreed. Thank you.

Councilman Green.

COUNCILMAN GREEN: Thank you, Mr. Chairman.

I tend to ask specific budget questions trying to get to numbers and understand the performance based on the dollars that we provide, what we're getting in terms of outputs compared to the inputs going in, and so please take my questions in that light. I do think that since you've been in office, the DA's Office has become far more innovative, tried things. In fact, you gave me the smart crime book that you just held up when you first came into office, and I see you pursuing those policies, and I think that's great.

So I'm not sure if I were DA I would present City Council with a paper that says violent crime has gone up since I've been in office, but I appreciate --

DISTRICT ATTORNEY WILLIAMS: Maybe you wouldn't, but I did because --

COUNCILMAN GREEN: I appreciate you starting the conversation that way, because I think it's an interesting thing. And we've tried a whole lot of

new policies, and I think many of them show significant success. I'm wondering what kind of data is behind the policies that have been changed in terms of how the new policy or often what can exist in a new way for people who are constantly in the system to game the system as compared to the old way they gamed the system, et cetera, how we see this playing through all these changes. So specifically when you talk about resolving so many cases in SMART rooms with time served and other pleas that are obviously going to be taken, you can get out right now if you plead guilty, et cetera, what sort of recidivism we see among that population that's being put back out on the street much more quickly. Has there been any analysis of the people who are released through the SMART room program and when they re-offend and data associated with how that is impacting the crime rate, both violent and non-violent in the City? And then I would sort of

ask the same question for each program that the City is -- that we've discussed.

DISTRICT ATTORNEY WILLIAMS: Right.

COUNCILMAN GREEN: AMP, et cetera.

DISTRICT ATTORNEY WILLIAMS: Councilman, I appreciate your appreciation of the empirical data, because I think we need that, more than just anecdotal slap on the back of everything is great, but to actually talk about the transparency, the real numbers and what's really going on, and I can -- I think you probably get the e-mails I get almost every day from Joe Lancellotti of Court Administration talking about the statistics of what's going on in our Criminal Justice Center. So what's very important is that we do gather that data.

Now, sometimes different parts of the criminal justice system have different things that --

(Bell rings.)

COUNCILMAN GREENLEE: That's not for you, again.

DISTRICT ATTORNEY WILLIAMS: -- things they think are important for us to collect and how to analyze. So we can all look at it a little bit differently.

But as an example, with our The Choice is Yours program, one of the things that we are trying to ensure is, better than the program they had in San Francisco, is our ability to gather the data, the empirical data, and to track the defendants to see what their recidivism is so that we can tweak it and improve it.

COUNCILMAN GREEN: So is that being done today? Is there a report --

DISTRICT ATTORNEY WILLIAMS: Yes.

COUNCILMAN GREEN: -- on the various programs along the lines of the question I just asked?

DISTRICT ATTORNEY WILLIAMS: Yes. Specifically in that program, our

partner is the Public/Private Ventures. And so their percentage of that budget of the $1.3 million is to actually be doing that data gathering.

COUNCILMAN GREEN: That's a new program that hasn't really started yet.

DISTRICT ATTORNEY WILLIAMS: Correct.

COUNCILMAN GREEN: I'm talking about the things that are causing or have caused in the past savings. So AMP, diversionary courts, the charging fewer people, bringing fewer charges and what happens when we're bringing fewer cases, are those people going out and re-offending or not -- you've made the conclusion not to prosecute, but are those people arrested again and arrested again, and what impact is that having on violent and non-violent crime on the streets? That's specifically information I'm asking for, and it sounds like we don't have it yet, but I think it's something that we need to have if what

you're asking us to do is invest in more of it.

DISTRICT ATTORNEY WILLIAMS: Well, we have received a grant from the Bureau of Justice Assistance so that we can have a criminologist, a person with an MBA, can help us in that data gathering and creating a computer database so that we can create the exact system to gather that information and then to track it. So as I said earlier, Vice President Biden said, Don't tell me what you value. Show me your budget and I'll tell you what you value. Well, I put my money where my mouth is. So Lauren Baraldi, who was a great Assistant District Attorney, she is now a chief of all the technology stuff in our office. I took Ann Ponterio, who was a wonderful homicide prosecutor, she was a supervisor there, and I've put her in charge of performance for our office so that we can gather that data.

COUNCILMAN GREEN: So is that

data gathered, the data I just referred to, is that data gathered with respect to each particular program and where people appeared in each program? Because as we know, a lot of the same people keep going through the system, and they're going through SMART rooms and they're not getting charged and they're not -- so where is -- or they are getting charged. So is that data gathered today? It's a yes or no question.

DISTRICT ATTORNEY WILLIAMS: Much better than it had been in the past, but it's not perfect yet. So we're trying to gather as much information as we can.

COUNCILMAN GREEN: But is it gathered in a way that would allow a report to be produced for each program in terms of the people who went through it with unique identifiers so we know who the same people are and whether or not they got rearrested, charged, not charged, after they've gone through the

system, what's happening to them through the system again so that we can sort of look at the efficacy of the programs and whether or not they have an impact on the increase in violent or non-violent crime in the City?

DISTRICT ATTORNEY WILLIAMS: Right. Well, we're doing more, but it can't be done to the specificity that you said without the appropriate funding.

COUNCILMAN GREEN: But that's not funding you've requested.

DISTRICT ATTORNEY WILLIAMS: I'm sorry?

COUNCILMAN GREEN: You haven't requested funding for that. Have you requested -- I mean, you're just quoting Joe Biden. Have you requested funding for that?

DISTRICT ATTORNEY WILLIAMS: Yes, from the federal government. We have gotten a grant from the Bureau of Justice Assistance.

COUNCILMAN GREEN: Oh, okay.

So it's paid for?

DISTRICT ATTORNEY WILLIAMS: In part. But, I mean, that's just to help us create a computer structure.

COUNCILMAN GREEN: Okay.

DISTRICT ATTORNEY WILLIAMS: So if you'd like to champion the cause and pass an amendment, give us more money so that we can in a more meaningful way do that, I'm all open to that.

COUNCILMAN GREEN: Rather than going back and forth, if you could just provide the Chair what data you have available today that could speak to this that can be aggregated that we can take a look at, I'd appreciate that.

You have --

COUNCILMAN GREENLEE: Councilman, there is another person that wanted to ask a question.

COUNCILMAN GREEN: Mr. Chair.

COUNCILMAN GREENLEE: I appreciate that. Thank you.

Councilman Squilla.

COUNCILMAN SQUILLA: I have a question for you, and only because I received a flyer here. We're having a budget hearing tonight out in the Bevilacqua Center on Kensington Avenue and --

DISTRICT ATTORNEY WILLIAMS: I'm sorry. You're having what?

COUNCILMAN SQUILLA: A budget hearing.

COUNCILMAN GREENLEE: An evening community hearing.

COUNCILMAN SQUILLA: A community budget hearing.

And one of the questions this flyer is alluding to is the question -- and I guess maybe we could have somebody from your office be at our meeting or not, I don't know, tonight. But they're saying that people plead guilty under pressure or who do not get full information about the effect of a guilty plea, that as recently revealed, that 94 percent of all convictions in the state

court result from negotiated pleas. As a result of the rushed guilty pleas, many Philadelphians who have proven they deserve a second change are forever locked in because they made these pleas without knowing the effects of the criminal conviction.

Is that something that your office will be able to answer or is that something that the Public Defenders office answers? I don't know what they're getting at here.

DISTRICT ATTORNEY WILLIAMS: What they're getting at is -- I don't know all the specific numbers that they quoted you just there, but many people when I'm out at the same community meetings you are or when I'm taking calls on our local radio show, a very small percent of the people call in thinking that more needs to be done to ensure that defendants when they enter a plea, that not only do they knowingly and intentionally enter the plea with the

charges and know they could have had a trial, that they could have had a jury, that they had the right to remain silent if they so chose, but that they also are instructed as to possibly the tangential side-effects of maybe not being able to get student loans for college or maybe they won't be able to join the military or maybe they won't be able to get housing through the Philadelphia Housing Authority, that some people argue that the colloquy at the time of the entering of the guilty plea should be much more extensive. And that's a discussion that is very subjective, but that's part of -- that's what they are getting at with what you said.

COUNCILMAN SQUILLA: Well, I guess the feeling is that if people knew all those things, that maybe the percentage would go down and they won't have as many people pleading guilty knowing that they don't have these options available to them once they make

this plea. So that's something that maybe we could talk about. Would it be possible to have somebody attend our meeting tonight to answer that question?

DISTRICT ATTORNEY WILLIAMS: After we convene -- I mean, after this ends, we'll talk and we will see where it is.

COUNCILMAN GREENLEE: I'm not sure tonight would be -- because it's really not -- that might be a separate thing, Councilman. You know what I'm saying? I'm not sure that's really for tonight, because it's not strictly budget. That might be something we want to set up separately and have a conversation about in some way. And I think you're right, I don't know if the District Attorney would be -- I mean, if you're going to really get into this, I'm not sure the District Attorney would be the only participant. You know what I'm saying? I think there's probably the Courts, the defense counsel, all that. I

think this is a wider, if I may -- I'm sorry.

COUNCILMAN SQUILLA: That's fine.

COUNCILMAN GREENLEE: I'm not sure tonight would be. I mean, I know we have a lot of people testifying tonight, and this could be a discussion that could take a while.

COUNCILMAN SQUILLA: The good part about it, we can say we asked the question to the District Attorney and he's open to looking at different options of where we could go.

COUNCILMAN GREENLEE: Maybe another forum or something, yeah. Okay?

COUNCILMAN SQUILLA: Okay.

COUNCILMAN GREENLEE: If I may. I just wanted to offer that as a possibility.

COUNCILMAN SQUILLA: Thank you very much.

DISTRICT ATTORNEY WILLIAMS: Thank you.

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COUNCILMAN GREENLEE: Thank you.

Councilman Green.

COUNCILMAN GREEN: Thank you, Mr. Chairman.

I was just wondering if -- I'm taking a look at the charts that you have on page -- it's not numbered, but the chart that you had up, which is District Attorney's Funding Per Violent Crime, and I'm wondering if that measure is some kind of measure used anywhere, funding per violent crime instead of funding per population or funding per total number of crimes or whatever the situation is. Like why was that chosen, funding per violent crime?

DISTRICT ATTORNEY WILLIAMS: Well, it was chosen to demonstrate one of the ways -- just graphically demonstrate how woefully underfunded the District Attorney's Office in Philadelphia is.

COUNCILMAN GREEN: But that's one measure, right?

DISTRICT ATTORNEY WILLIAMS: Sure. It's one measure. We also showed the rate of homicides in the same 22 largest counties to show you that we have the highest rate of homicides in those 22 counties.

COUNCILMAN GREEN: What's our funding per homicide compared to -- in other words, it seems to me that if you want to compare funding per homicides to funding to number of homicides in a county, that seems like, I don't know -- I don't know what -- I guess I'm confused by what correlation you're trying to draw.

DISTRICT ATTORNEY WILLIAMS: Well, there's so many variables. If we were to compare the funding of Philadelphia we receive from our municipality of $31 million compared to San Diego County, California, which receives 115 million, well, there is a population difference. We have about 1.5 million in the City. They have 1.5

million or so in their city as well but an additional 1 million in their county, but the rate of violent crime is much less in San Diego than here in Philadelphia.

And so it's never generally just apples to apples when you're looking at the funding. What we can look at is what the rate of violent crime and what is the rate of funding, and so that's how we were able to come up with that chart.

COUNCILMAN GREEN: But there's no academic study that you pulled this statistic from?

DISTRICT ATTORNEY WILLIAMS: Sure. I was given a time limit by the Council President, so I didn't want to give you every chart that I could come with. So I gave you the ones that I thought most graphically demonstrated the rate --

COUNCILMAN GREEN: But your staff put this together?

DISTRICT ATTORNEY WILLIAMS:

That is correct.

COUNCILMAN GREEN: I just want to understand if there was some study or something that you were pointing to that showed a correlation. So this is just an example your staff came up with?

DISTRICT ATTORNEY WILLIAMS: Correct.

COUNCILMAN GREEN: Okay. So you expect that if you get more funding, you'll bring down the murder rate, the homicide rate?

DISTRICT ATTORNEY WILLIAMS: Councilman, if you --

COUNCILMAN GREEN: Is that the correlation you're trying to draw?

DISTRICT ATTORNEY WILLIAMS: If you had been here throughout the entirety of my testimony, what I explained --

COUNCILMAN GREEN: I listened to it.

DISTRICT ATTORNEY WILLIAMS: Councilman, what I explained was that as a result of the geographic -- as a result

of the geographic prosecution and vertical prosecution, we have significantly increased the rate of cases being held for court. And so now we're up about 89 percent of the cases here of non-fatal shootings are being held for court.

COUNCILMAN GREEN: No; I understand. I'm talking about the charts that talk about murder rate.

DISTRICT ATTORNEY WILLIAMS: Councilman, I'm trying to answer your question. I mean, if you just want to put your own show on, you can do that. If you want to ask questions and have them answered, I'll do that.

COUNCILMAN GREEN: I'm just trying to get you to answer the question I ask.

DISTRICT ATTORNEY WILLIAMS: My answer is, we need more Assistant District Attorneys to prosecute the cases, Councilman, for the City that we both live in, because more of them are

being held for court. We have now received about 248 cases in 2011 of non-fatal shootings; 220 of them were held for court. In the past, a much lower rate were held for court. These cases have to be tried now. So one of the by-products of community-based prosecution and the change to vertical prosecution and all of the laws that we've been able to work with the Supreme Court and Judge Dembe of the Court of Common Pleas to make the criminal courthouse more efficient, as you are aware from CJAB, we have more cases being held for court.

So part of the investment that I'm asking for from the City Council and from the Mayor is so that we can hire just a minor number of Assistant District Attorneys to help us so that more senior people can try these cases and hold these defendants for court -- I mean hold them accountable by going to trial so that we can have more Assistant District

Attorneys working with the Police through GunStat to identify the most violent defendants while we can continue to do what we're doing with diversion and smart court.

So the investment, yes, I believe if we do more in tracking those that unlawfully possess handguns and prosecute them better, that we can do more to reduce the violence in our city. And so I'm asking for the 13 Assistant District Attorneys at that rate of, I believe, $636,000 to address just that.

COUNCILMAN GREEN: The question was about the chart, and the question is, how does the chart that says what our murder rate is correlate to the funding of the District Attorney's Office?

DISTRICT ATTORNEY WILLIAMS: Well, I mean, I think as you might have remembered from law school, res ipsa loquitur. I think it speaks for itself. If you look at the funding to those counties, it's almost directly, it's

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inversely proportional. Those with the least funding also happen to have the highest rates of violent crime.

I would think that what we need to do is to have an honest discussion, not just for televisions or radios or whatever you want, but to honestly discuss what the funding should be, not just, well, let's incrementally go up half a percent or down 2 percent this year, but what should the funding be. How many police do we really need to have? I think we need more police in the City of Philadelphia. Let's talk to the Police Commissioner. What are the numbers that you really need of sworn manpower on these streets to make this city safe? What is that number? How can we get there? What types of things can we do to be smarter about pensions or whatever to get to that number? And let's try to get there.

COUNCILMAN GREEN: Well, Mr. District Attorney, that's exactly the

conversation I'm trying to have, which is where do we put our resources when we consider funding. And, for example, I think you used a great example. If we had $600,000 extra to spend, wouldn't we be better off hiring $600,000 more of police officers, given that your office is pleaing 40 percent of cases, which didn't happen before, which has freed up a whole bunch of prosecutor time, and you've created a more efficient office, a better-run office in that perspective, assuming the statistics demonstrate that there aren't other effects related to that.

And so we -- and I say this every budget year -- we have to choose between competing ideas for good with limited resources, which is sort of the corollary to the Vice President's statement. And so we are looking at additional police. We're looking at other public safety measures, like fire, et cetera, and my question was just a

simple one. How does an increase in funding to the DA's Office decrease the murder rate, not the conviction rate, not anything else, the murder rate, which is what this chart reflects, the murder rate?

DISTRICT ATTORNEY WILLIAMS: Right. Well, again, as I try to tell high school students or anybody when I go out to community meetings, if you watch this TV show Law and Order, the first half hour is about everything the police do. The police officers in uniform show up. The detectives show up. They solve the crime. That's the first half hour.

COUNCILMAN GREEN: That's the --

DISTRICT ATTORNEY WILLIAMS: Do you want to ask another question or do you want me to answer that one?

COUNCILMAN GREEN: No. The question is about the murder rate, not convicting --

DISTRICT ATTORNEY WILLIAMS:

I'm giving you that. I like to tell stories. You like to tell stories. I'm trying to get the story to answer your question. I love you, Councilman. Let's get to it. You're cutting me off. We're wasting your time.

COUNCILMAN GREENLEE: Just to remind you, we do have another department still coming up.

DISTRICT ATTORNEY WILLIAMS: With the police, that's just the first half hour. That's just part of the show. If you just hire nothing but cops that are on Law and Order and they do their job, then nothing happens after they get arrested. But you have to have the Assistant District Attorneys trying the cases. You agree, I believe, that the defendant has the absolute right to be proven guilty beyond a reasonable doubt, that they have constitutional rights. All of those happen in court, and the DAs have to be there.

So, yes, I believe that we do

need to have more police. That in many ways is, the visible presence prevents crime. I understand that. We also have to understand that we have to invest in the District Attorney's Office. To not invest in the District Attorney's Office is to not have watched the entire 60 minutes of Law and Order.

So is there a direct cause, like for every dollar you give me, will we prevent so many homicides? Come on, let's not be silly here. But the point is, by having more Assistant District Attorneys to prosecute the non-fatal crimes, these defendants won't get rearrested because those cases were thrown out, because far too often we see the same defendants have had lots of cases where they didn't get justice, where the victims didn't get justice because the cases were either nol pros or they just fell through the cracks. So I believe funding the District Attorney's Office appropriately -- and we have to

find out what that is. I'm all open to that --

COUNCILMAN GREEN: And I'm --

DISTRICT ATTORNEY WILLIAMS: -- but clearly we are operating with fewer Assistant District Attorneys, with less money, without giving them raises in about four years and --

COUNCILMAN GREEN: It seems to me --

DISTRICT ATTORNEY WILLIAMS: We can't ask them to continue the way that they are. It's just unfair to them.

COUNCILMAN GREEN: I'm trying to wait until you stop. Are you finished?

Okay. So it seems to me that that is the best argument right there, that the fact of the matter is you're way down on District Attorneys. You need additional resources to pay attention to cases that are lower down that maybe right now because of resources you're pleaing out in the SMART rooms, that you

are forced to make choices yourselves in your own department about what to push forward to trial that's going to take resources and time, given the resources and time you don't have, you're making decisions, you're making plea offers you wouldn't otherwise do, but you've got an office to run and you've got to pick your most high profile cases. It seems to me that that is a solid argument. And I think you're underfunded. I mean, the budget of the last -- I think the budget before 2008 was in the $34 million range and I don't think you're back up at that level.

DISTRICT ATTORNEY WILLIAMS: No.

COUNCILMAN GREEN: So it seems to me that I can accept that argument. I just -- I still don't understand the chart, but I guess I'll go watch TV and maybe figure it out.

DISTRICT ATTORNEY WILLIAMS: There you go.

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COUNCILMAN GREEN: Thank you.

COUNCILMAN GREENLEE: Thank you, Councilman.

Okay. Any other questions?

(No response.)

COUNCILMAN GREENLEE: Thank you. Thank you, Mr. District Attorney.

DISTRICT ATTORNEY WILLIAMS: It's been a pleasure, Mr. Chairman.

COUNCILMAN GREENLEE: It's always great, isn't it? Great things --

DISTRICT ATTORNEY WILLIAMS: Councilman Green is buying drinks later.

COUNCILMAN GREENLEE: Pardon?

DISTRICT ATTORNEY WILLIAMS: Councilman Green is buying drinks later.

COUNCILMAN GREENLEE: Okay. Thank you.

Our last department here today will be -- there you are. I see you, Shelley -- is the Law Department.

(Witness approached witness table.)

COUNCILMAN GREENLEE: Good

afternoon.

SOLICITOR SMITH: Good afternoon.

COUNCILMAN GREENLEE: I think you know, as everyone else has, we ask your written testimony is part of the record and if you could summarize and --

SOLICITOR SMITH: I shall.

COUNCILMAN GREENLEE: -- be open for questions, I'd appreciate it.

SOLICITOR SMITH: Good afternoon.

COUNCILMAN GREENLEE: Good afternoon.

SOLICITOR SMITH: Councilman Greenlee and members of City Council, I am City Solicitor Shelley Smith. With me today are Donna Mouzayck, First Deputy City Solicitor; Daniel Cantu-Hertzler, Chair of our Corporate and Tax group; Elizabeth Mattioni, Chair of our Litigation group; Barbara Ash, Chief of our Health and Human Services -- Chief of our Child Welfare Unit; Linda Moore,

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Chief Deputy for Health and Adult Services; Frances Beckley, Chief Counsel for Revenue; and Suki Kazahaya, Director of Administration. I'm pleased to have this opportunity to testify in support of the Law Department's FY13 budget request.

I will outline the Law Department's FY13 budget as compared to estimated FY12 obligations.

General Fund: The Law Department requests $6,511,834 in Class 100; $6,010,034 in Class 200; $221,676 in Class 300; and 27,000 in Class 400, for a total of $12,770,544 in the General Fund, which is a decrease of $2,086,316 from our FY12 estimated obligations. The Department will decrease its General Fund budgeted staffing levels from 148 for Fiscal Year '12 to 140 in Fiscal '13.

From the Water Fund, the Law Department requests $3,108,378, an increase of $68,430 from estimated obligations for Fiscal '12.

From the Aviation Fund, the

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Department requests $1,878,074, same as the estimated obligation in Fiscal '12.

From the Community Development Fund, the Department requests $148,824, a decrease of $24,675 from estimated obligations for Fiscal '12, and from the Grants Revenue Fund, the Department requests $942,820, an increase of $100,000 from estimated obligations in Fiscal '12, which is attributable to a correction of funding transferred to the Revenue Department in Fiscal '12.

Here are just a few of the Law Department's accomplishments over the past year. On the revenue side, we worked with Revenue to increase 100 to 150 percent the monthly number of in-house Sheriff sales for delinquent property taxes from roughly 50 per month before amnesty to 100 this February and 126 this March. We've increased collections from those sales from an average of roughly 350,000 to roughly 780,000 monthly. Our outside counsel

have similarly increased their Sheriff sales, again with Linebarger, our pre-existing contractor, going from an average of 50 a month to an average of 150 new properties per month and an increase of average collections from 700,000 a sale to over a million dollars a sale, and our new co-counsel, Goehring Rutter and Boehm, which began the Sheriff sale process only last fall, has already collected $2.2 million in delinquent payments and has payment plans in place to collect an additional $3.6 million.

We've begun to work with the Department of Licenses and Inspections to sell each month at Sheriff sale limited number of properties identified as nuisances and that are subject to liens for real estate tax and/or for municipal services.

We've expanded our support of the Office of Property Assessment by hiring a dedicated attorney to work with OPA. We also obtained a dismissal of a

lawsuit challenging the current property tax assessment system on procedural grounds. We achieved success in the collection of delinquent accounts for Police overtime costs for the first time in several years.

On the litigation side, we've closed our cases with greater efficiency, increasing by 4 percent our closure of cases over the past three years despite a steady annual increase in new cases filed from 1,324 new cases in Fiscal '9 to a projected 1,821 new cases by the end of Fiscal '12. Nonetheless, by the end of Fiscal '12, we'll have closed nearly 1,675 cases for the year as compared to only 1,330 last year.

We've closed 65.4 percent of our total active cases, the total number being 2,129 active cases, without payment, with only 36.4 percent closed with payment as of December 31st, 2011.

We've secured defense verdicts in over 20 jury trials of civil rights

cases in state and federal courts during 2011 and, through motion practice, disposed of 100 additional civil rights cases without City payment.

We resolved the stop and frisk case of Bailey versus City of Philadelphia without protracted litigation and at minimal expense to the City with an agreement that the Police Department would implement procedural changes to its practices.

We've rebuilt our Labor and Employment Unit from a complete turnover of staff two years ago, enabling the unit's attorneys to achieve eight defense verdicts in eight trials over the past year and obtaining awards to reimburse the City's costs against the losing plaintiffs in those cases.

We tried four personal injury cases in the past year with three defense verdicts and one verdict nearly $150,000 less than the plaintiff's demand, while obtaining defense awards in nearly 86

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percent of personal injury cases tried to arbitration panels in state courts.

We have enforced the City's anti-discrimination policy against a contractor negotiating unprecedented agreement for the contractor to help the City develop and conduct workshops and training seminars to provide contractor education and bolster the capacity and independence of diverse business enterprises.

We've worked with L&I to implement the Vacant Property, Windows and Doors Program, which in 175 cases filed has so far generated $48,000 in revenue from fines collected and another $40,000 in anticipated fines, along with license and permit fees in the amount of $107,000.

On the Corporate and Administrative side, we've helped to negotiate and close on a transaction to recoup for the City a substantial portion of the $17 million it paid in debt

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service payments on behalf of Parametric Garage Associates at the Gallery II Garage; worked with the Pension Board to disqualify 22 former City employees from receiving their pensions due to criminal conduct, an estimated savings to the Pension Fund of $5.6 million; reduced the Law Department's median time for contract review from 21 days in 2010 to only 16 days in 2011, well below the established benchmark median of 20 days.

We've helped revise professional services contracts to include the 21st Century Minimum Wage requirement, and for the third year in a row, we've decreased non-labor negotiations to outside counsel expenditures from $2.1 million in Fiscal '11 to an expected $2 million in the current fiscal year, contributing to an overall reduction in those costs of 44.7 percent since Fiscal 2009.

The Law Department is committed to supporting the Administration's goal

of 25 percent minority, women and disabled-owned businesses participation in citywide contracting. We've worked closely with the OEO to set participation goals on all of the Department's contracting opportunities. Based on the Law Department's available contracting opportunities for Fiscal '12, OEO set the Department's participation goal at 20 percent of the contract awards. We are proud of our continued commitment to diverse contracting, which resulted in 29.68 percent of contract dollars totalling $1.5 million being obligated to minority and women-certified contractors or led by minority and women staff.

In addition, we remain committed to the maintenance of a highly professional Law Department that both reflects the diversity and exceeds the expectations of the citizens of Philadelphia we serve. Of the total Law Department staff of 309 as of February 2012, which includes the attorneys, legal

assistants and support staff, 41.1 percent are minority and 65.4 percent are women. At the executive committee level, six of seven members are women and three are minority. And one specific project that we've focused on this year on the diverse business side, we've worked with the law firm of Archer and Greiner and Temple University. Archer and Greiner is our civil rights conflict firm. They handle our conflict representation in civil rights cases. And with Temple University, Archer and Greiner has established a scholarship program providing to Temple law students with scholarships from Archer and Greiner summer internships in which they will split the summer working for the law firm and the City to diverse students, I should have mentioned. They will, because Archer and Greiner is our conflict counsel, have the opportunity to work on City work both at the firm and with the City, and if hired by Archer and

Greiner, as the firm expects, will work with the firm that has significant experience handling City work and thereby create a pool, because the firm -- because the scholarship program is annual -- create a pool of diverse lawyers trained both in private practice but also in municipal government representation that will put a pool of those attorneys into the pool of lawyers in the City.

Thank you for the opportunity to testify today on the Law Department's Fiscal '13 budget request. I look forward to continuing to work with members of City Council in the performance of my duties as City Solicitor, and should any Councilmember wish to engage in a further discussion on any of these matters, my staff and I are happy to meet with Councilmembers at their convenience, and I'm happy to take questions at this time.

COUNCILMAN GREENLEE: Thank

you, Ms. Smith.

Just a couple from me. You talk about the Law and Revenue working together to increase Sheriff sales, and you have collections from 350,000 to roughly up to 780,000. Is that in combination with the private counsel or is that --

SOLICITOR SMITH: That number is just the in-house number.

COUNCILMAN GREENLEE: Just the in-house, okay.

SOLICITOR SMITH: Right. The numbers I quoted for you for Linebarger were 700 -- they've increased from 700,000 per month to just over a million per month, and for GRB, they've collected a total of 2.2 million so far, which is since the fall, and they have payment plans in place to collect an additional $3.6 million.

COUNCILMAN GREENLEE: Now, the in-house, what kind of -- I mean, Law and Revenue has always been there. What was

the -- how did the increase -- I mean, that's good you're bringing in more money. I'm just trying to figure out how you brought in so much more.

SOLICITOR SMITH: Well, we increased the number of Sheriff sales. We worked with the Sheriff's Department and the Courts to increase the number of properties to be sold at Sheriff sale and so we're --

COUNCILMAN GREENLEE: This is for delinquent taxes?

SOLICITOR SMITH: Delinquent real estate taxes, correct.

COUNCILMAN GREENLEE: Okay. And you say you worked with L&I to sell a limited number of properties each month. Do you have a number or how much are we talking about, how much that was brought in through that?

MS. BECKLEY: We've only just --

COUNCILMAN GREENLEE: Identify yourself for the record.

MS. BECKLEY: Excuse me. I'm Frances Ruml Beckley. I'm Chief Counsel of the Revenue Department, which I should be quick to clarify. This is my boss; Revenue is my client.

We have asked Licensing and Inspections to identify properties that they feel are particularly burdensome to their neighborhood that may have smaller tax delinquencies but because they can't locate the owner, they can't really proceed against them. In Sheriff sale if you use the last known address and you post the property, you can then proceed to ultimately sell the property. So it's a helpful tool for them. However, we didn't want to give them -- give the whole program over to them because, as I said, in many cases these are properties that aren't going to bring a lot of money in. So we've asked them to send us between 20 and 30 a month and we'll put that -- our ultimate goal is to be doing roughly 600 properties a month, 200

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in-house and 200 through each of our co-counsel. So we would just keep a small volume of those.

Now, in some cases our goals overlap and we're selling nuisance properties for the taxes, but in a lot of cases, they're just not worth that much.

COUNCILMAN GREENLEE: Okay. And the money that's gotten, the in-house, does that go back in the General Fund?

SOLICITOR SMITH: Yes.

COUNCILMAN GREENLEE: Okay.

MS. BECKLEY: If it's real estate tax, it goes to the School District and the General Fund.

SOLICITOR SMITH: A portion of it goes to the School District, yes.

COUNCILMAN GREENLEE: Okay. Great. Thank you.

I knew there would be other questions. Councilman Green.

COUNCILMAN GREEN: Thank you, Mr. Chair.

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I actually would like to -- Councilman Greenlee's questions just made me think of sort of the general foreclosure problem or property delinquent problem that we have in the City, and is the number 40,000 about right for the number of properties that are tax delinquent?

MS. BECKLEY: That are --

COUNCILMAN GREEN: That owe real estate taxes.

MS. BECKLEY: That are unpaid for this year or that are delinquent overall?

COUNCILMAN GREEN: Delinquent overall.

MS. BECKLEY: I think it would be larger.

COUNCILMAN GREEN: What's --

MS. BECKLEY: I don't know off the top of my head how many there are.

COUNCILMAN GREEN: Is it a hundred thousand?

SOLICITOR SMITH: We can

provide it for you. If you want to know the specific number, we can provide it for you.

COUNCILMAN GREEN: I'm just trying to in order of magnitude if you exclude this year, what's the delinquent properties?

MS. BECKLEY: I'll get that for you.

COUNCILMAN GREEN: So it's a larger number than 40,000? Forty thousand is a lot.

MS. BECKLEY: Probably.

COUNCILMAN GREEN: So how many do we add each year?

MS. BECKLEY: Let's see. We're just sending out for collection the 2012's that are overdue but not delinquent, and there are about -- on properties that have no other delinquencies, and there are about 40,000 of those.

COUNCILMAN GREEN: Forty thousand of those. And how many of those

by the end of the year will slip into the last year's delinquency?

MS. BECKLEY: Probably not that many, because since they don't have any delinquencies, these are mostly people who pay.

COUNCILMAN GREEN: So would you say we add 5,000 properties a year to the list of delinquents? Do you know -- if you don't know it, can you provide it to the Chair?

MS. BECKLEY: We will do our best to replicate that. I mean, obviously properties -- we can tell you the total number of delinquencies. Obviously some properties are coming off that list as other properties are going on.

COUNCILMAN GREEN: Sure. I'm just wondering how many we're adding a year --

MS. BECKLEY: Okay.

COUNCILMAN GREEN: -- as an additional question. And the reason I

ask this question is, we're at 200 a month now. Actually, only 90 or so get sold in Sheriff sale based on recent Inquirer reports, so we're moving half of what we bring up. So assuming we get to 600 a month, maybe we'll actually sell 300. I don't know. It seems to me that unless we can really accelerate this, the size of the problem is just going to keep growing.

MS. BECKLEY: Well, you have to remember that if we hit the point of Sheriff sale, in some senses we've lost, because we're not in the real estate business; we're in the tax collection business. One of the reasons we're so impressed with our new co-counsel, GRB, is because they did a very good job of choosing which properties to take to sale. They were supposed to have their first sale in February. They had to cancel that sale because they didn't have enough properties that people didn't pay on to sell. Then they were supposed to

have a sale in March. They had to cancel that one because, again, they didn't have enough left. They posted a couple hundred each month, and everything got paid, because they made good choices about which properties to push through the system.

COUNCILMAN GREEN: Absolutely.

MS. BECKLEY: Finally, after three months, in April they had nine properties they sold at auction, and because, again, they've chosen well, every single one of those properties sold. We want to get closer to that model where people are paying rather than we're selling the property.

COUNCILMAN GREEN: Right. And I guess we can always choose the most valuable properties relative to the amount of tax owed on them and people will defend their equity in that property and pay their taxes off, in part because they have equity in the property.

MS. BECKLEY: Well, and there

are other ways to get people to pay. Last year in November for the very first time, we took the list of people who were delinquent for the first time on their real estate taxes who hadn't previously been and we sent every single one of them a letter explaining to them that the additions that have accrued on their real estate tax would become principal and would be liened if they didn't pay by January 1st. We sent out 16,000 letters. Four thousand of those people came just as a result of that letter and paid off. Now, that narrowly brought us the collections last year on those properties, but every single certified letter that we have to send in February of the next year to those first-time delinquents is $5. So that was $20,000 we saved the City just by taking that initiative.

COUNCILMAN GREEN: And how much did you bring in in terms of revenue as a consequence of all that activity, getting

people to pay on those properties that are the cherry-picked properties? And I don't mean that in any way other than they're the easiest properties to collect on, high equity.

MS. BECKLEY: Well, now you're going back to GRB's efforts in terms --

COUNCILMAN GREEN: All the efforts. All of this increased effort, how much did we bring in?

MS. BECKLEY: Well, not -- we don't have our co-counsel collections isolated by tax, but our total co-counsel collections for the first nine months of this fiscal year are 29.4 million. That's roughly twice what they were for the same nine months in the last two fiscal years and the highest that they have been for any of the last six years, except for '08 when, as we all know, the business climate was very different.

COUNCILMAN GREEN: Right. So I asked that question in part because it's related to the formula that is part of

the AVI discussion. And how realistic do you think is that number, 29, 30 million a year continuing for the next five years or so?

MS. BECKLEY: Well, since in one sense we're at the end of the road, I think we'd like to see the Law Department number go down because we'd like to have more people paying Revenue voluntarily, and I think, you know, what percentage of assessed real estate taxes are collectible is something I'd have to ask the Research Department at Revenue. Would you like that number?

COUNCILMAN GREEN: Sure. I'd love their opinion on that, along with the other question about how many homes and other things.

Thank you.

COUNCILMAN GREENLEE: Thank you, Councilman.

Councilman Squilla.

COUNCILMAN SQUILLA: Yes. Good afternoon.

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SOLICITOR SMITH: Good afternoon.

COUNCILMAN SQUILLA: I know you have the GRB and the Linebarger accounts, I guess. That money -- those tax liens were sold, correct?

MS. BECKLEY: Linebarger is still working on the tax lien sale, but that is far behind us. What I'm discussing is work that they do under contract with the City for the City. So those collections are for the School District and for the General Fund, not for the U.S. Bank.

COUNCILMAN SQUILLA: All right. Originally didn't Linebarger, did they buy some of the tax liens from us?

MS. BECKLEY: They are counsel for the bank that bought.

COUNCILMAN SQUILLA: Oh, they're counsel for the bank that bought.

MS. BECKLEY: Yes.

COUNCILMAN SQUILLA: Out of the ones that the bank bought, what do they

still have available?

MS. BECKLEY: Whatever is still uncollected from the years that we sold.

COUNCILMAN SQUILLA: I mean, I know. Is there a number?

MS. BECKLEY: I can find that -- would you like that number?

COUNCILMAN SQUILLA: Yes.

MS. BECKLEY: Okay.

COUNCILMAN SQUILLA: And they were sold, I guess -- was it under Rendell? I forget when it happened.

SOLICITOR SMITH: 1997.

COUNCILMAN SQUILLA: And have we sold any other ones since then?

SOLICITOR SMITH: No.

COUNCILMAN SQUILLA: No?

MS. BECKLEY: And we don't have much appetite for it either.

COUNCILMAN SQUILLA: I agree. I don't think it's a great idea, but I guess it was a way to bring revenue in at the time.

I'm curious to see, because now

it seems like when they're marketing the ones for us, they seem to be moving them a little better than the ones that they moved that they actually bought. Now, they own those liens, correct?

MS. BECKLEY: U.S. Bank owns the liens.

COUNCILMAN SQUILLA: U.S. Bank owns those liens. And when we try to get those ones that they have in their inventory, aren't we having a harder time getting them for Sheriff's sale, those properties?

SOLICITOR SMITH: I'm not sure I understand your question. Is who having a harder time getting what properties to do what?

COUNCILMAN SQUILLA: We had a couple incidents through the office where we have tried to get some properties pushed up for Sheriff's sale where the bank actually owned the old liens and we were trying to work out things, and we were never able to move it through and

never move it forward. Is there something that we can do to expedite that, or do we know why that has happened?

SOLICITOR SMITH: I don't know that we have any knowledge of what any difference may be in how Linebarger is handling sales for another client and how they're handling ours. I mean, that's Linebarger's -- that's pursuant to a relationship Linebarger has with U.S. Bank, not -- we sold the liens to U.S. Bank and got money for them at the time, and then Linebarger represents them in the sale of those.

COUNCILMAN SQUILLA: I guess at this point, the only thing we need to know is how many we actually sold and how many are still -- they still have left, would be good just for knowledge purposes to see, because that no longer is our inventory.

SOLICITOR SMITH: Correct.

COUNCILMAN SQUILLA: No longer

our inventory.

As far as the Sheriff sales, which it's good to hear that we're increasing the number of Sheriff sales, do we see that in the future? As sort of like Councilman Green has said, if we continue on this path, hopefully we put ourselves out of work as far as the Sheriff sales are concerned and that everybody just pays their taxes as is.

Is there going to be a guideline of like if you're two years behind, we're going to automatically look to push things up for Sheriff sale? Is there a certain money amount that we're going to do this?

MS. BECKLEY: Right now we do most things by declining balance. So we look for the largest liabilities and we try and collect those promptly. I think we are interested in trying to figure out how -- also to target things, because in some cases, you have a large liability because nobody has paid on a worthless

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property for 20 years. That's really obviously not of as much interest. I think we want to work hard to improve the culture.

I mean, just anecdotally, the first time that we ever sent real estate tax liens out for collection as soon as we possibly could, four months after they became liens, was last year. This year we went to do that same thing and we had several thousand fewer. And I think word will start to get around that if you mess around and you don't pay your real estate tax, you're going to get an 18 percent attorney's fee slapped on to it, because under state law we're allowed to charge the delinquent taxpayer for the collection effort. If we do that consistently, people will take their obligations more seriously.

COUNCILMAN SQUILLA: I agree. And also hopefully looking to work with some of the people, I guess, especially since the economy has been bad, in

certain instances where they can go on a payment plan and come up with a way to do that.

MS. BECKLEY: Absolutely. There are formal hardship guidelines in place with both of our co-counsel that they know they must offer anybody who qualifies, and we are making payment agreements not only for people who qualify under strict hardship guidelines but for people who just may be in a temporary situation where they can't pay. If people come in in good faith and they make us a reasonable offer, we don't not take their money.

COUNCILMAN SQUILLA: Okay. Well, that's good, because I know in the past, sometimes that was the case, and so it's good to hear that.

Thank you.

COUNCILMAN GREENLEE: Thank you, Councilman.

Councilman Green.

COUNCILMAN GREEN: Thank you.

Towards the end of our discussion previously, you said we're sort of at the end of that, and I didn't know what you meant.

MS. BECKLEY: A tax liability doesn't come to Law until it's 90 days delinquent. In an ideal world, you wouldn't even need us, we wouldn't be involved, everybody would pay on time in full.

COUNCILMAN GREEN: I thought that was in the context of our ability to collect more or to collect the kind of number that we collected as a consequence of these new policies put in place.

MS. BECKLEY: I think I was referring to Sheriff sale at that point.

COUNCILMAN GREEN: Sheriff sale, okay.

So it seems to me we're getting a whole lot of dollars as a consequence of this effort, and my question would be why we wouldn't use part of those proceeds to expand the capacity of the

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Sheriff's Office and the Law Department or outside partners to increase the velocity of what it is that you're doing successfully. It's working. Why not reinvest more in it?

SOLICITOR SMITH: Well, I certainly think Revenue has -- both Law and Revenue have worked with Finance to try to get additional resources where the City can afford to deploy those additional resources, but obviously the money that we collect that -- the portion of the real estate taxes, both delinquent and -- well, the portion of delinquent real estate taxes that are collected as a result of these efforts goes into the General Fund, and the General Fund funds more than just collection efforts. So at some point all those competing interests have to be balanced in order to figure out where to deploy whatever funds are collected.

COUNCILMAN GREEN: Right. But the point is, have we reached the point

of diminishing marginal return or can we put more dollars and get a multiple of that back?

SOLICITOR SMITH: Right.

COUNCILMAN GREEN: For every dollar we put, will we get more than one dollar back in this effort? That's the question.

SOLICITOR SMITH: Right. And Commissioner Richardson and I and Frances have looked at this -- look at this issue regularly and work with Finance to figure out what the increased -- potential for increased return is in deploying additional resources on both the Law and Revenue side to try to do that. So they are regularly examining that.

COUNCILMAN GREEN: Well, the question is, have we reached the point of diminishing returns or if we invest dollars, will we get more -- if we invest a dollar, will we get more than a dollar back? That's the question.

SOLICITOR SMITH: I think

that's a question that Commissioner Richardson is probably in a better position to answer.

COUNCILMAN GREEN: Okay. Well, then I'll submit that question to the Administration for a response.

Thank you, Mr. Chairman.

COUNCILMAN GREENLEE: Thank you.

Any further questions?

(No response.)

COUNCILMAN GREENLEE: Seeing none, thank you all very much. Thank you for your patience and hanging in there.

This Committee will stand in recess until later today, in about two and a half hours, on Wednesday, May 1st, 2012 at 6 o'clock, 6:00 p.m., at which time we will reconvene at the Cardinal Bevilacqua Center, 2646 Kensington Avenue.

Thank you.

(Committee of the Whole recessed at 3:35 p.m.)

CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on May 1, 2012, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

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