

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE OF THE WHOLE

Room 400, City Hall  
Philadelphia, Pennsylvania  
Wednesday, April 16, 2014  
10:24 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE  
COUNCILMAN CURTIS JONES, JR.  
COUNCILMAN W. WILSON GOODE, JR.  
COUNCILMAN DENNIS O'BRIEN  
COUNCILMAN WILLIAM K. GREENLEE  
COUNCILMAN DAVID OH  
COUNCILMAN BOBBY HENON  
COUNCILMAN JAMES KENNEY  
COUNCILWOMAN BLONDELL REYNOLDS BROWN  
COUNCILWOMAN JANNIE L. BLACKWELL  
COUNCILMAN KENYATTA JOHNSON  
COUNCILWOMAN CINDY BASS  
COUNCILMAN BRIAN J. O'NEILL

BILLS: 140144, 140145, 140146  
RESOLUTIONS: 140159

1 - - -

2 COUNCIL PRESIDENT CLARKE: Good morning  
3 everyone. We are going to start now. Thank you.

4 This is the Public Hearing of the Committee  
5 of the Whole regarding Bills No. 140144, 140145,  
6 140146 and Resolution No. 140159. Before we  
7 start, just want the members to know that the Law  
8 Department has to reschedule. Apparently, there  
9 were some issues with the headquarters flooding  
10 and the elevators banks. And they are unable to  
11 gain access to the building. So, we are going to  
12 reschedule Law.

13 Ms. Lewis, would you please read the title  
14 of the Bills and Resolution.

15 MS. LEWIS: Bill No. 140144, an Ordinance  
16 to adopt a Capital Program for the six Fiscal  
17 Years 2015-2020 inclusive.

18 Bill No. 140145, an Ordinance to adopt a  
19 Fiscal 2015 Capital Budget.

20 Bill No. 140146, an Ordinance adopting the  
21 Operating Budget for Fiscal Year 2015.

22 And Resolution No. 140159, providing for  
23 the approval by the Council of the City of  
24 Philadelphia of a Revised Five Year Financial Plan

1 for the City of Philadelphia covering Fiscal Years  
2 2015 through 2019, and incorporating proposed  
3 changes with respect to Fiscal Year 2014, which is  
4 to be submitted by the Mayor to the Pennsylvania  
5 Intergovernmental Cooperation Authority (the  
6 "Authority") pursuant to the Intergovernmental  
7 Cooperation Agreement, authorized by an Ordinance  
8 of this Council approved by the Mayor on January  
9 3, 1992 (Bill No. 1563-A), by and between the City  
10 and the Authority.

11 COUNCIL PRESIDENT CLARKE: Thank you.  
12 Today we continue the Public Hearing of the  
13 Committee of the Whole to consider various bills  
14 read by the Clerk that constitute proposed  
15 operating and capital spending measures for Fiscal  
16 2015, a Capital Program and a forward looking  
17 capital plan for Fiscal Years 2015 to Fiscal Year  
18 2020.

19 We -- at this time, we will here testimony  
20 from the First Judicial District.

21 And good morning.

22 PRESIDENT JUDGE WOODS-SKIPPER: Good  
23 morning.

24 HONORABLE JUDGE HERRON: Good morning.

1           I'm John Herron, the Administrative Judge  
2   of the Trial Division and also Chair of the  
3   Administating Governing Board. And with me today  
4   is the entire leadership of the First Judicial  
5   District.

6           To my left, President Judge Woods-Skipper.  
7   To my right, Court Administrator Joseph Evers.  
8   And behind me, and they will speak individually on  
9   behalf of certain initiatives and funding  
10   requests, are the President Judge of the Municipal  
11   Court Marsha Niefeld, Administrative Judge  
12   O'Keefe of Orphans' Court and Administrative Judge  
13   Dougherty of Family Division and Administrative  
14   Judge Gary Glazer of the Traffic Court.

15           And we will address individually items that  
16   you will find on our handout on the second page.  
17   And our intent today is to take you briefly  
18   through this handout which hopefully will  
19   illustrate the strength of our position for the  
20   additional funds we are requesting, a very modest  
21   \$3.2 million. And we will explain that to you.

22           Briefly from our prepared testimony, I  
23   would like to highlight certain portions of it for  
24   you. Whether a civil complaint seeking damages, a

1 will contest, a family custody or divorce issue, a  
2 criminal matter involving a juvenile or adult  
3 defendant, our Criminal Courts strive daily to  
4 render timely, fair and impartial decisions.

5           The Philadelphia Court System serves as a  
6 national model for innovative special programs  
7 under court supervision that improve the lives of  
8 non-violent offenders by easing their assimilation  
9 back into society with limited resources, special  
10 courts and volunteer organizations. And in so  
11 doing, it enhances the lives of all citizens of  
12 Philadelphia. Today I will outline how our budget  
13 request for an additional \$3.2 million will help  
14 keep these programs vital and effective.

15           The FJD Budget of 158 million which  
16 consists of 109 million for the General Fund and  
17 48 million for Grants Revenue is awaiting your  
18 approval. In large measure, this 158 million is  
19 paid for by the court system itself. And, in  
20 fact, the FJD generates \$51 million that is  
21 credited to the General Fund from filing fees,  
22 fines and costs and reimbursement. In addition,  
23 the FJD saves the City and its agencies nearly 5.5  
24 million annually by waiving filing fees in the

1 Court of Common Pleas and the Municipal Court as  
2 well as library fees.

3 As a consequence of the total 158 million  
4 budget request, the FJD is in reality only seeking  
5 \$49.5 million. And what we've done in the first  
6 page of that handout is attempted to demonstrate  
7 in that pie chart exactly what we're talking  
8 about.

9 And if you look to the right and you see  
10 that pie chart, you will see that the Grants total  
11 48 million, 31 percent of the Budget. The Revenue  
12 produced by the Court amounts to 59 million or  
13 38 percent of the budget. The cost to the City  
14 once we deduct savings that the FJD generates is  
15 really only \$30 million. And we can illustrate  
16 those savings totaling 19 million by listing those  
17 separate components which you will find on pages 5  
18 and 6 of the Budget testimony.

19 One example of an innovative program  
20 established by the FJD during 2013 is the  
21 Sequestration Program. In this program which we  
22 designed to assist the City, we are providing  
23 expedited form for the resolution of commercial  
24 delinquent real estate taxes. And what this

1 program has done is it's generated in five months  
2 \$3.9 million for the General Fund and, in  
3 particular, the School District of Philadelphia.  
4 The long term benefits of this flow of income into  
5 our school system and the benefits for our  
6 children are in calculable.

7 Over the course of this year, we anticipate  
8 that this program alone will generate \$8 million a  
9 year in benefits for our schools. And what we are  
10 essentially doing is instead of going through a  
11 much more lengthy sheriff sale proceeding, this  
12 program does not effect the title to the  
13 commercial real estate. What it does is it  
14 appoints a sequester, an individual nominated by  
15 the City to collect the rents that would otherwise  
16 go to the commercial owner of the property. And  
17 by collecting these rents, it's leveraged to  
18 collect the delinquent commercial real estate  
19 taxes owed to the City.

20 There is a significant benefit, obviously,  
21 in generating these funds. And this program, like  
22 others initiated by the Court in cooperation with  
23 the City, identifies these areas where the Court  
24 can expedite proceedings, of course, applying all

1 the principles of the Rule of Law and Due Process.

2 In addition to providing the delivery of  
3 fair, timely and accessible justice to  
4 Philadelphians, the FJD should be recognized for  
5 its contribution to offsetting costs generating  
6 revenue for other City agencies and reducing  
7 costs to specialty courts and programs we operate.  
8 Many of the items for which we are seeking  
9 additional funds and which will be addressed  
10 individually by the Court leadership directly  
11 support these programs. And investment into our  
12 budget creates returns that positively impact our  
13 justice partners, other City agencies and our  
14 citizens.

15 If I can draw your attention to the second  
16 page of the handout, to the right in blue you will  
17 see some important notes. And the first one  
18 indicates that one tenth of 1 percent of the FJD  
19 budget is spent in overtime. And I cannot  
20 emphasize enough how carefully court leadership  
21 has been to utilize the funding provided by the  
22 City in a conscientious and efficient fashion.

23 The second item indicates to you that we  
24 have saved over \$3.3 million by attriting 70



1 positions. We are conscious of staffing and the  
2 costs. And we are constantly striving to reduce  
3 staffing to the minimal levels while maintaining  
4 efficiency. We have saved 3 -- 5.3 million  
5 through the Juvenile Probation GPS Monitoring  
6 Program. And again, pages 5 and 6 detail over 30  
7 different ways we've done to generate the  
8 \$19 million in savings. And most importantly, I  
9 should say that we have saved 6.3 million in  
10 waived filing fees for City agencies and indigent  
11 litigants. We do not charge the City for any  
12 filing costs on any filings that are you filed on  
13 City litigation matters.

14 And we have taken two hits in the past  
15 year. The City and the Mayor's Office are very  
16 careful in monitoring what we do, and we  
17 appreciate their responsibility in doing so. But  
18 when we return the \$8.5 million of Conflict  
19 Counsel monies, the City exacted an additional  
20 \$300,000 from our budget that was not funded. So  
21 what the City did was said in prior years there  
22 had been an overspending of Conflict Counsel fees  
23 which, by the way, we have nothing to do with and  
24 which, by the way, we are not constitutionally

1 required to pay. And the reason we returned that  
2 budget funding was because the City is the  
3 constitutional obligor of those funds. And  
4 although we only received 8.5 million, the City  
5 required us to return 8.8 million. So, we were  
6 shorted 300,000 there.

7 In addition, the City went to interest  
8 arbitration for senior probation officers and  
9 lost. And that loss was not paid for. The City  
10 negotiated with us recently in an effort to break  
11 the log jam. We agreed to pay the first annual  
12 salary due those senior probation officers which  
13 amounted to another \$300,000 out of our budget  
14 which was not funded. The City, to its credit,  
15 agreed to pay future years.

16 So, we lost in those two transactions  
17 \$600,000 from our budget. We are only asking for  
18 3.2. And we will now go into a brief explanation  
19 of those items.

20 I will speak first if you are following,  
21 I'm on the second sheet looking to the left. I  
22 will speak to the Juror Summons increased cost, a  
23 request for \$819,265. In brief what has happened  
24 is this. The right to a jury trial is sacrosanct.

1 It's guaranteed by Pennsylvania and the United  
2 States Constitutions. We, as a court, vitally  
3 believe in the right to a jury trial whether it's  
4 a civil matter or whether it's a criminal matter.  
5 We have under my supervision 72 judges. Under my  
6 supervision I have all jury trials in the City of  
7 Philadelphia whether they are civil or criminal.

8 We summon 700,000 jurors a year. Of the  
9 700,000; 200,000 fail to respond. Thirteen out of  
10 every 100 people show up for jury service. The  
11 cost of summoning jurors who fail to appear and  
12 then resummoning them, printing and postage,  
13 amount to over 14 percent in monthly additional  
14 costs over 2013. We have to do something to  
15 remind citizens of their duty.

16 We have been forced to reduce jury panels  
17 by 10 each. So instead of a panel of 40 sent to a  
18 civil courtroom, 30 are now sent. Instead of a  
19 panel of 40 in a felony criminal courtroom, 30 are  
20 now sent. We reduce the number of jurors to  
21 homicide panels from 50 to 40. This is a crisis  
22 in the court system.

23 We are initiating for the first time in  
24 years a Scofflaw Court in May of this year in an

1 effort to discipline those citizens who fail to  
2 appear. We need funding to cover the additional  
3 cost of summoning jurors, to operate the Scofflaw  
4 Court, to operate a separate civil jury room. It  
5 is vital that we support the jury system. And we  
6 ask for your consideration, your careful  
7 consideration, of this request for \$800,000.

8           So, it's a privilege to appear before you.  
9 I am going to turn the proceedings over to my  
10 colleagues. I would say on a personal note this  
11 is the last appearance for me. I'm 70 years of  
12 age. The Pennsylvania Constitution provides that  
13 I need to find another way to occupy my time. So,  
14 I am -- I yield to the law. I yield to the  
15 Constitution.

16           I thank you for your courtesy and the  
17 privilege of knowing you over the years. I will  
18 introduce President Judge Woods-Skipper to you.

19           PRESIDENT JUDGE WOODS-SKIPPER: Good  
20 morning, Councilman Clarke and Members of Council.

21           First, it really is an honor to appear  
22 before you as -- for the first time as President  
23 Judge for the Court of Common Pleas for the First  
24 Judicial District. I look forward to meeting with

1 each of you individually and to collectively  
2 working together to forge a better city and a  
3 better court. I am going to be speaking to you  
4 briefly about three matters that are hi -- that  
5 are in our Budget Proposal.

6 The first is the need for WiFi in City Hall  
7 and in the Justice Juanita Kidd Stout Center For  
8 Criminal Justice. And this isn't just a request  
9 to keep up with the Jones or because City Council  
10 has it and thus there are certain areas in City  
11 Hall that has it. But really, it is a necessity  
12 that we keep up with the ever changing technology.  
13 And our public and constituency actually expects  
14 it.

15 But more importantly, it permits us to  
16 maximize productivity. That means that we can  
17 have a workplace wherever we are. We don't have  
18 to be sitting at our desk or at our cubicle or at  
19 work station. But wherever there is a hot spot,  
20 we can sign on. We can provide information. We  
21 can access information. For the purposes of our  
22 law clerks, they are able to update the Judges on  
23 a regular basis. For the lawyers who come to  
24 court on a regular basis, it would enable them to

1 access important information and to stop causing  
2 delays in the courtroom.

3 It enables us to attend meetings at our  
4 fingertips. We can put in schedules. We can  
5 retrieve vital information. And also, in light of  
6 the fact that we have basically gone paperless and  
7 we need to access our document management systems.  
8 We have E-filing. And with the ability to have  
9 WiFi, this will enable everyone to access  
10 information regularly and at any place and at any  
11 time. This is a matter that's made for  
12 efficiency. It will be cost effective. And I  
13 think in the long run it will be a very productive  
14 solution to the issues that we are having without  
15 it.

16 The next its -- the next issue I'm going to  
17 address is the need for a Court Information  
18 Officer. What is needed is a full-time employee  
19 whose sole responsibility will be to be the media  
20 person for the Courts. They will deal with the  
21 media outlets. They will look to provide  
22 information to the public, to educate the public.  
23 They will be responsible for developing and  
24 highlighting programs of the Court, specific human

1 interest stories that involve Court, and the  
2 programs of the Court that are very successful and  
3 where the public really is not knowledgeable  
4 about.

5 This individual would serve as our  
6 community liaison. They would be responsible for  
7 developing and understanding of the public of  
8 judicial issues that are facing the Court and  
9 overseeing our public access policies in terms of  
10 documents that are being asked for, for the Court.  
11 Among other things, this would make the system  
12 more efficient, save time and money.

13 The third item I am going to address is the  
14 expansion of Mental Health Court. Mental Health  
15 Court was developed back in 2009 under a pilot  
16 program which was funded by a grant from PCCD.  
17 Under that pilot program, this Court was opened as  
18 a reentry court which provides an alternative to  
19 incarceration for offenders who have mental  
20 illnesses and co -- occurring disorders.

21 And what's the point of the court is to  
22 prepare these individual for reentry back into  
23 society by providing supervised supervision in the  
24 community, making sure that they are in supervised

1 treatment facilities and that they are medication  
2 compliant. This was developed with the  
3 collaboration of not only the courts but with the  
4 Department of Behavior Health, the Defender  
5 Association, the public -- strike that -- the  
6 District Attorney's Association as well as  
7 Probation Department and the Prisons. The effort  
8 of this is to make sure that we are balancing  
9 justice, treatment and public safety while at the  
10 same time reducing the jail population and our  
11 criminal justice cost.

12           Once receiving that grant from PCCD, we  
13 opened with a very modest population of around 29  
14 individuals that we supervised between 2009 and  
15 2010. Move forward to 2013 with more awareness of  
16 mental health issues, we are now supervising over  
17 3,000 cases. And that comes to approximately 265  
18 individuals who are being supervised by this Court  
19 under the Mental Health Court Program. As part of  
20 this program, they are giving designated probation  
21 officers who provide more intensive supervision.  
22 They have status listings before the judge, and  
23 they are given longer probation sentences as well  
24 as stringent program sanctions.



1           When the program first started, only had  
2   one level of treatment care. As we move forward,  
3   it was obvious that we needed to have different  
4   contingents of treatment care. So we now have six  
5   tracks. Three of them are different levels of  
6   treatment. One is a track that looks at Veterans.  
7   The other is what I call a "catch all track,"  
8   individuals who don't -- individuals who don't fit  
9   into the other tracks. And then we have a  
10   competency track for individuals who have been  
11   found incompetent to proceed in their legal  
12   matter. And their matters are then transferred to  
13   Mental Health Court. We seek to restore them back  
14   to competency. And then they are either returned  
15   to that judge for trial or sentencing. Or they  
16   can resolve their matter in Mental Health Court as  
17   many of them do.

18           As a reentry program, we provide a unique  
19   opportunity for individuals to reenter society  
20   given the support and tools that they need to be  
21   successful. The effort is to stop the revolving  
22   door of incarceration and to provide supportive  
23   support for law abiding citizens. As we seek to  
24   expand this court, we look at things that are

1 necessarily missing. We are missing resources for  
2 housing, for treatment because we compete with the  
3 very same beds that all the other problem solving  
4 courts need.

5 We look in the long run to develop a  
6 transitional assessment center so that individuals  
7 can be released from prison into a transitional  
8 housing setting where DBH can then conduct a  
9 comprehens -- comprehensive assessment and then  
10 send those individuals to appropriate treatment  
11 facilities. We, as part of our program, have  
12 saved the prisons and the City quite a bit of  
13 money because we look to get these individuals out  
14 of prison earlier and to re and -- reinstate their  
15 ability to be law abiding citizens.

16 As part of that, we seek to have a  
17 counselor who can continue to work with them in  
18 terms of providing the social services that they  
19 need and to work with some partnerships that we've  
20 already develope. For instance, we work with the  
21 Homeless Advocacy Program to work to cut on their  
22 Social Security Benefits and their Disability  
23 Benefits so that they will qualify for the  
24 services that they need.

1           Also, due to the implementation of the  
2   state of a new document management system for  
3   problem solving courts, which requires the  
4   tracking and coordination of data collection with  
5   all of the collaborating partners, we need to have  
6   an individual, too, who is able to do the input  
7   for that information to establish a Mental Health  
8   System with a -- with a Mental Health systemwide  
9   database and to attain access to mental health  
10   networks. Additionally, because of the savings to  
11   the prison which amount to in 2013 a hundred --  
12   over a \$176,000, these individuals are come back  
13   into the system. And we need to keep them  
14   encouraged with their treatment compliance while  
15   improving their individual lives and ensuring  
16   public safety.

17           One of the things that we do at Mental  
18   Health Court is we have a goal achievement  
19   ceremony as opposed to a graduation because you  
20   never graduate from mental health. What you do is  
21   you learn to -- to monitor it and to live with it  
22   and find the supports that you need to adjust to  
23   it. So as part of our program, we have a yearly  
24   goal achievement ceremony where we recognize even

1 the small achievements. Some of them really are  
2 small. The fact that they can take their  
3 medication without assistance, that they're  
4 working on their GEDs, that they are living  
5 independently, and we seek to keep them  
6 encouraged.

7           So having a motivational interviewer person  
8 who is able to do that, to encourage them and to  
9 monitor them is necessary, as well. Some of the  
10 importance of the things that they are doing is  
11 not only learning to monitor their medications,  
12 but we have individuals who have returned to  
13 school, who have been reunited with family members  
14 who have completed successfully their court  
15 supervision but continue to receive the services  
16 of DBH as a result of their participation in  
17 Mental Health Court.

18           So what Mental Health Court is seeking to  
19 do is not only to have treatment compliance but to  
20 improve the individual lives and ensuring public  
21 safety. As Mental Health Court continues to grow  
22 even with fewer resources and high demand for the  
23 limited services, housing and placement, we have  
24 become aware of the additional needs of looking at

1    those individuals -- individuals with intellectual  
2    disabilities. And that would necessitate adding  
3    even additional track if we can find the  
4    appropriate resources and services to do so. As  
5    we become more aware of these mental health issues  
6    resulting in criminal charges, we must be prepared  
7    to meet this additional demand. It will not only  
8    save prison cost, but it reduces crimes and it  
9    saves lives.

10            I hope that you will consider the  
11    importance of this Court and the need for its  
12    expansion. I thank you for this opportunity to  
13    present this information. And I look forward to a  
14    strong partnership in the future.

15            COUNCIL PRESIDENT CLARKE: Thank you.

16            HONORABLE JUDGE HERRON: I would like to  
17    call upon Administrative Judge O'Keefe to speak to  
18    the Guardian Investigator, which is the third item  
19    on the list that we have. Judge O'Keefe has been  
20    one of the longest serving administrative judges  
21    in the Court of Common Pleas.

22            HONORABLE JUDGE O'KEEFE: He's saying that  
23    because I am old. And he keeps telling me I am  
24    one week older than he is.

1 (Laughter)

2 COUNCIL PRESIDENT CLARKE: Morning, sir.

3 HONORABLE JUDGE HERRON: We leave together.

4 HONORABLE JUDGE O'KEEFE: Mr. President and  
5 other City Councilmembers, again, my name is Joe  
6 O'Keefe. And I am the Administrative Judge of the  
7 Orphans' Court.

8 One of the most important functions of the  
9 Orphans' Court is to, excuse me, protect --  
10 protect the rights and property of those unable to  
11 do so themselves. This often takes the form of  
12 adjudicating an individual, an incapacitated  
13 person, and appointing a guardian or guardians to  
14 take care of that person's personal and financial  
15 needs. Pennsylvania has the fourth largest elder  
16 population in the country. And Philadelphia, in  
17 particular, has seen an explosion in its elder  
18 population with almost 20 percent of the City over  
19 the age of 65.

20 Given this large group of people that  
21 Orphans' Court is serving, the one feasible way to  
22 maintain any protection for our adjudicated,  
23 incapacitated person is to only appoint a guardian  
24 who is capable of looking out for the best

1 interest of that incapacitated person and to  
2 require these appointed guardians to file  
3 inventories of all the incapacitated person's  
4 property as well as file annual reports.

5 In 2013 alone, there were 382 new petitions  
6 to adjudicate someone an incapacitated person.  
7 The year before that there were 371 new petitions.  
8 The reports that come in have to be reviewed, and  
9 it takes a significant amount of time.

10 Additionally, Orphans' Court is without the  
11 resources to do any significant review of the  
12 potential guardians prior to and after the  
13 incapacity hearings.

14 The increase in the City's elder population  
15 is expected to continue; thus, further taxing the  
16 Orphans' Court ability to protect them. This will  
17 also result in an increase in the amount of  
18 reports that are filed every year. I believe it  
19 would significantly benefit the Orphans' Court  
20 Division as well as the aging population of the  
21 City to have an employee solely dedicated to  
22 reviewing the qualifications of proposed guardians  
23 and the reports and inventories that the guardians  
24 are required to file.

1           Last year we received almost a thousand  
2   annual reports with each one representing an  
3   individual with their own particular needs and  
4   different circumstances. To that end, excuse me,  
5   I am requesting \$44,000 to hire an Orphans' Court  
6   guardian investigator who would be tasked with  
7   reviewing the qualifications of guardians and  
8   reviewing the required inventories and annual  
9   reports.

10           And thank you for your attention and  
11   courtesies.

12           COUNCIL PRESIDENT CLARKE: Thank you, Your  
13   Honor.

14           HONORABLE JUDGE HERRON: Present Judge  
15   Neifield will speak to the third it -- fourth item  
16   on the list.

17           COUNCIL PRESIDENT CLARKE: Good morning.

18           PRESIDENT JUDGE NEIFIELD: Good morning,  
19   Mr. President and Members of Council as indicated.  
20   And although I know many of you or most of you, my  
21   name is Marsha Neifield. I am President Judge for  
22   the last five years of Philadelphia Municipal  
23   Court. I am here to seek funding for what I  
24   consider to be very critical aspects of the



1 services we provide in Municipal Court.

2 I'd like to begin with the critical service  
3 that's provided for the Emergency Protection From  
4 Release. We have a staff that works  
5 nontraditional hours, most typically between  
6 5:00 p.m. and 7:00 a.m. on a daily basis. They  
7 work graveyard shift. They work on holidays.  
8 They work multiple days without taking any break  
9 recently during the snow emergency. And the  
10 monies that go to pay the salaries of the people  
11 who staff that unit at some point and for many  
12 years were paid through a State Grant.

13 I'm here because the State has issues. And  
14 in the course of reviewing their budget issues a  
15 couple years ago, they actually cut the funding  
16 that provided the services for -- that we provide.  
17 Due to fiscal management and monies that had  
18 actually been received that were in excess of our  
19 needs, we were actually able to stretch those  
20 monies for approximately two years after the grant  
21 ran out. We are now beyond that point. And at  
22 the moment, I am seeking a total of \$225,000 which  
23 would go to pay the Permanent Master who -- and  
24 all of our Masters, I should add, are law trained,

1 the per diem masters as well as the clerical  
2 support services.

3 And I suggest to this body that there is  
4 actually no price that can be placed on the lives  
5 that are saved by the services that we provide.  
6 The individuals who come down are victims of  
7 domestic violence. They are in need of emergency  
8 services. We are the only facility that provides  
9 those services at the times when the Family Court  
10 building is closed and there is nobody operational  
11 there.

12 If I can just take you back, I'm not sure  
13 how many of you actually remember. Years ago, and  
14 I will go back to the days of the Police  
15 Administration Building where the victims of  
16 domestic violence actually had to go down to the  
17 PAB. It's a time when we had the arraignment  
18 courts down at the PAB. And frankly, they were  
19 down there oftentimes battered, many times no  
20 place to go with children in tow competing with  
21 the other work that was being done by the  
22 emergency -- by the arraignment court magistrates  
23 who were there arraigning people.

24 They were there providing services to the

1 police officers who needed search and seizure  
2 warrants that were signed they needed. They were  
3 under time constraints in order to avoid lawsuits  
4 to make sure the defendants were timely arraigned.  
5 And during that time, they had people in need of  
6 immediate attention who were just waiting until  
7 there could be a break in the proceedings.

8           During the Fiscal Year 2013, there were 2,550  
9 individuals who received emergency protection from  
10 abuse petitions. In addition, there were 2,200  
11 people who actually arrived looking for some  
12 direction. Were not actually eligible for the  
13 emergency protection from abuse, but they had  
14 people there dedicated solely to their needs who  
15 were able to provide referrals and other places to  
16 go.

17           We have come a long way in properly  
18 treating people who are subjected to domestic  
19 violence who need emergency attention. And the  
20 monies I'm seeking is to be able to continue the  
21 good services that we actually provide. So that  
22 the 24/7 operation continues to exist.

23           COUNCIL PRESIDENT CLARKE: Thank you very  
24 much.

1           PRESIDENT JUDGE NEIFIELD: And I am moving  
2 on to one other request that I have. And I think  
3 over the years, and certainly since I took over as  
4 President Judge, one of the things I think we've  
5 done extremely well in Municipal Court is the  
6 Diversion Programs that have expanded  
7 tremendously. And I would note that the Diversion  
8 Programs, obviously, couldn't come about with just  
9 the input of the Court. We work collaboratively  
10 with our Justice Department, the DA and the  
11 Defender Association.

12           But since I've become President Judge, we  
13 have opened a Vet Court; the Small Amount of  
14 Marijuana Program; the Choice is Yours; AMP, which  
15 stands for the Accelerated Misdemeanor Program;  
16 AMP II, which was able to take additional people  
17 in; Project Dawn Court. This year we began a  
18 Domestic Violence Diversion Court as well as the  
19 Mental Health cases. Actually, I probably have a  
20 courtroom full of people waiting to deal with  
21 mental health issues at the moment that we have  
22 handled.

23           And I say that by way of background. That  
24 with all of those courts that have opened over the

1 last five years, I have not been here looking for  
2 any additional funding. And in fact, we did all  
3 of these programs with the existing resources that  
4 we had with people taking on added  
5 responsibilities. There were no additional  
6 judges, et cetera.

7 When we started Project Dawn Court, which  
8 is a trauma-informed diversion court geared  
9 towards women who have had multiple contacts and  
10 convictions for prostitution, many of whom have  
11 been abused. They come with mental health, drug  
12 and alcohol units. We were able to start the  
13 program with a grant. And the one position that  
14 the grant actually funded was a coordinator.

15 The grant expired. The program has  
16 continued. And in fact, we were successful  
17 preliminarily seeking JAG funding for that  
18 position. However, I believe that it's a position  
19 that needs to be expanded with the extra -- the  
20 additional programs that we have. And we have a  
21 tremendous coordinator. We believe it's important  
22 to be able to expand what she is able to do in the  
23 various programs that we would like her to be able  
24 to participate in. And when you are dealing with

1 the regulations involving federal funding, it  
2 makes that difficult.

3 She has been working extremely well with  
4 outside agencies. She is trauma trained. She has  
5 worked with people trying to educate other people  
6 in terms of what to look for and how to assist  
7 people with varying needs. So for this one  
8 program for this one position, I am seeking  
9 funding from this body to continue and expand what  
10 she's able to provide to the court.

11 COUNCIL PRESIDENT CLARKE: Thank you very  
12 much for your testimony.

13 PRESIDENT JUDGE NEIFIELD: Thank you.

14 HONORABLE JUDGE HERRON: And I would like  
15 to introduce Administrative Judge Dougherty who  
16 will speak to the issues involving Family Court.

17 COUNCIL PRESIDENT CLARKE: Good morning.

18 HONORABLE JUDGE DOUGHERTY: Good morning,  
19 Mr. President and Council Members. I am Kevin  
20 Dougherty. I'm the Administrative Judge for  
21 Philadelphia Family Court.

22 Each day every day I, along with  
23 Supervising Judge Terry Murphy and all the  
24 dedicated Philadelphia Family Court Judges see the

1 worse that life has to offer our children and  
2 families. Each day every day we strive to try to  
3 redeem one social condition, reunite one family or  
4 take one child out of an abused environment and  
5 create hope. Fortunately at the end of this year,  
6 the two court houses, one at 34 South 11th Street  
7 and 18th and Vine will be united at 1501 Arch  
8 Street. With the consolidation of our court  
9 house, we'll become a consolidation of certain  
10 services that we did not anticipate or expect with  
11 the reunification of Family Court in and of  
12 itself.

13 I come here today seeking assistance from  
14 Council so that we can participate and continue  
15 doing all the good work. Before I begin, I need  
16 to share with you and celebrate some of the  
17 accomplishments of Philadelphia's Family Court  
18 with regard to my juvenile division. As a result  
19 of the hard working probation officers and the  
20 stakeholders in my building with -- which includes  
21 the district attorneys as well as the public  
22 defenders and all of the necessary providers. We  
23 have seen the lowest number of petitions filed in  
24 Philadelphia for delinquent matters.

1           Delinquent matters are juveniles who are  
2   accused of what would be called crimes. I  
3   currently have about 3800 kids on probation. But  
4   the reason we are working so well is that we have  
5   created programs with little or no monies, just on  
6   our sweat equity so that we can help our kids  
7   succeed. People don't realize that in the  
8   juvenile law if you are 14 years or older and you  
9   are judged delinquent of a felony, you're a  
10   convicted felon the rest of your life. As a  
11   result, we take your fingerprints. We take your  
12   photograph. We now take your DNA and charge you  
13   \$250 for it unless we can find undue hardship,  
14   which the majority of Philadelphians do.

15           We then give each offense what's called a  
16   prior record score. What that means is we are  
17   guaranteeing you on entry into the penal system.  
18   The most points one can acquire would be six  
19   points. Stealing a car is one. Selling drugs,  
20   two. Aggravated assault can be anywhere from four  
21   to six. The system that has been created has been  
22   one that expects our children to go to state road  
23   where our prisons are as opposed to state college  
24   where we hope them to be.



1           Under my leadership as the Administrative  
2   Judge by the good will of the Supreme Court, I  
3   have been able to create such diversionary  
4   programs that we now have the lowest number of  
5   docketed petitions. My job is to make sure that I  
6   separate the good kid that got caught up in a bad  
7   way from the bad kid that needs to be put away.  
8   But if that child's going to be put away, he is  
9   going to be educated. This is not adult. This is  
10   not prison. This is an opportunity to develop the  
11   competencies of children and to make sure that  
12   they understand right from wrong and they realize  
13   how good they have it. And I have to tell you, I  
14   think it works.

15           Part of the diversion programs that we've  
16   had was the implementation of GPS. I've worked  
17   well with the Commissioner Anne Marie Ambrose. As  
18   a result of 50 -- \$500,000 investment with regard  
19   to GPS, I've been able to place, I guess --  
20   statistically, I'll give you the numbers.

21           In 2013, we had over 1400 youth monitored  
22   on GPS as opposed to placing them in detention, an  
23   average of 52.4 days. I had 800 of -- 804 youth  
24   successfully complete the GPS, which meant they

1 weren't penetrated and they didn't have to be  
2 placed. When you look at the GPS and the cost of  
3 the GPS, it cost me \$6.75 a day. The average  
4 length of stay, however, if I were to place the  
5 child in a community-based detention center or our  
6 juvenile detention center would be 398 -- an  
7 average of \$398 as opposed to the \$6.75. So when  
8 you calculate the cost in an average length of  
9 stay in a detention center is about 17.05. When  
10 you calculate that cost, Family Court, as a result  
11 of this investment, has saved this City  
12 \$5,249,829.35. That's just one aspect of making  
13 sure our children don't penetrate the system and  
14 making sure they have an opportunity.

15           We have developed other programs and we've  
16 done a lot of good things. In domestic relations,  
17 we are inundated. As we all know, we are the  
18 largest, poorest city. As a result of being the  
19 poorest city, the majority of our people don't  
20 have the funds to necessarily pay the filing fees  
21 that are required. And Philadelphia County has  
22 probably one of the lowest filing fees across the  
23 Commonwealth of Pennsylvania. When you look at  
24 the number of judges, I have 26 judges, counting

1 Judge Murphy and I. We both are sitting judges  
2 while we administer.

3 But when you look at the type of numbers  
4 that come through our courthouse, permit me. In  
5 2013, we had 1633 new complaints in divorce filed  
6 despite the fact that we disposed 1800. But there  
7 were an additional 11,682 divorce related  
8 pleadings. With regard to support in 2013, we had  
9 43,539 support filings including approximately  
10 27,145 new complaints. With regard to protection  
11 from abuse orders. We had about 11,300 new. We  
12 disposed about 12,000. So we're talking -- and  
13 custody, which most people now are aware that we  
14 have an incredible backlog. We had 24,000 custody  
15 related filing in the year last year. More than  
16 11,000 are seeking to establish or modify a  
17 custody order.

18 We're doing a lot of good work with few  
19 judges. However, the consolidation of the new  
20 courthouse, we have to take into consideration  
21 that my court, unlike the other courts, are the  
22 most volatile. As I said, the worse that plays  
23 out in one's home is dramatized in the courthouse.  
24 Sad to say, of all judges across the United States

1 that are brutally murdered or assassinated, family  
2 court judges lead the most -- are the largest  
3 number. The most violent incidents usually occur  
4 in our courthouses. Thank God under our watch we  
5 have only had minor incidents or maybe a few  
6 serious incidents. That's as a result of our  
7 vigilance. But now when we consolidate into a new  
8 courthouse, I'm going to be lost.

9 Historically, I have made a request and  
10 submission to this body of \$1.1 million. Let me  
11 try to explain that because it sounds like a lot  
12 of money. But at the end of the day, I believe  
13 our children are worth the investment.

14 I'm looking for Central Services. 34 South  
15 11th Street, the majority of my employees over  
16 there are 4D general -- 4D employees. That means  
17 I'm getting money from the Federal Government to  
18 assist for solely child support work. They --  
19 child support predominated the entire courthouse.  
20 Of 400 employees, 350 were on the 4D Fund. And  
21 about 50 to 58 were under my General Fund. In my  
22 courthouse at 1801 Vine where I sit, the majority  
23 of my population is General Fund. And my largest  
24 population, the most dedicated are my probation

1 officers. And they take the entire second floor.

2 I have three floors at 1801 Vine and three  
3 floors at 34 -- two floors at 34 South 11th  
4 Street. Three -- I guess you can say three. The  
5 top is administration and some master offices. We  
6 are going now, thank God, into a fifteen-floor  
7 building. Fifteen floors is going to require a  
8 lot of security protection. I'm able to transfer  
9 Central Services. But I have to transfer these  
10 Central Services -- those employees at 34 South  
11 11th Street, they can no longer be on 4D because  
12 the building now, their proportion has shrunk. I  
13 think we're guesstimating about 25 percent in my  
14 building.

15 That's a minimal portion. Yet probably the  
16 most volatile is either in the Support Hearings or  
17 in my Dependency. So, I have to make sure that we  
18 have sufficient Administrative Central Services  
19 staff as well as Security. Most people don't  
20 realize while the City owns 1801 Vine, we rent  
21 34th South 11th Street. So as a result of the  
22 contract, we're not paying for the custodial.

23 We have a security staff, it's a contracted  
24 service out of our budget. I'm losing those

1     custodial staff. I'm losing those security guards  
2     unless I merge them with my own. In my building,  
3     I'm going to be able to have custodial, but I only  
4     have 11. So when I'm looking at custodial, I am  
5     hoping to increase it to approximate additional 13  
6     with my 11. That's going to be about \$363,000  
7     request. When you look at my Central Services and  
8     I'm merging approximately 21 employees from my 4D  
9     over to the General Fund, we are looking at  
10    700,000 -- 772,000. So it's approximately 1.1.

11           I come to you to say let's not forget that  
12    it's -- I'm not here asking you all to submit \$1.1  
13    million to our budget to support the Family Court.  
14    I have to keep our children and our families safe.  
15    I have to maintain the clean condition. Imagine  
16    every one -- every one of us here knows someone  
17    who has experienced divorce, support, custody,  
18    abuse, neglect or know someone who has had some  
19    DHS involvement. People are insecure. People are  
20    hurt. They're not invited into my building.  
21    They're summoned by subpoena. They don't want to  
22    be there. If we can at least move to make a clean  
23    facility, have a clean bathroom, let's get down to  
24    basics. Have toilet people in the public restroom

1 and soap to wash their hand. Provide the dignity  
2 to a family in disarray. Is that too much to ask?

3 I have worked tirelessly to make 1801 Vine  
4 as clean and nice as possible. I think I have  
5 done a good job at that. I have every intention  
6 of maintaining this new courthouse to the same  
7 quality that I've tried 1801 Vine. I can't do it  
8 without the custodial. If I have to submit to my  
9 budget and only those monies allocated to my  
10 General Fund, then that means I'm going to have to  
11 deprive somebody of some thing. Some program is  
12 going to suffer.

13 I find it hard to fathom that I may have to  
14 withdraw a program or divert employees so that I  
15 can maintain a quality of life that's basic and  
16 commonsensical to each and every one of us. In  
17 essence, I think we have done a fabulous job.  
18 I -- I cannot be more thankful that I've been able  
19 to lead the Members of Philadelphia Family Court  
20 who really are dedicated.

21 Going back again talking about services,  
22 and I just want to reiterate, I can't do it  
23 without our support staff. I can't do it without  
24 the employees. In my Juvenile Delinquency, it

1 cannot be done without my probation officers. And  
2 I'm struggling already with a limited number of  
3 probation officers. And we are trying to work  
4 this through so that we can restrict their case  
5 loads so that they're not overwhelmed. Try to  
6 develop more innovative programs so that the kids  
7 are more acclimated to quality of life issues as  
8 well outside.

9 I can just at least end this by saying  
10 we've done a good job. I anticipate doing a  
11 better job. \$1.1 million I think is well worth  
12 the return on my investment. Finally, which I  
13 forgot to say, with my dedicated staff at 34th  
14 South 11th Street, we were able to collect  
15 \$164 million worth of child support. Without  
16 those monies, our children would go without.

17 We created a networking for jobs. That is  
18 to make sure in lieu of incarcerating a parent for  
19 not paying child support which then ultimately  
20 means since I'm not paying, you can't see Kevin,  
21 we have disfunctional and broken families. The  
22 reason is half the time our men are unable to have  
23 a job. We created years ago networking for jobs.  
24 It's a phenomenal program. But I can share with



1     you -- let me just -- I pulled some stats on that  
2     just to kind of brag about the hard work that  
3     we're doing in Family Court. Here you go.

4             My networking jobs I've had, we've been  
5     able to enable 72 percent of all people who owe  
6     child support to find jobs with an hourly wage of  
7     \$9.22. 29 percent of those jobs provided medical  
8     benefits. Of those people, 23 percent of --  
9     usually men -- had misdemeanor criminal  
10    backgrounds, 26 had felony criminal backgrounds.  
11    As a result of this program, we collected a total  
12    of \$20 million. That is added to the 164.

13            I think that's really good. I think what  
14    we're trying to do is keep our prisons empty, our  
15    coffers filled and children to have food on their  
16    plate and a belly filled with food.

17            Thanks for taking the time. And please  
18    consider my request.

19            COUNCIL PRESIDENT CLARKE: Thank you very  
20    much for your testimony, Your Honor.

21            HONORABLE JUDGE HERRON: That completes our  
22    testimony. I would say that the court leadership,  
23    we're all working judges. All of us have a case  
24    load. We've taken our managerial obligation

1 seriously. We've been careful in spending City  
2 funds and saving City funds. We understand that  
3 we have an uphill fight today. We need eight  
4 votes supporting us. And we understand that we  
5 have failed in prior years. We hope for your  
6 understanding and consideration. Obviously, we  
7 are passionately in favor of what we do and how we  
8 do it. We believe we do it well. We hope to have  
9 your agreement on that.

10 We stand ready to answer your questions.

11 Thank you.

12 COUNCIL PRESIDENT CLARKE: Thank you. Your  
13 Honor, I'm assuming there may be questions that  
14 may be for all of the judges. We have all our  
15 members are interested. How are we going to  
16 handle it as opposed to having --

17 HONORABLE JUDGE HERRON: I am going to ask  
18 my colleagues to come up if they will -- to be  
19 here.

20 COUNCIL PRESIDENT CLARKE: Could you,  
21 please.

22 HONORABLE JUDGE HERRON: They will identify  
23 the questions in their area and speak to it if  
24 that's acceptable.

1 COUNCIL PRESIDENT CLARKE: All right.

2 Yeah. You know, walking back and forth will take  
3 some -- some time and everyone here. Thank you.

4 Thank you for your testimony, all of you.

5 This -- real quick a couple of questions. And I  
6 just want to make sure -- I'd like to categorize  
7 them so we don't have too much back and forth.

8 On the -- first in Judge Skipper Woods, I  
9 want to apologize. Had I known that you all were  
10 looking to get WiFi, we would have contacted you  
11 when we purchased ours and we probably could have  
12 bundled it and gotten a better deal. I want to  
13 apologize. We weren't aware. But we understand  
14 the need to have the ability to have WiFi in the  
15 office. So maybe when our -- ours needs to be  
16 revisited, we can bundle our services and we can  
17 get a better price. All right.

18 PRESIDENT JUDGE WOODS-SKIPPER: We  
19 appreciate any consideration.

20 COUNCIL PRESIDENT CLARKE: Thank you.  
21 Thank you so much.

22 The Civil Jury Room, Your Honor, where is  
23 that currently?

24 HONORABLE JUDGE HERRON: We do not have a

1 Civil Jury Room.

2 COUNCIL PRESIDENT CLARKE: You don't have  
3 one.

4 HONORABLE JUDGE HERRON: It's been on the  
5 boards for years and years and years. We are  
6 close to a contract and to an anticipated  
7 completion date of September. It would be located  
8 in the old Municipal Court Rooms 195 and 196. It  
9 happens to be a perfect and suitable area because  
10 it is outside independent access so that the  
11 jurors can come in from outside of City Hall  
12 without going through the security and each of the  
13 corners of City Hall.

14 COUNCIL PRESIDENT CLARKE: Okay.

15 HONORABLE JUDGE HERRON: It would provide  
16 not only civil jury space, but space for three  
17 grand juries that we have operating. One of the  
18 pressures on our jury system is the fact that we  
19 began by virtue of a Supreme Court of Pennsylvania  
20 Rule.

21 The first, indicting grand jury which  
22 safeguards witnesses and victims and obviates the  
23 necessity to go through preliminary hearings. So  
24 for these very specially identified cases, and

1     there were some 750 of those last year, that is a  
2     special indicting grand jury. And we summon a  
3     significant number of jurors for that. That will  
4     also be housed in that civil jury space along with  
5     the other two presently running investigating  
6     grand juries. So we have an indicting grand jury  
7     for victims and witnesses threatened. Then we  
8     have two investigating grand juries that take  
9     cases from the District Attorney's Office.

10           COUNCIL PRESIDENT CLARKE: Okay. And that  
11     wouldn't be housed in the same space?

12           HONORABLE JUDGE HERRON: Yes.

13           COUNCIL PRESIDENT CLARKE: And where are  
14     you in terms of funding for that? You said you  
15     contracted?

16           HONORABLE JUDGE HERRON: We out of -- we  
17     have committed funding from savings over the last  
18     several years from the Trial Division Budget and  
19     other budgets that will give us about \$1 million  
20     for the actual build-out costs. We do not have  
21     funding for the additional cost for bringing in  
22     jurors and for the staffing necessary to handle  
23     these burdens of the grand juries --

24           COUNCIL PRESIDENT CLARKE: That's the

1 operational.

2 HONORABLE JUDGE HERRON: -- the  
3 investigating grand juries and so forth in the  
4 operations. That's correct.

5 COUNCIL PRESIDENT CLARKE: Operations.  
6 Okay. In the Sequestration Program that you've  
7 been working with the City of Philadelphia, and  
8 you talked about the ability to collect rent,  
9 essentially, for commercial properties in lieu of  
10 them being able to pay the arrears and their  
11 taxes.

12 Does -- how exactly does that work? Maybe  
13 you are not the department because you are  
14 supporting the City. My question is, if there is  
15 a functioning business and, I don't know, maybe  
16 the Budget Director may have to answer this. If  
17 there is a functioning business and based on the,  
18 ir unwillingness to pay the arrears and their  
19 delinquent taxes, you essentially come in, the  
20 government, and say you are taking the rent.

21 Isn't it kind of a Catch 22 that that  
22 business will go under if they are no longer able  
23 to have revenue coming in to continue to operate  
24 that business if we take the revenue that they do

1    have; and therefore, that business goes out of --  
2    out of business?

3           HONORABLE JUDGE HERRON: Well, I am the  
4    sole judge in charge of the Sequestration Program.  
5    It is a -- we consider it a commercial matter, and  
6    so it goes into our Commerce Program, a specialty  
7    court, if you will.

8           And so, each Monday I hear these matters  
9    that are scheduled. Most all of them result in  
10   settlements. So, I do not get involved as the  
11   judge in what affect that has on the businesses.

12          My speculation, if you will, is that owners  
13   of these commercial properties are delinquent in  
14   their taxes because they have enjoyed no  
15   enforcement threat. And when the enforcement  
16   threat is there -- and that can only be offered by  
17   a viable efficient court system. When that  
18   enforcement threat is there, then the commercial  
19   property owner sees the light and settles with the  
20   City in the arrearages of real estate taxes owed.

21          If the individual doesn't see the light,  
22   then the leverage the City has by statute is to  
23   ask the court to appoint a sequester, an  
24   individual who then receives the rents. Those

1 rents go back to the property owner as delinquent  
2 City taxes are paid or settled.

3 I have not heard of a single instance where  
4 a commercially viable enterprise with revenue and  
5 rentals coming in has gone out of business because  
6 they settled up out their delinquent real estate  
7 tax.

8 COUNCIL PRESIDENT CLARKE: Okay.

9 HONORABLE JUDGE HERRON: There may be some  
10 out there. But that is an issue you have to  
11 address to the City Revenue Department.

12 COUNCIL PRESIDENT CLARKE: Okay. We'll do  
13 that.

14 Warrant officers. You have various warrant  
15 officers from the courts it's my understanding?

16 HONORABLE JUDGE HERRON: We do. We have a  
17 pretrial area. And employ about 55 warrant  
18 service officers.

19 COUNCIL PRESIDENT CLARKE: And they work  
20 for all of the various courts, or is one  
21 particular court? Or do they just work for the  
22 First Judicial District?

23 HONORABLE JUDGE HERRON: First Judicial  
24 District. But they are primarily employed in the



1 Common Pleas and Municipal Court area. They have  
2 a variety of duties. One is to actually implement  
3 the hookup of the electronic monitoring units.  
4 Another is to go out every time there is a beep  
5 that says that the individual on the electronic  
6 monitoring unit has strayed. Another obligation  
7 is to go out and serve warrants on individuals who  
8 have failed to appear.

9 There is some 35,000 active warrants out  
10 there and they're prioritized. And so, those 55  
11 officers respond to those three areas principally.

12 COUNCIL PRESIDENT CLARKE: Do we also have  
13 warrants for the Juvenile Division or Family  
14 Court?

15 HONORABLE JUDGE DOUGHERTY: I have -- I  
16 have a warrant unit, but they are made up of  
17 probation officers. What I have is I have a unit --  
18 a group of probational officers who are my  
19 juvenile enforcement team. They are not case  
20 managing. They are working with the Philadelphia  
21 Police and all necessary law enforcement to pursue  
22 targeted areas where we have heavy juvenile  
23 violence or gang activity.

24 I also have my YVRP. And my YVRPs works

1 in -- hand-in-glove with the JET and the Police in  
2 making sure we can execute warrants for those  
3 juveniles who have bench warrant as a result of a  
4 serious offense or escaped from a juvenile  
5 delinquent facility. I do not have a specific  
6 warrant unit and specific funding for it. I have  
7 utilized that through good working well with my  
8 chief and probation officers.

9 COUNCIL PRESIDENT CLARKE: Okay. So when  
10 there is an outstanding warrant for a juvenile,  
11 then these people are dispatched to find the  
12 person at the address, the last known address or  
13 whatever?

14 HONORABLE JUDGE DOUGHERTY: Based upon --  
15 we've created an internal pol -- a priority list  
16 for those individuals in which JET and/or YVRP  
17 Bench Warrant Unit will pursue.

18 COUNCIL PRESIDENT CLARKE: And do they work  
19 with the police?

20 HONORABLE JUDGE DOUGHERTY: Yes.

21 COUNCIL PRESIDENT CLARKE: So --

22 HONORABLE JUDGE DOUGHERTY: Matter of fact,  
23 I just transferred my Juvenile Enforcement Team  
24 down to the new Delaware Valley Intelligence

1 Center, DVIC, in South Philadelphia. And my YVRP  
2 probation officers both are arm bearing. I  
3 transferred them out. I've worked with DHS. And  
4 I have them situated out the new Youth Study  
5 Center, the new Juvenile Justice Service Center.

6 COUNCIL PRESIDENT CLARKE: Okay. In any  
7 event, is there a notification to that particular  
8 location prior to or is there -- is there just  
9 they are assigned, they go to the property and --  
10 how does that work?

11 HONORABLE JUDGE DOUGHERTY: Combination of  
12 both.

13 COUNCIL PRESIDENT CLARKE: They have to  
14 notify the property owner?

15 HONORABLE JUDGE DOUGHERTY: The -- the  
16 actual assigned probation officer has -- makes the  
17 attempts. Will go to the home, the last known  
18 residence, speak to the people, speak to the  
19 family, speak to the community. Try to locate and  
20 bring the individual in. Many times, part of our  
21 probation officers will attempt to reach them. If  
22 they do, they will convince them to come walking  
23 in. I would prefer that they voluntarily  
24 surrender as opposed by the use of law

1 enforcement.

2           However, for those individuals who have  
3 AWOL'd or ran away from a delinquent placement or  
4 have a serious outstanding felony, we then tar --  
5 with a bench warrant, we then target those areas  
6 and try to -- target that individual and try to  
7 get them. We work hand-in-glove, as I said, with  
8 juvenile intelligence -- I mean, criminal  
9 intelligence and other law enforcement agencies  
10 when they're targeting specific areas of  
11 Philadelphia.

12           My -- my team also works with Focused  
13 Deterrence, which is in South Philadelphia  
14 concentrating in the Point Breeze area as well as  
15 Philadelphia was selected by the Federal  
16 Government to be part of this national forum on  
17 prevention of juvenile violence for which  
18 Commissioner Ramsey, myself, and Anne Marie  
19 Ambrose, Commissioner of DHS were appointed by  
20 Mayor Nutter to Chair.

21           We've concentrated them out in the 22nd  
22 District, the Temple area, North Philadelphia to  
23 concentrate to try to extract those individuals  
24 that have a potential for creating at risk and

1 dangerous scenarios bringing them back home to  
2 Family Court.

3 COUNCIL PRESIDENT CLARKE: Okay. And I  
4 guess, Judge Dougherty, also we've had interaction  
5 with the Sheriff voicing concern about that  
6 particular -- the new building, the new Family  
7 Court Building in terms of safety. In your  
8 category on the sheet, you need additional  
9 security staff.

10 Is that above and beyond the Sheriffs?

11 HONORABLE JUDGE DOUGHERTY: Yes. The  
12 Sheriffs will -- the Sheriffs are the law  
13 enforcement agency for all the FJD for all  
14 courthouses.

15 COUNCIL PRESIDENT CLARKE: Okay.

16 HONORABLE JUDGE DOUGHERTY: With 16 floors,  
17 now that we're consolidating, I'm not only going  
18 to have juveniles in custody, I'm going to have  
19 adults in custody. Outside of those adults who  
20 commit sex offenses on juveniles, we have the  
21 adults who have outstanding warrants in domestic  
22 relations and things of that nature.

23 So, we're going to have to concentrate  
24 Sheriffs on transporting this large population to

1 and from the building. That still doesn't mean at  
2 this point in time that I am sure that we're going  
3 to have sheriff presence on the courtroom floor.  
4 I have to have uniform, non arm bearing officers  
5 at least dressed well in a uniform to present and  
6 create a semblance of order.

7 COUNCIL PRESIDENT CLARKE: Yeah. We  
8 actually do that here in Council now. We have two  
9 sheriffs' offices. I'm clear we don't have that  
10 level of concern. But, you know, feels good to  
11 see the Sheriffs here. And people understand this  
12 is --

13 HONORABLE JUDGE DOUGHERTY: They probably  
14 came from 18th and Vine.

15 COUNCIL PRESIDENT CLARKE: I'm sorry for  
16 taking -- (laughter). All right. Okay.

17 Specifically, I just want to make sure.  
18 The 700,000 request is in addition to --

19 HONORABLE JUDGE DOUGHERTY: In addition --

20 COUNCIL PRESIDENT CLARKE: Separate from  
21 the Sheriffs?

22 HONORABLE JUDGE DOUGHERTY: Separate and  
23 apart from the Sheriffs.

24 COUNCIL PRESIDENT CLARKE: Okay.

1 HONORABLE JUDGE DOUGHERTY: They would  
2 arguably -- they would be Family Court employees.

3 COUNCIL PRESIDENT CLARKE: Okay.

4 HONORABLE JUDGE DOUGHERTY: The Sheriffs  
5 are -- the Sheriff themself.

6 COUNCIL PRESIDENT CLARKE: Okay. Thank  
7 you.

8 Chair recognizes Councilman Jones.

9 COUNCILMAN JONES: Thank you,  
10 Mr. President.

11 First, let me start by saying that when I  
12 first came here, you gave me the impression that  
13 we got paid by the word so that is why I asked so  
14 many questions. But with the First Judicial  
15 District, we were able to ask them a series of  
16 questions. We put them in writing, and they got  
17 back to us. So unfortunately, I am not going to  
18 have as many questions because I got a lot of  
19 answers in advance for which I am truly  
20 appreciative of.

21 The first thing that comes to me is that I  
22 think second to none, and I don't know if my  
23 colleagues will agree, that this is probably the  
24 best formatted information by way of digesting a

1 complicated budget I have seen in my six years.

2 COUNCILWOMAN REYNOLDS BROWN: Ditto.

3 COUNCILMAN JONES: I been here, so kudos to  
4 that.

5 HONORABLE JUDGE HERRON: Does that get us  
6 money?

7 COUNCILMAN JONES: Not at all. (Laughter)  
8 Not at all. Not a dime.

9 HONORABLE JUDGE HERRON: Yet.

10 COUNCILMAN JONES: But I will say that,  
11 that will probably get you money is the fact that  
12 you broke down each of your initiatives, each of  
13 them, and what it saved the City of Philadelphia.  
14 Which makes me want to engage my colleagues in  
15 saying that when an entity like First Judicial  
16 takes the time to take advice from us about  
17 savings and how to be a team player like that, to  
18 some degree that savings and benefit should come  
19 back to you to reinforce programs. I'm going to  
20 push that notion among my colleagues to see if we  
21 can't come up with some fair kind of process that  
22 doesn't just put it back in the General Fund. So,  
23 that is something that I am personally going to  
24 work with my colleagues to talk about.



1           And having said all those nice things, I do  
2   have a few clarification questions that I would  
3   like to deal with. And so, we've been working to  
4   deal with some things with you. And we are real  
5   appreciative of the fact that when we spoke about  
6   witness intimidation, you took it seriously. We  
7   worked to put some money in there. And we are  
8   able to now say that that, at least, is on your  
9   radar and our radar collectively.

10           Second thing you did real well was when  
11   Councilwoman Blondell Reynolds Brown introduced a  
12   piece on domestic -- human trafficking that was  
13   taken into account by you guys. When we talked  
14   about gun cases where the -- we felt the bail was  
15   too low, you took that seriously. And now it's  
16   created another problem for the Prison  
17   Commissioner because they're holding them longer  
18   because of higher bail. But I think murders are  
19   down as a result of that swift action. And didn't  
20   take a law to do, but it took communication. So,  
21   we -- we appreciate that.

22           In line with that, there is another issue  
23   that we'd like you to take into consideration.  
24   And that is crimes against our seniors.

1     Particularly, we had a recent hearing on home  
2     invasions and a trend of utility workers,  
3     impersonators coming into people's homes and  
4     robbing them, some violently, in the process of  
5     taking jewelry and things like that. And they're  
6     preying upon our weak. And we'd like you -- we  
7     had a hearing about that. And we would like you  
8     to take that into account like you took gun cases,  
9     like you took witness intimidation and like you  
10    have taken human trafficking in -- in your -- in  
11    your order of things. So, that's -- that's what I  
12    would like you to think about from this body.

13           I want to draw questions on the -- on the  
14    use of some of these savings. How much has  
15    technology helped you with the teleconferencing  
16    aspect of it? And is there a chance for expansion  
17    of that use of technology to continue saving us  
18    taxpayers' money?

19           HONORABLE JUDGE HERRON: The answer is yes.  
20    And we actually have a demonstration going on  
21    today, April 16, where we're implementing video  
22    that will save transportation costs for  
23    incarcerated individuals. The video hookup allows  
24    for two-way response. And also allows for

1 confidential communications between counsel and a  
2 represented defendant, so that those  
3 communications can all be interfaced together and  
4 save the cost of transporting prisoners.

5 So, we're vitally interested in that in  
6 pushing forward with that technology. Seeking  
7 grants to do that. And we'll be here pleading for  
8 further funding from Council assuredly next year  
9 to assist in the funding of that technology.

10 COUNCILMAN JONES: So currently, you have  
11 nine courtrooms? How many courtrooms are --

12 HONORABLE JUDGE HERRON: I think you are  
13 correct.

14 COUNCILMAN JONES: Nine courtrooms. And I  
15 would imagine with the new courtroom being built  
16 by you, are any of them --

17 HONORABLE JUDGE DOUGHERTY: We have --

18 COUNCILMAN JONES: Got to speak in the mic,  
19 Your Honor.

20 HONORABLE JUDGE DOUGHERTY: All our  
21 courtrooms are situated with the technology. The  
22 issue becomes one of what can we afford and how  
23 many can we afford. I currently have one  
24 courtroom in which we have closed circuit TV which

1 we communicate with our youth that are placed  
2 outside of the Philadelphia area so that we don't  
3 have to -- we can save money so DHS or Probation  
4 doesn't have to incur the expense or the -- the  
5 problem of traveling during the working hours so  
6 that they can be present for interviews and/or  
7 court hearings.

8 COUNCILMAN JONES: We'd like you to keep  
9 track of that. Because again, in -- in light of  
10 the fact that we'd like to work with you on  
11 diverting some of those savings back, we'd like  
12 you to keep track of that and then us be able to  
13 make sure you get that.

14 HONORABLE JUDGE HERRON: Councilman Jones,  
15 if I can interrupt for a moment. Court  
16 Administrator Evers gives me the actual savings  
17 figure which is \$16,000 a day in transportation  
18 costs through the use of this video that we're now  
19 testing and hoping to implement in the next month  
20 or so. That is an appreciable savings, \$16,000  
21 daily.

22 COUNCILMAN JONES: One of the other -- and  
23 I will end on this question.

24 COUNCILMAN GREENLEE: Okay.

1 COUNCILMAN JONES: I saw your face.

2 (Laughter) I'm getting paid by the word, so let me  
3 get my money.

4 COUNCILMAN GREENLEE: If you are, sir --

5 COUNCILMAN JONES: Listen, I'm like  
6 Pavlov's dog in here. When the bell rings, I stop  
7 talking almost.

8 COUNCILMAN GREENLEE: "Almost" is right.

9 COUNCILMAN JONES: On your backlog of  
10 cases, that was one of the things we sent you in  
11 the letter. And I wanted to get the response to  
12 that on the record on how you are dealing with it.  
13 I understand there are some judges that are being  
14 lent to you, I think three.

15 Can you speak to that on the record?

16 HONORABLE JUDGE DOUGHERTY: On the record,  
17 as a result of, as you heard, the heavy numbers,  
18 limited resources and high number of filings, we  
19 have experienced a backlog of custody cases. I  
20 have after consultation with my leadership and  
21 Judge Murphy, I have procured a -- an additional  
22 Master to hear cases. And through the good graces  
23 of Administrative Judge Chair John Herron, Judge  
24 Herron has agreed to transfer temporarily three

1 judges from the Trial Division to assist Family  
2 Division in handling the backlog. As we sit here  
3 and speak, our Administration is currently going  
4 through each and every filing to develop a process  
5 that we will hope will mimic the civil days of  
6 backlog. And we will be able to utilize it so that  
7 we can at least begin to suture this open wound.

8 COUNCILMAN JONES: I appreciate the ability  
9 to send it in writing and get a response. And I  
10 thank you for that.

11 Thank you, Mr. Chairman.

12 COUNCILMAN GREENLEE: Okay.

13 COUNCILMAN JONES: I await the next round.

14 COUNCILMAN GREENLEE: Okay. Thank you,  
15 sir. I should add, if we were getting paid by  
16 the -- by the word, I'd be getting a loan from  
17 you, sir.

18 COUNCILMAN JONES: That's right.

19 (Laughter) You're right. No doubt about it.

20 COUNCILMAN GREENLEE: Councilman Goode.

21 COUNCILMAN GOODE: Thank you, Mr. Chairman.

22 Good morning, Judges. I concur with  
23 Councilman Jones that this is a very effective  
24 budget presentation. Very digestible. You make

1 the case in everything you're asking for. At the  
2 same time, you set the bar kind of high for what's  
3 not in here necessarily. My questions will  
4 revolve around some things that are not in here.

5 I'm interested in your staffing levels with  
6 regard to Probation officers. Simple question is,  
7 do you have enough in general and in the  
8 respective courts?

9 HONORABLE JUDGE HERRON: Councilman, I'm  
10 not sure I understand the question. You're  
11 interested in the staffing levels of --

12 COUNCILMAN GOODE: With regard to probation  
13 officers.

14 HONORABLE JUDGE HERRON: Probation  
15 officers. Well, we do not have sufficient number  
16 of probation officers. We -- we have designated  
17 various levels of supervision in the Probation  
18 Department so that we recognize there is a high  
19 risk, a medium risk and a low risk.

20 For the low risk offenders, the case loads  
21 are much larger because we believe that  
22 evidence-based practices dictate less involvement  
23 is necessary. For the medium risk, obviously, the  
24 case load should be smaller. For the high risk,

1 much smaller. There are different approaches to  
2 addressing those offenders depending on how they  
3 are categorized.

4 What we have done and what has been  
5 recognized nationally is that we've employed  
6 behavioral predictors in a statistical fashion  
7 that allow us to identify individuals who are more  
8 likely to commit serious offenses and more likely  
9 to commit a crime while on probation.

10 COUNCILMAN GOODE: Your -- Your Honor, the  
11 simple question was, do you have enough?

12 HONORABLE JUDGE HERRON: No.

13 COUNCILMAN GOODE: Do you want more?

14 HONORABLE JUDGE HERRON: Simple question is  
15 will you fund more?

16 COUNCILMAN GOODE: Do you want more?

17 HONORABLE JUDGE HERRON: Yes.

18 COUNCILMAN GOODE: Okay. Do you know what  
19 the impact of having more probation officers would  
20 mean? In other words, have you done the same  
21 analysis in terms of reduction of similar rate and  
22 what cost savings would be achieved by having more  
23 probation officers similar to the rest of your  
24 budget presentation?



1 HONORABLE JUDGE HERRON: We have not. We  
2 will do so.

3 COUNCILMAN GOODE: Okay. That's good.  
4 Since you don't have enough probation  
5 officers, does that create overtime costs?

6 HONORABLE JUDGE HERRON: I truly don't  
7 know. I will have to get you an answer.

8 COUNCILMAN GOODE: I appreciate that. And  
9 so, you were beginning to discuss this.

10 How many clients do probation officers have  
11 on average? You said there are different levels.

12 HONORABLE JUDGE HERRON: They are. Off the  
13 top of my head, I can only tell you that the high  
14 risk case load should be somewhere in the area  
15 below 100; hopefully, around 60. But I think they  
16 are higher than that. I mean, the best case  
17 scenario they would be below 60 so that there is  
18 more individualized attention possible.

19 COUNCILMAN GOODE: Okay. Can you actually  
20 forward to the Chair what that case load is?  
21 Actually, if it's different levels of offenses.

22 HONORABLE JUDGE HERRON: I will get you the  
23 current figures, yes.

24 COUNCILMAN GOODE: Okay. Just lastly to

1 make this case on this issue. You are going to  
2 provide the analysis which will come along, I  
3 guess, with a dollar figure to be invested.

4 But does it cost more money not to have  
5 more officers?

6 HONORABLE JUDGE HERRON: I don't want to  
7 give you a quick answer. It needs to be looked  
8 at. And we will do our best to look at that and  
9 get you those answers.

10 COUNCILMAN GOODE: I look forward to  
11 reading it. Another question about the testimony.  
12 What specifically would the additional  
13 resources the \$138,000 for Mental Health Court pay  
14 for?

15 PRESIDENT JUDGE WOODS-SKIPPER: Councilman,  
16 it would pay for a Mental Health Court information  
17 technology individual to help with collecting data  
18 so that we make sure that we're dealing with the  
19 evidence-based practices to know how effective the  
20 court is in determining and dealing with mental  
21 health behaviors as it relates to criminal  
22 justice.

23 It would also fund a motivational  
24 interviewer to assist with encouragement. Part of

1    what happens with mental health individuals is  
2    that because sometimes the ability for them to  
3    understand, it takes a lot more hands-on dealings  
4    with them. So, this individual would be  
5    responsible for making sure that they are kept  
6    encouraged about the reasons why they need to be  
7    in compliance with taking their medications, with  
8    staying law abiding citizens and with being  
9    compliant with supervision generally.

10           It would also fund a treatment coordinator  
11    counselor, someone who would help with providing  
12    the -- providing and finding the social services  
13    that are needed to keep them on track.

14           It also, finally, would involve the -- I  
15    think -- I think it's one more. Let me think.  
16    Make sure I haven't forgotten it.

17           Oh, training. Because we have increased  
18    our numbers so much. And when we first began and  
19    still now, the majority of our individuals are  
20    represented by the Defender Association. But we  
21    are now seeing a remarkable increase in the  
22    numbers of individuals represented by private  
23    council. As a result, they are not as  
24    knowledgeable because they don't deal with it as

1 much. We need to provide more trainings for them  
2 about mental health issues generally, and then  
3 about the process of how Mental Health Court works  
4 and how they can engage those -- their clients in  
5 Mental Health Court, as well.

6 And so, we would like to do that on a  
7 regular basis. But that takes a little more  
8 resource and time to do that.

9 COUNCILMAN GOODE: Thank you. And lastly,  
10 I'm just interested in knowing what percentage of  
11 our ex-offender population is impacted by Mental  
12 Health Court?

13 PRESIDENT JUDGE WOODS-SKIPPER: That number  
14 keeps changing. Because what we find is that  
15 there has become a more awareness of mental  
16 health. There are many people who have suffered  
17 from mental health illnesses who were never  
18 identified. Now because individuals know and they  
19 are looking for it, we even have police officers  
20 who are being trained to look for mental health  
21 issues.

22 And I believe at this point, if I'm not  
23 mistaken, it's 70. I mean, the numbers are really  
24 very high. But I can get you that exact number,

1 Councilman, if you'd like.

2 COUNCILMAN GOODE: Thank you.

3 Thank you, Mr. Chairman.

4 COUNCILMAN GREENLEE: Okay.

5 HONORABLE JUDGE DOUGHERTY: May I just add,  
6 because I don't want the Councilman or people to  
7 forget that Family Court has juvenile probation  
8 officers as well. While adult dominates, mine  
9 still are some of the hardest working. I have 144  
10 currently, 4 in the pipeline. I currently have  
11 about 3300 juveniles on probation. When I took  
12 over, I had approximately 1468 kids in placement.  
13 I'm down to 983.

14 When I took over back in '05/'06, we had  
15 somewhere around 140, 150 kids out of  
16 Pennsylvania. I have none now. That as a result  
17 of the probation staff in and of itself as well as  
18 our diversion. Also, my probation officers on  
19 their own time have scheduled basketball games  
20 with our probationers, take part in  
21 extracurricular activities and support activities  
22 with a program I created in court.

23 When you ask how do I quantify that, I  
24 would need to know what you mean by the

1 milestones. You give me more probation officers,  
2 I reduce juvenile crime. I make better kids, and  
3 I make the world a better place. So, it all  
4 starts with you saying give us the monies to put  
5 in my Class 100 for our probation officers.

6 COUNCILMAN GREENLEE: Okay. Thank you,  
7 Councilman.

8 I want to be clear, I was actually the next  
9 one on line, so I'm not jumping in front of  
10 everybody, okay. (Laughter) Ms. Lewis can verify.  
11 Wait a minute now.

12 MS. LEWIS: It's true.

13 COUNCILMAN GREENLEE: Yeah. Discretion of  
14 the Chair. I will be very brief because actually  
15 I was going to ask very similar questions as  
16 Councilman Goode about Probation. I guess the one  
17 thing I would add, I know in past years it's been  
18 stated that one of the problems with particularly  
19 the pay for the probation officer is that you lose  
20 them to surrounding counties.

21 Does that still seem to be a problem?

22 HONORABLE JUDGE HERRON: We don't know.  
23 Actually, the interest arbitration that the City  
24 lost several years ago and which I mentioned to

1    you, the City shorted us 300,000 to cover their  
2    first year. The whole concept there was to raise  
3    the level of pay for senior probation officers  
4    because there was a significant loss of trained  
5    personnel to the federal system and to the  
6    outlying counties where the pay was considerably  
7    better. We hope that the interest arbitration has  
8    now introduced parody of salaries. But we've yet  
9    to see and experience.

10           The interest arbitration that we agreed to  
11    fund the first year for started only in the month  
12    of February this year. So, that's was back pay.  
13    And forward pay will add significant money to the  
14    senior probation officer pay. We'll have to see  
15    what happens.

16           COUNCILMAN GREENLEE: We'll have to see.  
17    Okay. And it will be interesting to see what --  
18    the study that Councilman Goode references as the  
19    effect of, say, on recidivism not having, you  
20    know, over caseload of probation officers could  
21    be.

22           HONORABLE JUDGE HERRON: Ooh, that's an  
23    excellent question. If we can get an answer to  
24    it, it's an important one.

1 COUNCILMAN GREENLEE: Just one other quick  
2 question. Tangled Title Court, is that still in  
3 existence or where --

4 HONORABLE JUDGE HERRON: Yes.

5 COUNCILMAN GREENLEE: And how is it --  
6 still seems to be having a pretty positive effect?

7 HONORABLE JUDGE HERRON: Yes. Very few  
8 people know about Tangled Title Court, so I happen  
9 to be involved in that.

10 COUNCILMAN GREENLEE: Okay. Still Judge  
11 Rizzo? Is that --

12 HONORABLE JUDGE HERRON: Well, no.  
13 She's -- she's doing the mortgage foreclosure --

14 COUNCILMAN GREENLEE: Okay.

15 HONORABLE JUDGE HERRON: -- process. But  
16 there are volunteers who handle the Tangled  
17 Titles. And there is funding available for the  
18 advertising that's necessary. And I rule on  
19 petitions that allow for the forgiveness of some  
20 of the publication costs which are prohibitive and  
21 draw excess money out of that funding that is made  
22 available. But it is still viable and still very  
23 operational.

24 COUNCILMAN GREENLEE: Okay. Thank you.



1 Councilman Kenney.

2 COUNCILMAN KENNEY: Thank you, Mr. Chair.

3 First, let me compliment the folks that are  
4 sitting at the table here. I think -- I've been  
5 around quite some time. And I think this is the  
6 best leadership or some of the best leadership we  
7 ever had in the court. And I really congratulate  
8 you for -- when I look at all these various  
9 special courts, it shows me that there's  
10 innovation and interest and paying attention to  
11 the specific problems that effect us from time to  
12 time and then addressing the issue.

13 And I do compliment you also on your  
14 format. I think it's a tremendous way of  
15 understanding it.

16 So correct me if I'm wrong. The First  
17 Judicial District saved the City 19.4 million?

18 HONORABLE JUDGE HERRON: Correct.

19 COUNCILMAN KENNEY: In what period of time?

20 HONORABLE JUDGE HERRON: That's on an  
21 annual basis.

22 COUNCILMAN KENNEY: Oh, this is -- this is  
23 last year's savings?

24 HONORABLE JUDGE HERRON: Right.

1 COUNCILMAN KENNEY: Okay. I see you  
2 sitting up here asking for 1.1; 700,000; 38,000;  
3 42,000. To me it seems pretty clear that the  
4 money is there to fund the request that you're  
5 asking for without impacting the City General Fund  
6 at all. We are still turning more money back than  
7 you're asking for in supplemental changes in the  
8 budget that's being presented.

9 Is that -- is that a fair assessment?

10 HONORABLE JUDGE HERRON: That's our case.

11 COUNCILMAN KENNEY: Is that your case?

12 HONORABLE JUDGE HERRON: That's our  
13 position.

14 COUNCILMAN KENNEY: I don't -- I don't -- I  
15 really don't understand the motivation for any  
16 department heads or administrators to do  
17 innovative things to save money when the money  
18 goes directly to the General Fund with no  
19 percentage held to reward them for doing the  
20 things we've asked them to do in saving money.  
21 It's almost like you're saving money but you're  
22 hurting yourself.

23 If, for example, the City -- the department  
24 or court or whatever the department involved were

1    able to keep -- recoup 20 percent of a savings in  
2    a fiscal year, that seems to me to be a fair  
3    20/25 percent. Would be \$4 million plus that you  
4    can implement additional programs to save us  
5    additional money.

6           So, to me this is kind of a no-brainer  
7    hearing in that we should be supporting the  
8    request that you made because you have shown that  
9    what you've done is successful. And been able to  
10   respond to all the individual needs of  
11   Councilmembers and others. To me, I would argue  
12   that we should fund what you're asking for.

13           HONORABLE JUDGE DOUGHERTY: Thank you.

14           COUNCILMAN KENNEY: Secondly, going back to  
15   the probation issue just for a second. And I'm  
16   glad Councilman Goode raised it and Councilman  
17   Greenlee also went along and asked some additional  
18   questions.

19           Isn't it a public safety issue? I mean,  
20   it's an administrative court issue because there  
21   is cost involved. But for every -- for every case  
22   load we reduce, aren't we making our neighborhoods  
23   safer and our prisons less full and our police  
24   less busy?

1           I mean, it seems to me that's kind of the  
2   touch point where if we fund it properly and we  
3   have the right level of case load, we actually  
4   make everyone safer and spend less money on other  
5   ends of the criminal justice system.

6           Is that too simplistic?

7           HONORABLE JUDGE HERRON: No, not at all.  
8   That is exactly the dynamic.

9           COUNCILMAN KENNEY: What is the best -- in  
10   your view, the best similarly sized judicial  
11   district in the country whether it's a county,  
12   state -- a county or city that does it right when  
13   it comes to probation? I'm not saying we don't do  
14   it right. We probably don't staff it right.

15           But who does it right both staffing? Who  
16   would be -- who would be like the paradigm of  
17   probation departments or judicial districts?  
18   Because I'd like --

19           HONORABLE JUDGE HERRON: Councilman Kenney,  
20   I don't know the answer to that. I think there is  
21   a paradigm out there where you are looking at a  
22   lot of variables in terms of the community. The  
23   type of urban population that you're talking about  
24   and so forth.

1 COUNCILMAN KENNEY: I mean, the Cook  
2 Counties, the New York Cities, the Bostons. I  
3 mean, similarly situated --

4 HONORABLE JUDGE HERRON: They talk about  
5 Florida and they talk about Oklahoma. There is a  
6 vast disparity between Oklahoma, Philadelphia and  
7 Florida, so it changes. It's a moving target.

8 COUNCILMAN KENNEY: But, I mean, if fewer  
9 folks, you know, people do the research and come  
10 up with some parallel that we can try to follow --  
11 and, again, this is not in any way criticizing  
12 your -- what you are doing now because you are  
13 doing it with what you have given to you. I don't  
14 see any reason why anything -- anything less than  
15 what you're asking for should be put back in the  
16 General Fund where it goes into this kind of abyss  
17 where sometimes we don't even know what they're  
18 doing with it.

19 At least with this particular situation, we  
20 know what you've done with it. We know what  
21 you're requesting to do with it, and it's been  
22 successful. So, like, why are we like -- why  
23 would we even hesitate?

24 HONORABLE JUDGE HERRON: We hope to have

1 your support. That's exactly what we want.

2 COUNCILMAN KENNEY: I mean, I -- clearly,  
3 you have mine. But I also like to know what we  
4 need in the way of both juvenile and adult  
5 probation. Because I think if we can keep folks  
6 from going back into the system and become, as I  
7 say, fountains instead of drains, paying us taxes  
8 as opposed to sucking taxes up, we're all better  
9 off for it and we're all safer for it.

10 So I mean, I would -- I would put my vote  
11 up for your request today if -- if -- if I could.  
12 And would continue to talk to Council President  
13 who is always open minded about these kind of  
14 things especially when -- when programs work.

15 So, thank you, Mr. President. Thank you.

16 HONORABLE JUDGE DOUGHERTY: Councilman, you  
17 mean juvenile probation, as well, correct?

18 COUNCILMAN KENNEY: I said juvenile.

19 HONORABLE JUDGE DOUGHERTY: You said adult.

20 COUNCILMAN KENNEY: I said -- oh, I said  
21 juvenile and adult.

22 HONORABLE JUDGE DOUGHERTY: I apologize --

23 COUNCILMAN KENNEY: I did. I swear.

24 HONORABLE JUDGE DOUGHERTY: Just checking.

1 COUNCILMAN KENNEY: You think you sit this  
2 close to me, I wouldn't say juvenile first?

3 (Laughter)

4 I said juvenile first.

5 HONORABLE JUDGE DOUGHERTY: We can check  
6 the record.

7 COUNCILMAN KENNEY: No, check the record.  
8 I know what I said.

9 HONORABLE JUDGE DOUGHERTY: I have to  
10 protect my guys.

11 (Laughter)

12 COUNCILMAN KENNEY: Thank you,  
13 Mr. President.

14 COUNCIL PRESIDENT CLARKE: Thank you,  
15 Councilman.

16 Chair recognizes Councilwoman Reynolds  
17 Brown.

18 COUNCILWOMAN REYNOLDS BROWN: Thank you,  
19 Mr. President.

20 Good morning.

21 (Panel: "Good morning, Councilwoman.")

22 COUNCILWOMAN REYNOLDS BROWN: As a former  
23 teacher, I would be remiss not to echo what my  
24 colleagues have already said. This is actually

1 outstanding in terms of simplifying and what I  
2 call, making it "dummy proof." A very complex  
3 system in a way that we can understand, so I  
4 commend you for the presentation. It is the best  
5 I have seen since I've been here. So, I commend  
6 you for that.

7 Councilman Jones and Councilman Kenney  
8 already, I believe, eloquently summarized why it  
9 makes sense to entertain your requests favorably  
10 particularly as it relates to probation officers.  
11 And one thing we care about around here is making  
12 sure the departments look like Philadelphia. So,  
13 what I need to hear is the composition breakdown  
14 of probation officers on both sides of the ledger  
15 by gender and ethnicity.

16 If you don't have that today, then you can  
17 forward it to the Chair.

18 HONORABLE JUDGE HERRON: Well, I think we  
19 have the overall demographics.

20 COUNCILWOMAN REYNOLDS BROWN: In your  
21 testimony?

22 HONORABLE JUDGE HERRON: In our testimony.

23 HONORABLE JUDGE DOUGHERTY: Attached at the  
24 last page of it.



1 HONORABLE JUDGE HERRON: At the end. But  
2 it's -- we will give you what you've asked for in  
3 terms of the Probation Department.

4 COUNCILWOMAN REYNOLDS BROWN: Oh, I see  
5 here. This is staff.

6 HONORABLE JUDGE HERRON: Staff -- staff  
7 demographics we always provide you, and that's the  
8 last page.

9 COUNCILWOMAN REYNOLDS BROWN: Okay. This  
10 is staff across the big picture.

11 HONORABLE JUDGE HERRON: That's correct.

12 COUNCILWOMAN REYNOLDS BROWN: Okay.  
13 Specific with probation officers would be  
14 helpful.

15 HONORABLE JUDGE HERRON: All right.

16 COUNCILWOMAN REYNOLDS BROWN: Discussion is  
17 given to Project START looking at the prevention  
18 side of the continuum for young people. So if you  
19 can elaborate on the impact of Project START and  
20 the interface with the School District.

21 HONORABLE JUDGE DOUGHERTY: Fair enough.

22 Project START is my truancy program. It  
23 started initially in 1998 when Judge Paul  
24 Panepinto is the Administrative Judge. I had the

1 good fortune of being one of the original three  
2 truancy masters. And my area was the Kensington  
3 cluster.

4 COUNCILWOMAN REYNOLDS BROWN: Okay.

5 HONORABLE JUDGE DOUGHERTY: What we did  
6 over the course of time as well as under my  
7 leadership, we sat down with the Department of  
8 Human Services as well as the School District and  
9 we revamped it over and over again.

10 COUNCILWOMAN REYNOLDS BROWN: Yeah.

11 HONORABLE JUDGE DOUGHERTY: Currently, the  
12 process is I have currently four cluster courts  
13 throughout the City of Philadelphia geographically  
14 located. The first contact will be a DHS  
15 representative. We call that person a  
16 facilitator. They collect all the biographical,  
17 social history of the families and try to get down  
18 to the root cause of what's causing the truancy.  
19 We then connect those families to community-based  
20 services.

21 COUNCILWOMAN REYNOLDS BROWN: Okay.

22 HONORABLE JUDGE DOUGHERTY: Thereafter,  
23 approximately, I believe, it's 120 days of  
24 continuation of coming back to court several

1 times, usually three. It will then go to a --  
2 a -- a per diem master that has been retained by  
3 me to look and try to form more of a bite or a  
4 find out if the family is complying or not  
5 complying and what are the real issues.  
6 Ultimately, what the final decision will be, will  
7 the matter as a truant penetrate our system  
8 further as a dependent.

9 COUNCILWOMAN REYNOLDS BROWN: Okay.

10 HONORABLE JUDGE DOUGHERTY: Most people  
11 don't understand that the Philadelphia School Code  
12 creates truancy as a quasi-criminal in which  
13 incarceration and/or fines the child and/or parent  
14 can take place. I don't follow that motto. I've  
15 treated this as a prevention, as a precursor to  
16 dependency.

17 Under ma -- under our Statute 6203,  
18 Subsection V, dependency is defined as habitual  
19 truancy or truancy without justification. Under  
20 the law, three days you were considered truant.  
21 The standard here is ten days, but the reality is  
22 that's when petitions are filed. So we have to  
23 lean on the School District.

24 I am confident that we have good

1 leadership, but I'm a known critic of the  
2 Philadelphia School District. As I often said, we  
3 get a free education. I question about the  
4 appropriateness. I've shared that with the last  
5 four superintendents that I've worked with. I  
6 have great faith in this Superintendent, in his  
7 number one assistant Karyn Lynch. They work  
8 hand-in-glove with us. They now have elevated an  
9 Attorney Rachel Holtzman to a position of  
10 prominence that she is working with us. So, we  
11 really are working.

12 My concept is, let's find out what the  
13 problem is. Is it a parent?

14 COUNCILWOMAN REYNOLDS BROWN: Yes.

15 HONORABLE JUDGE DOUGHERTY: When you  
16 scratch the basis of a truant child, there's  
17 really some social issue or poverty issue going  
18 on.

19 COUNCILWOMAN REYNOLDS BROWN: Attached to  
20 it.

21 HONORABLE JUDGE DOUGHERTY: So if we have  
22 to feed their belly, let's feed their belly. If  
23 we to.

24 COUNCILWOMAN REYNOLDS BROWN: Is it

1 working?

2 HONORABLE JUDGE DOUGHERTY: I have to  
3 believe it is. I don't have the numbers with me.  
4 I actually left it. I think we did -- I have to  
5 pull my file. I can give you the numbers of how  
6 many truancy cases I've processed this year.

7 COUNCILWOMAN REYNOLDS BROWN: Because  
8 ultimately, it really is about impact. And --  
9 and --

10 HONORABLE JUDGE DOUGHERTY: And  
11 penetration.

12 COUNCILWOMAN REYNOLDS BROWN: Yes.

13 HONORABLE JUDGE DOUGHERTY: We want to keep  
14 them out.

15 COUNCILWOMAN REYNOLDS BROWN: So where is  
16 the connect with the District Attorney's Office?  
17 The only reason why I raised the question, in a  
18 separate off-line conversation with him who also  
19 cares about prevention --

20 HONORABLE JUDGE DOUGHERTY: Absolutely.

21 COUNCILWOMAN REYNOLDS BROWN: Philosophical  
22 ly, he's of the same mindset. Let's not treat it  
23 as a potential criminal --

24 HONORABLE JUDGE DOUGHERTY: Correct.

1 COUNCILWOMAN REYNOLDS BROWN: --

2 justification. But what can we do better?

3 HONORABLE JUDGE DOUGHERTY: I've met with  
4 the District Attorney Seth Williams and  
5 Dr. Pereira from his office who handles the  
6 truancy. We have been working arduously trying to  
7 develop a process that is forthrights legal and  
8 doesn't create the threat of incarceration or  
9 prison. I have no intention of ever creating  
10 debtors prison for poor people because they can't  
11 pay fines when they can't send their kids to  
12 school.

13 So, we're working it.

14 COUNCILWOMAN REYNOLDS BROWN: The dollar  
15 figure specifically for Project START, could you  
16 forward it to the Chair?

17 HONORABLE JUDGE DOUGHERTY: I can get that  
18 information. I'm not prepared with that.

19 COUNCILWOMAN REYNOLDS BROWN: Okay. Thank  
20 you.

21 COUNCILMAN GREENLEE: Thank you,  
22 Councilwoman.

23 COUNCILWOMAN REYNOLDS BROWN: Surely.

24 COUNCILMAN GREENLEE: Councilman O'Brien.

1 COUNCILMAN O'BRIEN: Thank you,  
2 Mr. Chairman. First I'd like to applaud --

3 HONORABLE JUDGE DOUGHERTY: 1.2 million  
4 from DHS to run it.

5 COUNCILMAN O'BRIEN: -- the entire  
6 judiciary for doing the important work, the things  
7 that are complicated and make our heads hurt. And  
8 I think that is underappreciated fundamentally  
9 because always when somebody goes to court,  
10 someone is not happy with the outcome.

11 But I would like to first recognize Judge  
12 Woods-Skipper and thank you, Your Honor, for your  
13 support and participation in the dedication of our  
14 ceremonial courtroom in the personage of Justice  
15 James Thomas McDermott. And I'd also like to tell  
16 you that I do support your request for a court  
17 information officer.

18 And applaud you as you articulated the  
19 history of the Mental Health Court and the  
20 wonderful work that's been done there. That is  
21 one of the things that makes your head hurt. That  
22 is very complicated, and I wish you continued  
23 success on that.

24 PRESIDENT JUDGE WOODS-SKIPPER: I thank

1     you, Councilman. Thank you for your support.

2             COUNCILMAN O'BRIEN: And -- and then I  
3     would move onto Judge Dougherty and just again  
4     state as I have in the past that you've taken  
5     Family Court from the doghouse to the penthouse.  
6     And again, there's hard work and dedication that  
7     goes into that. Your inclusive demeanor in  
8     bringing in Health and Human Services with Anne  
9     Marie Ambrose and the School District and having  
10    those wonderfully inclusive conversations.

11            Recently, I applaud you and your staff for  
12    the project involving intellectual disabilities  
13    and autism. And that is a difficult world, but  
14    you're jumping in with both feet to create a  
15    response that recognizes that they have different  
16    behaviors. And I would remind everyone that there  
17    is 2,000 individuals living with autism that have  
18    touched the Criminal Justice System in the last  
19    year. So, I applaud you for your work.

20            HONORABLE JUDGE DOUGHERTY: Thank you. I  
21    could share with you part of our concern is we  
22    can't document or gather the numbers of juveniles  
23    who have been placed as a result of behavioral  
24    issues when, in fact, they've been wrongfully



1 diagnosed and they probably are on the autistic  
2 spectrum. And as you know, we've met and worked  
3 with you. If there is any way that we can keep  
4 our kids from penetrating as a result of factors  
5 that they are not contributing to, then we accept  
6 and thank you for your continued support and  
7 networking.

8 COUNCILMAN O'BRIEN: We're looking forward  
9 to continuing that dialogue.

10 And finally, Judge Herron, we're sad to  
11 hear that you are retiring. I am not going to get  
12 into dialogue with Judge O'Keefe as to who is  
13 older. You both look good at this point in your  
14 careers.

15 But I would acknowledge that what I don't  
16 know about indigent defense enlightens me as to  
17 the challenge in building that system. And  
18 currently, the Administration has withdrawn their  
19 request for proposal. And I'd love to have you  
20 and Judge Lerner champion this cause going forward  
21 with your considerable expertise. But I'm going  
22 to, because I know I am under the wire, I am going  
23 to throw two questions in here.

24 One, I very much like to know, I believe

1     that we have to have a study to look at what the  
2     problems are inherent in the indigent counsel  
3     system so that we can build a strong model going  
4     forward. And I would like to know if you have  
5     thoughts on what those principles should look like  
6     if you're allowed to comment on that.

7             And second, I do believe that the issue of  
8     jury summons and the challenge that presents to  
9     the integrity of our judicial system and our  
10    commitment to fairness and justice is fundamental  
11    in people serving on jury duty. And I don't know  
12    if you have strategies where we can use public  
13    service announcements. If you have thoughts on  
14    how to educate the public? How we can join the  
15    Chambers of Commerce and Business people and  
16    citizens alike. Because one juror can make a  
17    difference in the hope and the quest for justice  
18    in the sit -- in the system.

19            So, I would like -- I believe that is often  
20    talked about. But I believe we need a  
21    comprehensive strategy. Everyone has a  
22    responsibility. And I know that over the years we  
23    all have hard luck stories where people say I  
24    can't serve, I'm running my own business. Or I

1     can't serve, my son is sick. But fundamentally,  
2     you have to find a way to be there. And if one  
3     day one trial is the cost of preserving that  
4     fairness in the City of Philadelphia, it's well  
5     worth it.

6             So thank you.

7             HONORABLE JUDGE HERRON: Well, the two  
8     questions you have, the answer to the first is do  
9     we have a comprehensive strategy. Well, we have a  
10    strategy. I'm not so sure it's comprehensive. We  
11    will have a jury appreciation month in May. Judge  
12    Woods-Skipper and other judges of our court will  
13    express their appreciation early May. And then in  
14    late May, I will preside over Scofflaw Court where  
15    we've started with a carrot and then we'll go with  
16    a stick. I did this in 1990s. And unfortunately,  
17    found a number of individuals willfully failing to  
18    respond to jury summons over and over and over  
19    again.

20            We are actually receiving jury summons back  
21    from individuals with a very impolite expression  
22    on the summons' face itself. And one of those  
23    words begins with, "well, you can go" -- and I'll  
24    let you fill it in. But not only do we get no

1 response, but we get a horrendous response showing  
2 that the acceptance of jury duty is just isn't  
3 recognized. So, we're going to have to use a  
4 stick unfortunately. It's the last thing we want  
5 to do.

6 We hope that that's going to turn things  
7 around because victim witness and intimidation is  
8 an extraordinary concern. Councilmembers have  
9 been in the forefront of attempting to address  
10 those issues. And we're doing that through this  
11 indicting grand jury. And the requirement for  
12 good jurors and additional jurors to staff those  
13 indicting grand jurors is crucial to the effort to  
14 address witness intimidation. And we're making, I  
15 trust, some progress in that area.

16 But as the juror response falls off to what  
17 we now see 13 out of 100 reporting for jury  
18 service, we have a crisis. And our entire system,  
19 whether it's civil or criminal, depends on those  
20 jurors coming in and honoring the call.

21 The other question was?

22 COUNCILMAN O'BRIEN: Indigent counsel.

23 HONORABLE JUDGE HERRON: Indigent counsel.

24 I'm -- Judge Lerner is far older than I am and far

1 wiser.

2 COUNCILMAN O'BRIEN: I think --

3 HONORABLE JUDGE HERRON: Yeah. And --

4 COUNCILMAN O'BRIEN: We can check the  
5 record for that, as well.

6 HONORABLE JUDGE HERRON: I would never say  
7 that in his presence.

8 As a court, we've taken the position that  
9 we cannot be the payor. In the past, the City has  
10 provided funding but never enough funding. And so  
11 what I said at the outset was, we were shorted by  
12 the City Administration. They gave us 8.5. They  
13 took back the 8.5 because we refused to accept it.  
14 And they took back an additional 300,000 because  
15 that was the true cost in prior years over the  
16 underfunding. So, we lost that 300,000. We lost  
17 the 300,000 for the additional parody pay for  
18 probation officers. So, we recognize that we have  
19 lost and lost and lost. We're looking to you  
20 hopefully to fund that.

21 We have taken the position that we do  
22 not -- we appoint counsel. And we appoint counsel  
23 paying attention to the obligation to appoint  
24 qualified counsel. And that is the duty of the

1 court and the only duty of the court in that area.  
2 The constitutional responsibility for paying for  
3 competent and qualified counsel rests with the  
4 governmental entity, in this case the City. So,  
5 there may be other delivery systems. But right  
6 now what you have is a system that works.

7 The question is really a matter of dollars  
8 and cents. Can you pay for more? Do you wish to  
9 pay for more? If you fund more, will you get more  
10 for those dollars? That's in your hands, not  
11 ours. We are not able to give you any wisdom or  
12 any guidance. That's your call.

13 COUNCILMAN O'BRIEN: I understand. And  
14 I -- and in response to that, I do believe that  
15 the Public Defenders Act provides that the Court  
16 appoint and the City pay. I believe the  
17 Commonwealth should pay. We're the only state  
18 that that does not happen.

19 But the second piece I think is even more  
20 important in making sure that the Constitutional  
21 and Civil Rights of the indigent are protected.  
22 And that is, if we have numerous wheels, for  
23 instance, capital cases and homicide cases and  
24 family court and both for dependency and indigent

1 or -- but -- but the quality of those individuals  
2 that would approach those wheels has to be of the  
3 highest caliber. And it's almost akin to the  
4 training that goes on in the DA's Office. You  
5 start out in Municipal Court or Misdemeanors.  
6 Then you grow in level, improve your expertise.

7 I also believe that as we move forward we  
8 have to make sure that even those qualified at the  
9 highest level, that their competency is reviewed  
10 at least every three years. So if you have any  
11 thoughts on that formally or informally as we move  
12 through this difficult process, the only thing I  
13 believe the Council is interested in making sure  
14 the Constitutional Rights and Civil Rights are  
15 preserved. And that should not have a dollar  
16 amount attached to it.

17 HONORABLE JUDGE HERRON: As you know, the  
18 Administrative Governing Board raised the fee for  
19 capital case representation from a very abysmal  
20 2500 to 10,000. So, it was a huge significant  
21 increase. And that resulted in -- in expanding  
22 the list of counsel willing to take these  
23 appointments significantly. And that's \$10,000  
24 irrespective of whether the matter results in a

1 plea or not. So, we probably through you ought to  
2 be addressing the guaranteed fee system schedule,  
3 mod -- modified guaranteed fee system schedule  
4 which has been under attack and criticism for  
5 years and years and years.

6 But that question really rests with you.  
7 That's a funding issue. Fundamentally a funding  
8 issue. And it rests with the City. And I know  
9 that you have significant pressures and schools,  
10 all the departments in the divisions and the court  
11 itself asking for funding. So, I don't have any  
12 wisdom. I'm sure Ben Lerner does. And I am sure  
13 you can tap that as you do jointly.

14 COUNCILMAN O'BRIEN: Thank you.

15 COUNCIL PRESIDENT CLARKE: Thank you.

16 Thank you, Councilman.

17 Chair recognizes Councilman Johnson.

18 COUNCILMAN JOHNSON: Thank you. Thank you,  
19 Council President.

20 Like to thank everyone for being here today  
21 as well echoing the sentiments of my colleagues on  
22 this thorough presentation provided to all of us.  
23 Just a couple questions regarding the Juvenile  
24 Drug Treatment Court.



1           Judge Dougherty, can you give us an  
2   overview percentage-wise of the population of  
3   juveniles that come through Family Court that  
4   utilizes this particular treatment program?

5           HONORABLE JUDGE DOUGHERTY: The number of  
6   cases? Give me one second.

7           COUNCILMAN JOHNSON: Just a percentage.

8           HONORABLE JUDGE DOUGHERTY: I don't know.  
9   I'd have to look at my paperwork. Give me one  
10   second.

11           Juvenile Treatment Court, I could share  
12   with you -- I'll have to get back to you on that  
13   one, Councilman. I only have -- I don't have  
14   those numbers. I thought I did. I just have an  
15   outline of what it was.

16           COUNCILMAN JOHNSON: Okay. I just want to  
17   get a overview of the --

18           HONORABLE JUDGE DOUGHERTY: I can tell you  
19   the overview.

20           COUNCILMAN JOHNSON: Yeah.

21           HONORABLE JUDGE DOUGHERTY: The overview is  
22   for those individuals that have been accused of a  
23   felony, we put them through -- voluntarily they  
24   come in through the District Attorney's Office and

1 a Public Defender. They go through a list. They  
2 enter an admission, which would arguably be a plea  
3 of guilt except there's no finding of  
4 adjudication. That is what separates my system  
5 from adult. They then go through three phases  
6 through the system. Hopefully, the intent and  
7 purpose that they will graduate through the  
8 process.

9 If they graduate through the process, then  
10 we will expunge the arrest and they will not have  
11 a record. But more so we're able to get  
12 community-based services and treatment for them.  
13 We selected certain felonies, usually non-violent  
14 offenses and some drug offenses because the  
15 majority of what we're finding out is many of the  
16 people who are selling are, in fact, using.

17 We have changed the process. We've  
18 increased more numbers into it. We have -- are  
19 celebrating greater graduation rates. But for the  
20 exact number, I don't have them with me  
21 unfortunately.

22 COUNCILMAN JOHNSON: When you get a chance,  
23 if you can just provide that. Because what we're  
24 doing in terms of my staff is doing an overview of

1 the level of juveniles who are engaging in, one,  
2 D&A abuses, drug and alcohol. And if they are  
3 coming there the system, what type of treatment  
4 they are actually receiving. And then the other  
5 component is the juvenile mental health component.  
6 And I know you have a strategy where you are  
7 working with the Department of Human Services,  
8 DHS.

9 HONORABLE JUDGE DOUGHERTY: Correct.

10 COUNCILMAN JOHNSON: So if you can  
11 elaborate on that particular program with the  
12 Department of Human Services.

13 And the last one is, your strategy in  
14 dealing with juvenile recidivism. The juvenile  
15 recidivism rate, when a young person goes to -- we  
16 often talk about the recidivism rate amongst  
17 adults. But it's been my history and my  
18 experience as a young guy growing up in South  
19 Philadelphia where most of my friends who became  
20 career criminals or lifelong members of the system  
21 started off from going to Glen Mills, going to  
22 Caldwell Heights. But that transition from coming  
23 back into society in terms of going into the  
24 school system is usually where there is a

1 disconnect.

2 So, give us an overview of your strategy  
3 that you have been working with?

4 HONORABLE JUDGE DOUGHERTY: Let me at least  
5 maybe clarify or maybe I misunderstood.

6 My Juvenile Treatment Court isn't just for  
7 everyone who has a juvenile addiction. It's a  
8 particular diversionary program. We have a  
9 plethora of services and plethora of providers  
10 that deal with substance abuse. As a matter of  
11 fact, I just engaged a provider who will now open  
12 up a outpatient treatment at 20th and Hamilton  
13 around the corner from my courthouse, which is  
14 going to be perfect.

15 So, we treat everybody on an individual  
16 basis. As Administrative Judge, I invited, as you  
17 know, Department of Human Services in my building.  
18 Community of Behavioral Health, the managed  
19 healthcare company for Philadelphia is in my  
20 courthouse as well as any other necessary  
21 providers. So, we have currently CBH workers in  
22 each individual courtroom which will have a  
23 history of the -- mental health history of the  
24 child and/or family.

1           Then we'll have DHS social workers and then  
2 we have all these necessary evaluators. What our  
3 process is that we got to take a wholistic  
4 approach. If you're coming in on delinquent  
5 offense, just because you committed a car theft  
6 doesn't necessarily mean we can't get you some  
7 treatment or make sure. But we have to walk a  
8 fine line. Because you don't want to diagnose  
9 every juvenile with Access I diagnosis which is,  
10 down the line, going to hurt them.

11           COUNCILMAN JOHNSON: So when you get caught  
12 with narcotics, right, and I guess is that on the  
13 District Attorney side that will determine how --

14           HONORABLE JUDGE DOUGHERTY: We have --  
15 again, you can get arrested. And then the DA will  
16 make a decision as to -- the DA will make a  
17 determination as to filing a charge. We have an  
18 opportunity when you come into our Youth Study  
19 Center, Probation has the authority and power to  
20 adjust an intake. Which means we're not going to  
21 begin the prosecution and we create some  
22 community-based service and we monitor that.

23           The process comes in, the petition will go.  
24 The District Attorney can also take that and put

1 it through their Youth Advisory Panel. Yeah.  
2 When they come into our court, they can either  
3 admit, be found guilty. And we usually divert  
4 them particularly if it's a first offense or a low  
5 amount of marijuana or any other substance  
6 depending. Then -- but at the end of the day, we  
7 are going to the base core providers and services  
8 with going through a central evaluating unit.

9 I currently have in my unit a courthouse,  
10 a -- the urinalysis machine so everybody through  
11 18th and Vine or 34th South 11th Street will have  
12 a urine test. And we can get the results then.  
13 And the question is many times I'll ask the kid,  
14 are you high. And he'll -- he'll deny it. And  
15 I'll say, I can tell whether it went through your  
16 nose, your mouth or through your skin. I'm  
17 sending you up to pee in a cup. And they'll come  
18 back and they'll fess up.

19 But the reality is, they have to fess up  
20 because then they have the leverage. Since  
21 they're not telling the truth and not part of  
22 rehabilitation, they may have to be detained. But  
23 the majority of them really admit and then we get  
24 them into community-based services.

1 COUNCILMAN JOHNSON: That's where I am  
2 going at.

3 HONORABLE JUDGE DOUGHERTY: Right. We  
4 don't want to lock them up.

5 Do I accept repeated drug use? No.

6 Is it a fact that a part of urban life and  
7 youth is impulsive activity and you may decide to  
8 smoke a blunt? Well, I'm going to catch you  
9 smoking that blunt. And the issue is, what's the  
10 real problem? Why are you smoking the blunt?  
11 Some of it is just because it's part of the -- you  
12 know, part of being street credibility. Some of  
13 it is people trying to handle their family issues.  
14 So, we have to look at it.

15 I can't say from a blanketed view. It's a  
16 case-by-case basis. But I have a plethora of  
17 services. I guess that's the best way to describe  
18 it. I don't want you to think everybody who has a  
19 drug issue goes through drug treatment court. My  
20 treatment court's a specified unit. However, the  
21 same types of services that are available to JTC,  
22 we call it, kits are available to any other child  
23 that walks through my door. It has to be equal  
24 access to justice.

1 COUNCILMAN JOHNSON: If you can just help  
2 us out with those numbers, that will help me out  
3 on a project that we're working on.

4 And just the last, the second part of the  
5 question is, the returning juveniles back into the  
6 Philadelphia School District.

7 HONORABLE JUDGE DOUGHERTY: Correct.

8 COUNCILMAN JOHNSON: What the actual  
9 process looks like.

10 HONORABLE JUDGE DOUGHERTY: The actual  
11 process. If we place the child, we've now worked  
12 hand-in-glove with DHS, Commissioner Ambrose. We  
13 now have programs, what we call reintegration  
14 services. Probation as well as the provider case  
15 worker or social worker will work with our  
16 probation while the child is in placement. The  
17 purpose of placement is not punitive. That word  
18 doesn't exist in our -- what it is, it's  
19 treatment. So -- but we also have to have the  
20 accountability and the development of  
21 competencies.

22 So what we are trying to do while the kid  
23 is in placement, we are simultaneously working and  
24 getting involved in the family so that when that



1 child reintegrates back into the community but  
2 more so back into the home, that we're trying to  
3 alleviate some of the circumstances or conditions  
4 which caused the youth to run to the street as  
5 opposed to running to his home. Then after -- we  
6 have to have a discharge plan. Now it's required.  
7 No judge will discharge somebody unless you hand  
8 us a plan and telling us what the future for that  
9 youth is.

10 Then we have case workers for approximately  
11 90 days, six months I think we just moved it up to  
12 where an additional worker on top of Probation  
13 will follow the family and the youth so that we  
14 can reintegrate into society and make them get  
15 into a school. The problem is Harrisburg years  
16 ago passed legislation called Act 88 that said if  
17 you're placed for certain delinquent offenses,  
18 only if you're children of the City, the first  
19 class which is ours only, they're excluded from a  
20 free and appropriate education for 180 days. But  
21 that 180 days exacerbated into an educational  
22 career.

23 We worked against it. And I developed a  
24 whole another process called Crossover Court

1 because that was only on delinquent youths. So, I  
2 can also place a child to get the same type of  
3 treatment and services through the dependency  
4 system by saving that child from a prior record  
5 score and all the necessary issues or tags that go  
6 with it. We've worked that out. I developed that  
7 in 2003. And now I have it running four days a  
8 week with another job.

9 So again, there's a lot of services. Most  
10 people don't understand what we do. They just  
11 want to look at the bad side. But we do a lot of  
12 good.

13 COUNCILMAN JOHNSON: Okay. Thank you.

14 COUNCIL PRESIDENT CLARKE: Thank you  
15 Councilman.

16 Chair recognizes Councilman Henon.

17 COUNCILMAN HENON: Thank you,  
18 Mr. President, Mr. Chair. And good morning and --  
19 good afternoon Administrative and President  
20 Judges. Thank you for coming here.

21 You know what I love about this process is  
22 you really get to understand how programs work,  
23 how the city operates and how we either work  
24 together or we need to improve some of our

1 efficiencies. And what have I -- what I've  
2 admired and respected the most about the court  
3 system is you adjust, adapt your tech -- your  
4 technology in some of the data requests that I  
5 have, you know, with meeting with each one of you  
6 on separate occasions. It's amazing. I think we  
7 as a city -- you know, I used to always say our  
8 Public Property and some of the other  
9 departments -- and I say Public Property not  
10 because I'm picking on Public Property, but  
11 because I am the Chair of Public Property.

12 And I like to say some of our departments  
13 still have hanging chads when it comes to our --  
14 their data records and key. And we are constantly  
15 improving on that. And it does rely on more  
16 monies and priorities. The court system is a  
17 priority for the City of Philadelphia. And  
18 your -- your -- the ability that you have shown  
19 year in and year out, especially here today  
20 with -- with these graphs and charts, quantifying  
21 the savings and quantifying the programs that you  
22 put on and the rate of returns is -- is to be  
23 mirrored, I think.

24 You know, Councilman Kenney was talking

1 about, you know, if you can point to any other  
2 county or municipality in the country. I think  
3 they should be looking at us on how -- on how to  
4 operate efficiently. I mean, you have a new court  
5 administrator. You're always changing things.  
6 Office of Judicial Records, I think, is exciting.  
7 So, you're -- you're constantly changing processes  
8 for the benefit of -- of Philadelphians and -- and  
9 what we're trying to protect. I just have a few  
10 quick questions.

11 We talked about Probation. I also echo my  
12 colleagues. More probation officers, you know,  
13 the better our children and adults are being kept  
14 safe, reengage as productive members of society.

15 Delinquencies. I have had several  
16 conversations with -- with you about  
17 delinquencies. From the Court's perspective, we  
18 have different forms of delinquencies. And we  
19 have -- if I can speak first to Municipal Court.

20 Could you explain the Court's ability to  
21 accept or receive some of the delinquencies that  
22 the City brings to and whether it's municipal  
23 delinquencies, whether it's foreclosures, whether  
24 it's, you know, private. I believe you have

1 certain days allocated if I recall for -- for  
2 delinquencies to recoup some of our, you know, I  
3 am going to say, the far past taxes that are due.

4 PRESIDENT JUDGE NEIFIELD: We do have  
5 any -- we have several days that are allocated  
6 towards the delinquencies. The issue with  
7 Municipal Court is we do not have equity  
8 jurisdiction. So if you're actually looking to us  
9 to recoup, I will actually have to punt to my  
10 friends in Common Pleas Court.

11 What we have the ability to do is  
12 judicially enter a judgment and a finding that the  
13 monies are due. When it comes to collection, that  
14 would be outside the scope of what we do Municipal  
15 Court.

16 COUNCILMAN HENON: Okay. You know, I think  
17 Judge Herron has stated here when you talk about  
18 sequestration and sheriff sales, I mean, that's  
19 property rights. And no one wants their property  
20 taken. So, I am glad that the attempt at a new  
21 tools that we -- they may not be new tools, but  
22 some of the tools that we're using again or some  
23 of the tools that have been refined are actually  
24 working.

1           My -- my question is, is you know, we can  
2 talk offline. Is -- I believe even though you  
3 don't have the -- the authority for collections in  
4 MC. It goes to CP. I'm interested to hear from  
5 CP.

6           But is the City, are we bringing cases to  
7 you? I know you are adequately prepared and ready  
8 for several days a week. But are we -- are we  
9 fulfilling some of our responsibility? Are we  
10 taking enough cases through the process. Because  
11 I -- like I said, whether it's, you know,  
12 municipal tax, delinquencies or real estate which  
13 is different, I think people when they -- when  
14 they get a court notice, they usually want to  
15 comply.

16           HONORABLE JUDGE HERRON: Well, Councilman,  
17 the sequestration program I described is a very  
18 special innovative program that the City conceived  
19 and asked the Court for its assistance in  
20 implementing, and we did. I do not know nor do  
21 any of us what the true uncollected amount is in  
22 City taxes whether it's school income tax, real  
23 estate tax, residential real estate tax or  
24 commercial real estate tax. Whatever that amount

1 of that delinquency is, obviously, it harms the  
2 City. And the question is, is the City  
3 Administration doing enough to bring those matters  
4 to court?

5 All I can say is if they bring it to Court,  
6 we create the programs and we think we efficiently  
7 and fairly administer those programs. And then  
8 the result is a judgment or a settlement. And in  
9 the Sequestration Program, the interesting thing  
10 is although I have hearing scheduled every single  
11 Monday, nobody has shown up for a hearing. They  
12 have all settled.

13 So, the leverage of the program itself  
14 yields the funding on the delinquencies. And  
15 you'll have \$4 million and you will have 8 million  
16 that you didn't have in the beginning of the year  
17 by the end of the year. So, you will have to talk  
18 to the City Administration in terms of are they  
19 doing enough to bring these delinquencies to the  
20 Court.

21 COUNCILMAN HENON: And I fully understand.  
22 Same thing with Sheriff sales. Like you said with  
23 sequestration, I fully understand it. My -- so  
24 my -- my question, let me pose it this way.

1           My question to you all, you are able and  
2   ready and capable of hearing cases and  
3   delinquencies in any forms or fashion, you know,  
4   if the City or when the City, if we're up to  
5   capacity or we fall short, you're ready to address  
6   this.

7           HONORABLE JUDGE HERRON: Absolutely. And  
8   we will never say no.

9           COUNCILMAN HENON: Great. I have no  
10   further questions.

11          COUNCIL PRESIDENT CLARKE: Thank you,  
12   Councilman.

13          Chair recognizes Councilman Kenney.

14          COUNCILMAN KENNEY: Thank you,  
15   Mr. Chairman.

16          Your Honors, I know you're aware of the  
17   fact I have a bill pending to try to end custodial  
18   arrests of persons small amounts of marijuana  
19   relative to the demograph -- total demographic  
20   skewed numbers relative to who gets arrested and  
21   who doesn't. And I don't want to go through that  
22   all now.

23          And I want to thank Judge Woods-Skipper for  
24   allowing me to go to the CJAB and attend there and



1 give a presentation and have interaction. So I do  
2 appreciate that, and I appreciate the work you're  
3 doing to try to make this happen administratively.

4 I just have a couple issues that kind of  
5 are two different kinds of approaches. One is, I  
6 received a letter on March 21 signed by you Judge  
7 Woods-Skipper and by Everett Gillison. And I want  
8 to quote one of the paragraphs.

9 It says, "The purpose cited for the  
10 introduction of this legislation was to remove the  
11 Administrative burdens on law enforcement. While  
12 all the CJAB members believe that it's a  
13 worthwhile purpose, we believe that operationally  
14 this legislation will not have the desired  
15 impact."

16 "The members believe that the processing  
17 time will likely increase, officers will still be  
18 required to leave the street to complete all  
19 arrest paperwork, seize and place evidence on a  
20 property receipt and transport the evidence to be  
21 analyzed by the Police Department's Forensic  
22 Bureau."

23 In your -- in -- Judge in your testimony --  
24 in your testimony provided by us it says that the

1 success of small amount of marijuana program which  
2 allowed for 3,332 cases from former prosecution in  
3 2013, that according to your testimony, resulted  
4 in a savings of \$171,000 and police over time and  
5 laboratory fees.

6 Can anyone explain where this number comes  
7 from? Because my discussions with and from the  
8 quote from the letter from CJAB, it says that they  
9 still need to property tag and analyze marijuana  
10 as part of the mandatory arrest. So on one hand I  
11 have CJAB Deputy Mayor Gillison saying that we  
12 have these costs relative to processing/analyzing.  
13 And, Judge, your testimony indicates we have a  
14 savings showing we don't tag and analyze anymore.

15 So, I just kind of need to get that  
16 resolved.

17 PRESIDENT JUDGE WOODS-SKIPPER: Councilman,  
18 I am going to permit Judge Neifield to respond to  
19 that question. And just thank you on -- for the  
20 opportunity to work with you and your staff to  
21 address some of the issues that we've raised.

22 COUNCILMAN KENNEY: Thank you, Judge.

23 PRESIDENT JUDGE NEIFIELD: Councilman, I  
24 believe that those numbers were calculated based

1 on the fact that the officers were not needed to  
2 appear in court. And it was based on the average  
3 number of hours that the police officers tend  
4 to -- or it's calculated to spend on each court  
5 proceeding. And the cases typically have two  
6 listings before the cases are resolved. And it  
7 was that time of the police officers having to  
8 appear in court that was used for the calculation.  
9 And obviously as already indicated, that all of  
10 the -- the drugs that are seized as a result of  
11 those arrests are not analyzed by the --

12 COUNCILMAN KENNEY: I guess the question is  
13 the -- the -- the property tag and analyzation of  
14 the marijuana is not being done or is being done?

15 PRESIDENT JUDGE NEIFIELD: Well, it is  
16 being tagged, and it is being transported. It is  
17 being retained. But the lab technicians are not  
18 having to do any of the analysis on any of those  
19 items.

20 COUNCILMAN KENNEY: These are for folks --

21 PRESIDENT JUDGE NEIFIELD: Unless and until  
22 -- I'm sorry. Unless the person decides to go to  
23 trial on -- on the offense. In which case, the  
24 analyses would be done.

1 COUNCILMAN KENNEY: I assume that this  
2 testimony dealt with the SAM Program where the  
3 diversion took place, so there was no need to tag  
4 or analyze because they weren't going to trial  
5 anyway?

6 PRESIDENT JUDGE NEIFIELD: When somebody is  
7 diverted to SAM, there is actually no guarantee  
8 that they are going to accept these SAM offer.  
9 It's not anything that we force anybody to do  
10 unless they are interested in it. And nor do we  
11 know that we actually have a high percentage of  
12 people who are diverted to the SAM Program who do  
13 not successfully complete the program. Those  
14 cases eventually end up being listed in a trial  
15 room. And if they are going to proceed to trial,  
16 then the analysis would need to be completed.

17 COUNCILMAN KENNEY: Okay. And on the other  
18 issue just recently listed is relative to the PARS  
19 System and the compatibility of our ability to  
20 deal with PARS as opposed to issuing a summary  
21 arrest. And we're being told that one of the  
22 final logistical hurdles in enabling Philadelphia  
23 Police to issue summons on the street is the PARS  
24 System.

1           Pittsburgh, I understand, basically copied  
2   our PARS System and -- and took it and utilized  
3   it. And they have seemed to be able to deal with  
4   the PARS issue and still issue a summons. Does  
5   anyone know how they can use our system and we're  
6   hampered by issuing a summons because of PARS but  
7   they are not?

8           PRESIDENT JUDGE NEIFIELD: Well, I think  
9   that the issue goes well beyond PARS. And the  
10   issue that we were trying to avoid with PARS is  
11   PARS is a sophisticated electronic processing  
12   system. And the issuing of the citation on the  
13   street would then require somebody to then enter  
14   the data subsequently. And we were -- the thought  
15   was that we were moving backwards in terms of  
16   technology and were taking an electronic filing  
17   system and were overriding it with a paper system  
18   that then needs to require the -- the data entry.

19          COUNCILMAN KENNEY: But we still have no  
20   idea at this point how Pittsburgh does it and  
21   deals with PARS and we can't do it dealing with  
22   PARS?

23          If we don't know, we don't know.

24          PRESIDENT JUDGE NEIFIELD: I think it's a

1 fair issue that we don't know. I know that we --  
2 I think several of us were reaching out to  
3 Pittsburgh, the individuals from Pittsburgh. And  
4 the Pretrial Unit actually were in Philadelphia  
5 several weeks ago. And we've reached out to them  
6 in an attempt to secure certain data that they  
7 have.

8 COUNCILMAN KENNEY: And you think that will  
9 result in amount of dollars necessary to reprogram  
10 our PARS System to enable us to issue sum -- to  
11 issue a citation as opposed to a summary arrest --  
12 I'm sorry, as opposed to custodial arrest?

13 Are you asking for numbers too in addition  
14 to the technology or how much it would cost to do  
15 that? Because the people at OIT here in Philly  
16 say that that's a doable process. That we can  
17 reprogram PARS to allow for this to happen without  
18 very little trouble.

19 PRESIDENT JUDGE NEIFIELD: Well, Council,  
20 that issue was really just one of the major  
21 concerns. And it didn't deal with the  
22 identification of the individuals on the street,  
23 which we had the concern for police safety. And  
24 as I'm sure you know, the Police Commissioner as

1 well as two of his deputies, you know, were at a  
2 meeting where we're all trying to see what we can  
3 do to work through --

4 COUNCILMAN KENNEY: And two things --

5 PRESIDENT JUDGE NEIFIELD: -- all of the  
6 concerns.

7 COUNCILMAN KENNEY: One of the things that  
8 happened recently before we -- when the bill was  
9 held, we amended the bill to require a custodial  
10 arrest in the event that the individual cannot  
11 provide adequate ID. And the police can then take  
12 them into custody. I mean, the other issue too is  
13 the City has totally lagged behind any police  
14 technology efforts in having people being able to  
15 be fingerprint identified in a police vehicle at  
16 the scene, which most major police departments do.

17 That is not the Court's issue. That's the  
18 Administration's issue and police modernization.  
19 Because a lot of that stuff in many instances  
20 could be avoided not only in marijuana arrests but  
21 in all kinds of retail theft and other things  
22 where the person could be identified in a  
23 supervisor's car by putting their handprint on a  
24 computer -- computer screen. So, we have pursued

1 those things. I don't know why, obviously. They  
2 are probably going to say it's cost, but it's not  
3 the Court's problem. But a lot of these things  
4 could keep police on the street by simply having  
5 the right technology.

6 But you guys are still working on trying to  
7 get us out of the dark ages of 83 percent  
8 demographically challenged marijuana arrests.

9 PRESIDENT JUDGE NEIFIELD: What we are  
10 trying to do is get you the data that you asked  
11 for and to share with you the concerns that we  
12 collectively have.

13 COUNCILMAN KENNEY: Okay. And again, I do  
14 appreciate your -- your -- your desire to work  
15 with us to get this done. And I appreciate it.  
16 Thank you.

17 PRESIDENT JUDGE NEIFIELD: Thank you.

18 COUNCIL PRESIDENT CLARKE: Thank you,  
19 Councilman.

20 Chair recognizes Councilman Jones.

21 COUNCILMAN JONES: Thank you,  
22 Mr. President.

23 Always I like to compliment before I  
24 critique. I want to thank you for the special



1 course that you did for the bike race in the 4th  
2 Councilmatic District. It keeps it a family event  
3 by not allowing people who are overzealous, who  
4 drink too much to disrupt things. And it sends a  
5 great signal for our community that it's a family  
6 oriented event. So, thank you for consistently  
7 providing that resource of, I don't want to call  
8 it a drunk court, but a quality of life court, I  
9 will call it. So, thank you very much for that.

10 This question more comes from individuals  
11 that I've met in the returning offender community  
12 that have previously been incarcerated. And this  
13 is about collateral consequences. And I really  
14 don't want to do this here and now, but I want to,  
15 on the record, site the fact that many times  
16 defendants who are pleading guilty of  
17 misdemeanors, felonies or other -- other kinds of  
18 offenses and taking the deal don't often  
19 understand the collateral consequences of that  
20 admission. And what often happens is the things  
21 that they give up, you know, for -- you know, for  
22 life, things like the rights to do government  
23 loans, loss of the ability to live in public  
24 housing at times, other things that effect them

1 throughout their life, they aren't totally  
2 cognizant of the impact of.

3           What I would like to see is some type of  
4 compromises where people acknowledge that they  
5 know about it. And that they, you know -- and I  
6 don't think that's the burden of the Court. I was  
7 given wise counsel by, you know, my colleagues in  
8 CJAB that that may cost some time. But I think  
9 when you think about a young person's life and  
10 what they are going to give up in this, they  
11 should be darn well sure about what they are  
12 doing. And I would like to work with you guys on  
13 that issue so that people are more conscious of  
14 what the rights of a conviction actually means.

15           You can -- you can just answer that with a  
16 nod of the head on the record.

17           HONORABLE JUDGE HERRON: That's not a  
18 simple nod. That's a -- it's -- it's -- believe  
19 me, it's not a matter of time. The guilty plea  
20 colloquy is administered by the judges in a  
21 conscientious and diligent fashion with absolute  
22 fidelity to the requirements of -- of Case Law  
23 developed both in Pennsylvania and Federally.

24           To go at your question is really can we

1 anticipate everything that that individual may  
2 want to engage in, in their future life  
3 experience, a Federal loan or some other type of  
4 right that we all enjoy? And can we anticipate  
5 that that exercise in the future warrants a  
6 warning today that those privileges and rights we  
7 all enjoy may be affected in year 5, year 10, year  
8 30 of your life? The answer, obviously, is we  
9 cannot do so.

10 COUNCILMAN JONES: I don't mean it in the  
11 strictest sense, Your Honor. I mean it in a  
12 general sense that acknowledges in a form or in  
13 a -- a signing. And I also understand they can  
14 say I didn't know what I was signing. But that  
15 kind of top ten things that you lose. Not  
16 everything infinitum that you could lose, but the  
17 top things that we all know they will run into. I  
18 think -- I just would like to work with you to  
19 talk about how we do that in a effective manner  
20 that doesn't slow down the process too much.

21 HONORABLE JUDGE HERRON: We're willing to  
22 have a conversation. But at the end of the day,  
23 we're Court leadership. We do not have the right  
24 to dictate to individual judges how they exercise

1 their judicial duty and responsibility.

2 COUNCILMAN JONES: The word "dictate" I'm  
3 not using. The word "negotiate" is the one I'm  
4 using.

5 HONORABLE JUDGE HERRON: I know. I don't  
6 have the -- I don't even have the authority to  
7 negotiate with judges. They are independently  
8 elected individuals who are responsible to obey  
9 the law and to apply it evenly and  
10 dispassionately. The conversation with you is  
11 always a wonderful experience.

12 However --

13 COUNCILMAN JONES: I have never heard it  
14 quite couched like that, but I'll take it.

15 HONORABLE JUDGE HERRON: Well, we're here.  
16 We're here in public.

17 COUNCILMAN JONES: I'll take it. And  
18 nevertheless, right?

19 HONORABLE JUDGE HERRON: Nevertheless,  
20 we'll talk.

21 COUNCILMAN JONES: I appreciate that  
22 conversation. Because a lot of young people who  
23 have now returned back didn't realize or should  
24 have realized better what -- what their life would

1 be like afterwards. And if we can do that a  
2 little more on the front end, I think that will go  
3 a long way.

4 The second issue I have, and these are  
5 difficult public policy issues that need to be  
6 talked about. And that's why I'm bringing it up.  
7 Recommendation 75, which is one that deals with  
8 the --

9 HONORABLE JUDGE DOUGHERTY: Closing out  
10 support orders.

11 COUNCILMAN JONES: Correct. You got to  
12 speak in the mic.

13 HONORABLE JUDGE DOUGHERTY: Closing out  
14 support orders, yes.

15 COUNCILMAN JONES: Right. It's one I've  
16 raised before and I continue to be concerned  
17 about. On one hand, it allows for the removal of  
18 backlogs and to focus on collectible receivables  
19 for people seeking support payments. I get --

20 HONORABLE JUDGE DOUGHERTY: Correct.

21 COUNCILMAN JONES: -- that part. On the  
22 back end, I have had more than one and I am moving  
23 towards a dozen or so individuals that in the  
24 course of a constituent service piece said that my

1 spouse has been derelict in their duty to support  
2 this child. And therefore, I'm getting kicked out  
3 of my house; or therefore, I can't afford to go  
4 and send this child to college. And as a man who  
5 predominantly are impacted by this, I understand  
6 also that we are putting some people in jail often  
7 because of that. And I know it's a delicate  
8 balance, but I would like to talk about this in a  
9 way.

10           Because as we've been seen in my district,  
11 the impact of a single parent who has to choose  
12 between heating their home or eating that week  
13 because someone else didn't do their part of the  
14 parental responsibility. More and more in my  
15 district we have single parent head of households.  
16 And more and more in my district that impact is  
17 felt economically. So, we need to figure out  
18 where a happier compromise. Because it's -- I'm  
19 getting more of that complaint from individuals.

20           And the most recently -- I had forgot about  
21 it another year ago when I read it to you or  
22 talked about it with you before. But at this  
23 point, I'd love to sit down and talk about what we  
24 can do whether its issues instead of incarceration

1 in work release kind of environment where there is  
2 a compromise. No, we're not going to send you to  
3 jail so that you can't work; but yes, we're going  
4 to send you to a job where you have to pay that  
5 obligation.

6 HONORABLE JUDGE DOUGHERTY: That was the  
7 purpose of Recommendation 75. The purpose of  
8 Recommendation 75 was for those persons who do not  
9 have an attachable wage, in order to prevent their  
10 child support payment to be placed in arrears such  
11 that our enforcement team would bring that  
12 individual back before a judge who can result in  
13 incarceration, serves no purpose.

14 The concept was, yes, we -- unfortunately,  
15 the scenario is the order when it stops, doesn't  
16 mean it stops permanently. Once that information  
17 of the attachable wage is relevant or someone wins  
18 the lottery, we're coming after your money. But  
19 you can't have it both ways, with all due respect.  
20 You can't turn around and say don't put our men in  
21 jail because they are poor, but then you have to  
22 say, well, but mom can't feed the child. I got  
23 that. But we have done phenomenal job for what  
24 the legislation, the statutes are written -- how

1 they are written.

2 We also have to take into consideration  
3 that we're the Court. It's up to the individual  
4 to prove who is seeking the monies that that  
5 individual is unemployed under the table with  
6 verification of proof. Most people get mistaken  
7 and say, hey, Judge why are you shutting out our  
8 support?

9 Part of the problem is because there is no  
10 evidence before me. I'm not an activist. I'm a  
11 referee. And I have to decide what's fair. So if  
12 you choose not to present the evidence so that I  
13 can attach his wage, I only am as good as the  
14 information I get. So let's not -- a part of this  
15 is not a criminal case which everybody is entitled  
16 to counsel. Not in Family Court unless your my  
17 delinquency or dependency, but not in Domestic  
18 Relations. Now you're caught between a rock and a  
19 hard place because we're dealing with poor people  
20 who can't afford counsel. And VRP and Community  
21 Legal Services does a phenomenal job.

22 But the creation of it is, we were trying  
23 to work with then Madame Secretary of Department  
24 of Public Welfare Estelle Richmond who had a



1 concern that primarily African-American men  
2 were -- from Philadelphia were being incarcerated  
3 for child support. We worked well with her. And  
4 we were able to work out a system. And it was  
5 martialled through their Administration.

6 COUNCILMAN JONES: As an African-American  
7 man, I can appreciate that. But as a father of --  
8 in a neighborhood where there are a lot of single  
9 parent head of households that are suffering  
10 getting utilities shut off because they can't  
11 seem --

12 HONORABLE JUDGE DOUGHERTY: Unfortunately,  
13 that transcends race.

14 COUNCILMAN JONES: Yeah, it does. And what  
15 I want to be -- I'm not a -- what is that, you  
16 used the word arbiter. I'm an advocate for. And  
17 I can be a activist about. And so, what I would  
18 like to do is sit down with you to figure out how  
19 we can help some of those single parents, head of  
20 households figure out mutually beneficial ways to  
21 get that money. Because it is missed.

22 HONORABLE JUDGE DOUGHERTY: That's part of  
23 my Networking For Jobs Program.

24 COUNCILMAN JONES: I need to learn more

1 about it.

2 HONORABLE JUDGE DOUGHERTY: It's in the  
3 filing I just spoke about it where we have taken  
4 misdemeanor and felon reentries. And we're  
5 getting them jobs. And they're getting minimal  
6 wage of \$10 an hour. 29 percent have medical  
7 benefits. But we have collected at least  
8 \$20 million from these men who were ineligible  
9 with non-attachable wage. They have an attachable  
10 wage. So, we're working. I'm doing what -- Judge  
11 Murphy and my leadership.

12 COUNCILMAN JONES: You might be working on  
13 stuff that I just don't know about.

14 HONORABLE JUDGE DOUGHERTY: Oh, I am sure.  
15 But there is also a misrepresentation, Councilman,  
16 that it's the Judge closed child support. I'm  
17 only as good as the information I get. It's up to  
18 good lawyers like your staff that used to practice  
19 in Family Court that will come in and provide that  
20 information. Then I can attach it.

21 COUNCILMAN JONES: So, what I would like to  
22 do is work to find out more about it so I can tell  
23 my constituents --

24 HONORABLE JUDGE DOUGHERTY: Absolutely.

1           COUNCILMAN JONES: -- about it. Because  
2 left unto its own devices, all I see is the  
3 disadvantage of a diligent parent who is holding  
4 down both ends of it and winding up with that  
5 burden of it.

6           HONORABLE JUDGE DOUGHERTY: Yep. My mom  
7 was a single -- I shouldn't say that. My mother's  
8 mother was a single mother. I grew up --

9           COUNCILMAN JONES: My mom was a single  
10 parent. We found our dad. We found him and he  
11 came around. But there was a couple of lean  
12 years.

13          HONORABLE JUDGE DOUGHERTY: We'll work with  
14 you.

15          COUNCILMAN JONES: All right. Thank you so  
16 much.

17          Thank you, Mr. President.

18          COUNCIL PRESIDENT CLARKE: Thank you  
19 Councilman.

20          Chair recognizes Councilman -- Chair  
21 recognizes Councilwoman Brown.

22          COUNCILWOMAN REYNOLDS BROWN: Thank you,  
23 Mr. President.

24          If we could now move to the protection --

1 Emergency Protection From Abuse. Let me switch  
2 gears. We will get to that.

3 Let's speak to the substantial savings with  
4 the Juvenile Delinquent GPS Monitoring effort.  
5 And is there a plan to expand this program to  
6 classes of individuals outside of juvenile  
7 delinquents given the substantial savings you  
8 received from the program? And how does this  
9 differ from electronic monitoring?

10 HONORABLE JUDGE DOUGHERTY: My GPS program?

11 COUNCILWOMAN REYNOLDS BROWN: Please, yes.

12 HONORABLE JUDGE DOUGHERTY: GPS is a --  
13 it's like an electronic monitoring more advanced.  
14 It tracks you every five seconds. I have  
15 developed a GPS center inside my courthouse. And  
16 we have a contract with a provider called Secure  
17 Alert so that we're able to track and monitor all  
18 our youth every five seconds as opposed to  
19 electronic monitoring device in which it was  
20 attached to a main phone line.

21 COUNCILWOMAN REYNOLDS BROWN: I see.

22 HONORABLE JUDGE DOUGHERTY: In the age of  
23 cell phones and as a result of current fiscal  
24 concerns of families, many families now get rid of

1     their landline because they are using the cell  
2     phone as a main point of contact.

3             COUNCILWOMAN REYNOLDS BROWN:   Yes.   Yes.

4             HONORABLE JUDGE DOUGHERTY:   With that goes  
5     out the opportunity to use like monitoring with  
6     requires the use of your telephone.

7             COUNCILWOMAN REYNOLDS BROWN:   I see.

8             HONORABLE JUDGE DOUGHERTY:   Without that,  
9     my alternative is to place you.   So we're able  
10    to --

11            COUNCILWOMAN REYNOLDS BROWN:   It's a great  
12    option and alternative.

13            HONORABLE JUDGE DOUGHERTY:   Not only great  
14    option.   It's a phenomenal alternative to  
15    detention.   And it creates a sense of community  
16    safety because I know where you are every five  
17    seconds.

18            So for example, it could also be used in a  
19    defense matter.   I have matters in which an  
20    individual was alleged to commit an offense.   If  
21    the kid is on electronic monitoring and I have the  
22    actual device and paperwork that says he wasn't  
23    where he was alleged to have been.

24            I can also share another collateral benefit

1 was it talks to you. Our people are able to tell  
2 you, beep you and say you better plug that in  
3 because the battery is dying or else we're coming  
4 for you. But the converse was -- the converse was  
5 one of our kids press the buttons and said my  
6 father is having a heart attack.

7 COUNCILWOMAN REYNOLDS BROWN: Wow.

8 HONORABLE JUDGE DOUGHERTY: And we were  
9 able to -- and he was panicking. So, we were able  
10 to save his dad's life. So, there is a lot of  
11 benefits --

12 COUNCILWOMAN REYNOLDS BROWN: Indeed.

13 HONORABLE JUDGE DOUGHERTY: -- to a lot of  
14 these issues. Again, everybody wants to think  
15 it's a strong law enforcement tool. It is. But  
16 it's also beneficial in many other ways.

17 COUNCILWOMAN REYNOLDS BROWN: Multiple  
18 benefits. So now let's go to the use of  
19 interpreters -- interpreters in the courtrooms.

20 In 2013, the -- your division utilized  
21 language and sign interpreters in 61 languages.  
22 In the District Attorney testimony they stated if  
23 a member of the office needs to speak with a  
24 victim or witness who does not speak English, the

1 staff member must first seek the assistance of  
2 another staff member using the language list  
3 within the office.

4 Is there any cross-departmental cooperation  
5 period when it comes to interpreters?

6 HONORABLE JUDGE HERRON: Cross-departmental  
7 cooperation. You mean between the Courts and the  
8 DA's Office?

9 COUNCILWOMAN REYNOLDS BROWN: Exactly. For  
10 this particular need and service.

11 HONORABLE JUDGE HERRON: No, not to my  
12 knowledge. The Court does employ certified  
13 interpreters in most of the languages. We've also  
14 translated documents into an additional seven  
15 languages that are frequently found in our  
16 community in Philadelphia. So certified  
17 interpreter has to be provided for any proceeding  
18 in Common Pleas Criminal Court, but we do not  
19 interface with the District's Attorney's Office in  
20 terms of their intake process.

21 COUNCILWOMAN REYNOLDS BROWN: Okay. That  
22 answers why. That simply does not happen.

23 Emergency Protection from Abuse. According  
24 to testimony on June 2013, 2500-plus individuals

1 received relief from Emergency Protection from  
2 abuse petitions and another 2200 received  
3 referrals for other services.

4 How long does it usually take from the time  
5 the individual files a petition from abuse and  
6 when the relief is actually granted? And what is  
7 done in the meantime to ensure that that citizen  
8 has -- who has requested relief is indeed  
9 protected and remains safe?

10 PRESIDENT JUDGE NEIFIELD: Are you talking  
11 about people who come in and file the petition on  
12 traditional work hours? Because I think if that's  
13 the case, you know, if they come in during the  
14 day, then that -- I would punt that to Judge  
15 Dougherty because that would be handled by Family  
16 Court.

17 COUNCILWOMAN REYNOLDS BROWN: Okay.

18 PRESIDENT JUDGE NEIFIELD: Okay. So, I  
19 think if you're talking about scheduling, that may  
20 well be the situation. The people who come in on  
21 off-time hours to the Criminal Justice Center and  
22 see one of the masters, get the ruling right away.  
23 The question then becomes it would then go for  
24 it's an emergency petition only as they would



1 issue during regular work hours. And Family  
2 Court, it's then listed for a hearing. So, I'm  
3 not sure if you're asking about the final order as  
4 opposed to a temporary order.

5 COUNCILWOMAN REYNOLDS BROWN: I'm  
6 interested most in what happens in Family Court.  
7 I mean, that is where my principal --

8 PRESIDENT JUDGE NEIFIELD: That's fine.

9 COUNCILWOMAN REYNOLDS BROWN: My principal  
10 area of interest lie.

11 HONORABLE JUDGE DOUGHERTY: I apologize.  
12 When you said emergency --

13 COUNCILWOMAN REYNOLDS BROWN: No problem.

14 HONORABLE JUDGE DOUGHERTY: When you said  
15 emergency funding, that was Municipal Court. And  
16 I was reading my emails. I apologize.

17 COUNCILWOMAN REYNOLDS BROWN: Multi-tasking  
18 is the norm here, it's not the exception.

19 So speaking to the Protection from Abuse  
20 Orders, the time lapse if any between the time  
21 it's filed and when the actual relief is actually  
22 granted.

23 HONORABLE JUDGE DOUGHERTY: Well,  
24 immediately filed, you get an ex-parte order if

1     you meet the elements of a -- the requirements of  
2     the court order.  Thereafter, you will get a court  
3     date.  And the problem is not so much the  
4     listings, it's the follow through.

5             COUNCILWOMAN REYNOLDS BROWN:  It's the?

6             HONORABLE JUDGE DOUGHERTY:  Follow through.

7             COUNCILWOMAN REYNOLDS BROWN:  Follow  
8     through.  So well, the bell has rung.

9             HONORABLE JUDGE DOUGHERTY:  I'm sorry?

10            COUNCILWOMAN REYNOLDS BROWN:  Proceed then.  
11     I just like to try to honor the clock.

12            HONORABLE JUDGE DOUGHERTY:  It's the follow  
13     through.  Many times the party want to retain  
14     counsel or the parties fail to appear or they come  
15     in and they want to have an agreement.  Many times  
16     they are filed, they're given.  And at the next  
17     court hearing, the party may not show.

18            I believe this year we -- I will tell you.  
19     I want to tell you I think there were as a result  
20     of modification, there were a 33,000 court  
21     appearance with regard -- over the whole last year  
22     with regard to PFA types of filings and court  
23     hearings.  We had approximately about 11,000  
24     filings last year.  Yup.  And 20 -- no.

1 PFAs. It looked like last year there were  
2 11,300 new filings. And we disposed of 12,000.

3 COUNCILWOMAN REYNOLDS BROWN: My goodness.  
4 Okay. My last question. No -- clock has run. I  
5 only have two questions after that, Mr. President,  
6 and then I'm done.

7 COUNCIL PRESIDENT CLARKE: You're maybe  
8 last.

9 COUNCILWOMAN REYNOLDS BROWN: Okay.

10 COUNCIL PRESIDENT CLARKE: You're last. Go  
11 ahead. Actually, I am going to ask, if you can,  
12 to actually take the Chair shortly.

13 Go ahead.

14 COUNCILWOMAN REYNOLDS BROWN: DVRP, an  
15 update. It's DYRP? DVRP?

16 HONORABLE JUDGE DOUGHERTY: YVRP?

17 COUNCILWOMAN REYNOLDS BROWN: Thank you  
18 very much. Just the status and the update because  
19 I know there's been some changes over the recent  
20 years in --

21 HONORABLE JUDGE DOUGHERTY: The YVRP is a  
22 fund in which I have -- I believe I have about 10,  
23 11 probation officers. They work with my -- the  
24 standard is the 100 most likely to kill or be

1 killed, so they're working with my most serious  
2 juvenile population. And I currently have a case  
3 load of approximately anywhere from 10 to 15 cases  
4 per probation officer, and they're only in  
5 allotted police district areas. But I also use my  
6 YVRP probation officers to work separate and apart  
7 to help execute my bench warrants and bring in  
8 those most at-risk kids who would be the 100  
9 mostly likely to kill or be killed.

10 COUNCILWOMAN REYNOLDS BROWN: Sure.

11 HONORABLE JUDGE DOUGHERTY: It's an  
12 evolving process. We're working hand-in-glove  
13 with them. There's YVRP in adult probation, as  
14 well. So while we're kind of separated, it's --  
15 they meet, what, quarterly as this YVRP  
16 stakeholders.

17 COUNCILWOMAN REYNOLDS BROWN: Okay.

18 HONORABLE JUDGE DOUGHERTY: And they'll  
19 discuss and go through, unfortunate, loss of life  
20 as a result of gun violence. And I can share with  
21 you as a result of that information, that the  
22 National Form of Prevention of Youth Violence  
23 which I previously mentioned Commissioner Ambrose,  
24 Commissioner Ramsey and I chair as a result of

1 Mayor Nutter's appointment, we concentrated in the  
2 22nd District because that appears to be the  
3 highest percentage of our homicides of our  
4 poverty. The worse that can happen to  
5 Philadelphia is there. So, we're trying to get  
6 into that working with these stats as well as all  
7 the various departments and stakeholders in  
8 Philadelphia to try to make it a wholistic  
9 approach.

10 COUNCILWOMAN REYNOLDS BROWN: Sure.

11 HONORABLE JUDGE DOUGHERTY: Almost like it  
12 takes a village.

13 COUNCILWOMAN REYNOLDS BROWN: Indeed.  
14 Indeed. I raise it again because of my awareness  
15 and trying to follow that in the Form  
16 Administration. Pleased to hear it's still  
17 intact.

18 HONORABLE JUDGE DOUGHERTY: Well, you're  
19 probably thinking AVRPP, and that was under the  
20 former administration. And that does not exist  
21 anymore.

22 COUNCILWOMAN REYNOLDS BROWN: Okay. Thank  
23 you for the clarity.

24 Thank you, Mr. President.

1 COUNCIL PRESIDENT CLARKE: Thank you,  
2 Councilwoman.

3 Chair recognizes Councilwoman Bass.

4 COUNCILWOMAN BASS: Thank you. Thank you,  
5 Mr. President.

6 Good afternoon.

7 (Panel: "Good afternoon.")

8 COUNCILWOMAN BASS: I just have one brief  
9 question. And it's really in reference to, you  
10 know, a topic I know that's come up before. But  
11 it's in terms of the comingling, if you will, of  
12 victims, perpetrators, defendants, all, you know,  
13 prisoners all in the same elevator system over in  
14 the CJC. I know that, obviously, the buildings  
15 are already built. There is not a lot that can be  
16 done regarding that and, you know, moving forward.

17 I just wanted to get your thoughts on the  
18 new building that's being built, and how that's  
19 being taken into account. I didn't know if anyone  
20 wanted to comment on that.

21 HONORABLE JUDGE DOUGHERTY: That's a hard  
22 question. What we're doing is we have an elevator  
23 bank and we have an escalator that's going up to  
24 certain floors. And there will be stairwells you

1 can come in and out. But what we're concerned is  
2 we are trying to develop waiting areas that are  
3 separated. Today's defendants could be tomorrow's  
4 complainants and vice versa. And with regard to  
5 domestic relations, they're petitioners and there  
6 is respondents. And they're so often cross filed.

7 But at the end of the day, there is always  
8 going to be the human emotion, the hostility and  
9 anger. So, we can best control it by separating  
10 for the domestic violence, those accused and those  
11 who are the victims by keeping them in separate  
12 waiting rooms. We have --

13 COUNCILWOMAN BASS: Is that in the new  
14 Family Court Building you're saying?

15 HONORABLE JUDGE DOUGHERTY: Yes. That's  
16 what I thought your question was, new building.

17 COUNCILWOMAN BASS: Yes. I just wanted to  
18 make sure.

19 HONORABLE JUDGE DOUGHERTY: Yeah. We're  
20 taking it into consideration.

21 COUNCILWOMAN BASS: Okay. So you said  
22 there is going to be, you know, a separation and  
23 there is not --

24 HONORABLE JUDGE DOUGHERTY: Not in -- not

1 in the elevator systems or escalators, no.

2 One, it would be unfair to label someone.  
3 Just because you're accused of a crime, doesn't  
4 mean you did it.

5 COUNCILWOMAN BASS: Sure. Sure.

6 HONORABLE JUDGE DOUGHERTY: To follow that  
7 concept, defendants over there, you've already  
8 labeled somebody that has a Constitutional  
9 presumption of innocence.

10 COUNCILWOMAN BASS: Absolutely.

11 HONORABLE JUDGE DOUGHERTY: So the question  
12 becomes one of we'll have security -- I put forth  
13 a request for additional security for this very  
14 purpose. Because the most volatile of all  
15 courthouses would be Family Court. But when  
16 taking into consideration with regard to those  
17 particular cases and I bring forth Protection From  
18 Abuse. That's the most prevalent where someone is  
19 accused of battering another. We will have  
20 separate waiting rooms.

21 We have a separate waiting room and the  
22 District Attorney's Office has an area where we  
23 can keep children so they are not in the midst of  
24 two parents who hate each other.



1 COUNCILWOMAN BASS: Right.

2 HONORABLE JUDGE DOUGHERTY: You know, we  
3 can't control their emotion. We can control, at  
4 least, it's affect on the child. And we will try  
5 our best to separate them. But again, it's equal  
6 access to justice. I will never discriminate or  
7 segregate because someone accused someone of  
8 something.

9 COUNCILWOMAN BASS: Right, no. And I get  
10 it. I get it all day long. I mean, you don't  
11 what to just point a finger and you know, this  
12 person -- you know, they are still the accused.  
13 There hasn't been a trial and a conviction or a  
14 judgment yet. But I guess in light of the fact  
15 that we know that there is sort of this culture of  
16 I am going to get you if you say anything, if you  
17 tell, you know, don't snitch, don't talk, don't  
18 cooperate.

19 And so, you know, it's one thing if that's  
20 happening over at the CJC. And again, you know, I  
21 assume, you know, we've looked at all the  
22 different things that could be done, should be  
23 done. Should have been done from the very  
24 beginning. But going forward, how do we address

1     it at the new Family Court Building. I think we  
2     should be open for that discussion. And I am glad  
3     it's being taken into account.

4             HONORABLE JUDGE DOUGHERTY: Absolutely.  
5     We've spoken with the -- the architects or those  
6     in leadership during the Criminal Justice Center's  
7     construction to learn what they now believe to be  
8     their weaknesses so we can try to create them into  
9     our strengths.

10            COUNCILWOMAN BASS: Very good. Thank you.  
11            Thank you, Madam Chair.

12            COUNCILWOMAN REYNOLDS BROWN: So, it  
13     appears that there -- we're right in alignment  
14     with the clock. It appears that there are no  
15     additional questions from Members of Council.  
16     Very well.

17            We thank you very, very much for your  
18     important work.

19            HONORABLE JUDGE HERRON: Thank you.

20            PRESIDENT JUDGE WOODS-SKIPPER: Thank you.

21            COUNCILWOMAN REYNOLDS BROWN: Good  
22     afternoon.

23                                 (Applause)

24            COUNCILWOMAN REYNOLDS BROWN: We are going

1 to allow ten minutes for the stenographer, then we  
2 are going to move right to the Defenders  
3 Association. Thank you.

4 - - -

5 (At this time, a brief break was taken.)

6 - - -

7 COUNCILWOMAN REYNOLDS BROWN: Okay. We  
8 would now reconvene and ask if we could -- the  
9 Defenders Association please report to the witness  
10 table.

11 (Panel approaches Witness Table.)

12 COUNCILWOMAN REYNOLDS BROWN: Good  
13 afternoon.

14 MR. CUNNINGHAM: Good afternoon,  
15 Councilwoman.

16 COUNCILWOMAN REYNOLDS BROWN: Welcome.

17 MR. CUNNINGHAM: And Members of City  
18 Council.

19 COUNCILWOMAN REYNOLDS BROWN: Please state  
20 your name for the record. And you're welcome to  
21 proceed with your testimony.

22 MR. CUNNINGHAM: My name is Charles A.  
23 Cunningham. I'm the First Assistant Defender of  
24 the Defender Association of Philadelphia.

1           Originally, this was written to say good  
2 morning. But obviously, we're now moved onto the  
3 afternoon. So, I will say good afternoon.

4           COUNCILWOMAN REYNOLDS BROWN: Okay.

5           MR. CUNNINGHAM: To Councilwoman and to the  
6 other Members of City Council. My name is Charles  
7 A. Cunningham. I am the First Assistant Defender  
8 of the Defender Association of Philadelphia. And  
9 I'm pleased to appear before you to present the  
10 testimony in support of the Association's budget  
11 for 2015 and the recommended appropriations.

12           I am presenting the testimony of Ellen  
13 Greenlee, the Chief Defender. Ms. Greenlee is  
14 unable to be here at this time due to illness.  
15 But I can assure you that if there was any way on  
16 earth that she could have been here, she most  
17 certainly would have been here.

18           In addition to our recommended  
19 appropriations, we are requesting an additional  
20 1.4 million for the five staff members for  
21 information technology. Funding for medical  
22 insurance increases, and a small amount for  
23 general expenses. A 10 percent increase for  
24 medical insurance was automatically included in

1     our budget for past years. Without explanation,  
2     the percentage was removed from the budget and we  
3     now must renegotiate medical costs at the  
4     beginning of each year. I'm requesting the  
5     percentage increase for medical costs be  
6     reinstated to our budget and the Five Year Plan.

7             The Association is continuing to assign  
8     felony and misdemeanor cases according to zone  
9     system put into place by the First Judicial  
10    District. Where the Association once had three  
11    trial units to handle misdemeanors, felony bench  
12    trials and felony jury trials, there are now six  
13    zones.

14            The City is divided into zones. Each  
15    having a distinct and separate court and each  
16    having distinct and separate courtrooms. All  
17    cases arising from arrests made in a particular  
18    zone remain in the assigned courtrooms of that  
19    zone until disposition. This new system promotes  
20    more one-to-one representation of clients, more  
21    client contact, fewer missing files and fewer  
22    continuances; thus, keeping the cases moving  
23    through the system.

24            The Association's information technology

1 staff is continuing its development of a Defender  
2 Case Management system which is known as DCM for  
3 inhouse use. All staff members are entering cases  
4 specific dates -- entering case-specific data into  
5 DCM that is viewed by -- viewable by anyone  
6 interested in the progress of the case.  
7 Investigation reports, notes of testimony and  
8 trial notes and motions are included in the  
9 system.

10 This is a labor intensive process, and we  
11 are requesting three additional staff positions  
12 and two scanning positions in the unit to handle  
13 the increased workload. Attorneys must use the  
14 new e-filing system to file motion. And soon we  
15 will begin receiving discovery materials  
16 electronically. We must have sufficient personnel  
17 to manage these changes and the resultant workload  
18 or we will not be able to keep pace. And I will  
19 add here that the Criminal Justice System runs  
20 only as fast as its slowest member. So, it is  
21 quite important for the Defender Association to  
22 keep pace with the rest of the technology.

23 The Sixth Amendment to the United States  
24 Constitution guarantees an accused in a criminal

1 prosecution the right to be represented by an  
2 attorney. It also guarantees that if a defendant  
3 cannot afford an attorney, the government will  
4 appoint one to handle the case at no cost to the  
5 defendant. In Philadelphia, it is the Defender  
6 Association that provides this constitutionally  
7 mandated representation through a purchase of  
8 services contract with the City of Philadelphia.

9           The Defender attorneys provide high quality  
10 representation to the Philadelphia citizens,  
11 adults and juveniles in criminal matters. They  
12 also provide representation to those who are  
13 subject to involuntary mental health commitment  
14 proceedings and do dependent and neglected  
15 children who are under supervision by the  
16 Department of Human Services.

17           Defender services have been shown to be the  
18 most economical means for the City to discharge  
19 its responsibility to provide counsel. The  
20 Defender is an independent, nonprofit agency  
21 funded solely by the City of Philadelphia. It  
22 receives court appointments to represent  
23 approximately 70 percent of defendants who qualify  
24 for no costs criminal representation. And

1 overall, receives approximately 60,000 new cases  
2 per year.

3 Defender attorneys are in the courtroom  
4 every day ready to put cases on and to keep the  
5 trial case load moving along to completion.  
6 Through it's probation, parole and alternative  
7 sentencing unit, it provides assistance to  
8 sentence prisoners in local country prisons by  
9 reviewing sentencing commitments and preparing  
10 early parole, re-parole petitions, assisting  
11 prisoners to be released from jail and into the  
12 many alternative incarceration programs such as  
13 drug and alcohol programs, house arrests,  
14 electronic monitoring, and et cetera. All of  
15 which help to control the prison overcrowding  
16 problem and the resultant cost to the City.

17 I believe we can all agree that the  
18 Defender Association is an effective, major player  
19 in the City's criminal justice system.

20 Once again, I come to you to request your  
21 assistance to achieve salary parity for all of my  
22 staff members. My lawyers are paid less than  
23 their counterparts in the District Attorney's  
24 Office and the City Solicitor's Office. The



1 social workers, investigators, paralegals and  
2 administrative staff can earn much less than their  
3 counterparts in the City and there is no reason  
4 for this. Their background, education and  
5 expertise in their field meets or exceeds that of  
6 their City counterparts.

7 In the past, Former Mayor John Street  
8 recognized the inequity and instituted a pay  
9 equity plan to raise attorney's salaries.  
10 Likewise, Former Budget Director and now City  
11 Finance Director Rob Dubow recognized the  
12 inequality in salaries between the City,  
13 administrative and paralegal personnel and, excuse  
14 me, and directed the City's Personnel Department  
15 to conduct a study.

16 At the conclusion, Mr. Dubow approved a pay  
17 equity plan to raise salaries in those categories.  
18 Although both plans served to increase salaries,  
19 they did not go far enough to achieve parity. At  
20 the conclusion of the plan, there was no  
21 additional review by the Finance Department. And  
22 so, the Association salaries became stagnant and  
23 the salary gap began to grow once more.

24 As a Councilman, Mayor Nutter recognized

1 the salary inequities between Defender Attorneys,  
2 District Attorneys and City Solicitors and was  
3 openly supportive of a pay plan to equalize  
4 salaries in those offices. As Mayor, Mr. Nutter,  
5 appointed his chief of staff Everett Gillison to  
6 work with the Association on this subject. The  
7 Association has met with Mr. Gillison on numerous  
8 occasions and received his agreement to develop a  
9 pay equity plan.

10 This year, in the waning years of current  
11 administration, there has been some funding  
12 dedicated for parity, \$500,000 of which will be  
13 received in Fiscal Year 2015. This will not close  
14 the salary gap of the staff of 510 who lack  
15 anywhere from \$4,500 to the administrative staff  
16 to \$25,000. And I'm talking about a homicide  
17 attorney who works in the Defender's Association  
18 making \$25,000 less than his or her counterpart in  
19 the District Attorney's Office.

20 The Defender Association is always on the  
21 receiving end when the City imposes budget cuts on  
22 City Departments. This is so even though the  
23 Defender is not a City department. In the past,  
24 the negotiate -- excuse me, in the past the Budget

1 Director would provide the Defender Association  
2 with the same increases negotiated by the City's  
3 unions. A new contract has been negotiated with  
4 AFSCME District Council 47. And once it is  
5 ratified will give its union members an immediate  
6 \$2,000 bonus, one month later a 3.5 salary  
7 increase, a 2.5 on July 1, 2015 and 3 percent on  
8 July 1, 2016 for a total of 9 percent. When we  
9 inquire as to our status with regards to the  
10 percentage increases, the Budget Director responds  
11 that there was no decision to extend those salary  
12 increases beyond DC47.

13 I come to you Members of Council to ask you  
14 to intervene on our behalf and put an end to this  
15 inequality between the Defender Association and  
16 the other staff of the City. Thank you for your  
17 support and your past support and thank you for  
18 listening.

19 And I would like to add this, which is not  
20 part of Ms. Greenlee's written remarks.  
21 Ms. Greenlee has been the Defender for over 20  
22 years. And during the course of that 20 years,  
23 she has had two very strong priorities. Her major  
24 priorities have been, one, to ensure that the

1 citizens of Philadelphia who walk into the  
2 courtroom with a Defender at their side, and I'm  
3 talking about the indigent, that they had quality  
4 representation. That was priority number one.

5 Her second priority has always been to see  
6 that her staff, those people that provide the  
7 services to the indigent, are treated fairly. And  
8 to say that the parody is fairness is -- parody is  
9 actually just the beginning of fairness. It's not  
10 the same as equality. It is parody. But these  
11 people performed the same type of service to the  
12 City that the District Attorney's Office provides  
13 and that the City Solicitors. They should not be  
14 treated differently when it comes to pay.

15 And with that, we will take whatever  
16 questions.

17 COUNCILWOMAN REYNOLDS BROWN: Thank you  
18 very, very much. I would seize the privilege of  
19 the Chair and start my first question where you  
20 just left off. Wherein, you have given discussion  
21 to the issue of parody. And stated in your  
22 testimony that compounded with this is low morale,  
23 you state, as we have not had any substantial  
24 salary increase in years. And you've spoken to

1 the parody in pay between the Defender  
2 Association, the District Attorney's Office and  
3 the Law Department.

4 Can you tell us the average tenure of a  
5 public defender? How long do they stay with the  
6 office given this inequity?

7 MR. CUNNINGHAM: I think that what we find  
8 in the office is this. That by the time our  
9 attorneys have reached their fifth year, they can  
10 no longer afford to stay in this office. I  
11 recently had the opportunity to sit down with one  
12 of my young attorneys who came to us three years  
13 ago. And prior to working with us, he had worked  
14 in another office doing similar work.

15 It's always been our practice that when we  
16 bring new people in that we do not actually take  
17 into consideration their prior experience until  
18 they have, in essence, proven themselves as a  
19 defender. However, after they have gone through  
20 the entire rotation and that means that they have  
21 begun to do major trials, then we will reexamine  
22 where they are. And most of the times we will  
23 look at where they are -- what -- what their class  
24 would have been if they had come to us directly.

1           When I look -- I gave that attorney an  
2   increase and because none of the classes been so  
3   little separation between any of the classes, when  
4   that attorney got his increase, it pretty much  
5   amounted to about \$15 a pay check and that's all.  
6   There is very little difference between that  
7   attorney who has come in five years ago and the  
8   attorney that will be coming in this year because  
9   their have been very few pay increases since 2008.  
10   As a matter of fact, we had one pay increase which  
11   was 2.5. And that was the same year that the  
12   payroll deduction ran up. So those attorneys only  
13   looked at 0.5 percent increase.

14           You cannot continue to ask people to go out  
15   and handle major cases and compensate them as  
16   though they were just coming into the office.

17           COUNCILWOMAN REYNOLDS BROWN: So given that  
18   reality, how does that stack or might you know --  
19   might you know how that stacks against the tenure  
20   of attorneys in the District Attorney's Office or  
21   the Law Department?

22           MR. CUNNINGHAM: Let me just say this. The  
23   attorney -- from what we've been told, the  
24   attorneys in the District Attorney's Office will

1 get -- in the past have gotten \$10,000 after their  
2 third year. Those attorneys got that \$10,000.  
3 Even though the City has now said that they have  
4 discontinued that process, the fact that those  
5 attorneys got that \$10,000 has still put them far  
6 ahead of our same attorneys who did not get  
7 \$10,000 after their three years.

8 So they've been able to hold onto some of  
9 those attorneys far longer than we can because our  
10 attorneys who, obviously, as time goes on, their  
11 families increase. Their obligations increase.  
12 And therefore, they have no alternative but to  
13 leave this office.

14 COUNCILWOMAN REYNOLDS BROWN: But to move  
15 on. Very well.

16 Let's now move to Councilman Goode. No  
17 ques -- none at this hour? Very well.

18 Councilman Oh, please.

19 COUNCILMAN OH: Thank you very much,  
20 Chairwoman. I don't have a question. I'd just  
21 like to add that as a former prosecutor, I do very  
22 much appreciate good quality public defenders.  
23 And I think it is very important that we pay them  
24 properly. That doesn't alleviate the budget

1 issues that we have, the great difficulties.  
2 Unfortunately, it is our moniker that we are the  
3 largest -- we are the poorest large city in  
4 America. But still even more so, you know, we are  
5 going to have to get creative and find ways to  
6 fund the Public Defender's Office.

7 As a prosecutor personally, I never wanted  
8 to go into a courtroom and do my best and leave  
9 feeling that someone else was unable to do their  
10 best because the consequences are so important.  
11 So, I just wanted to add that I think it is very  
12 important that we seriously look at how we fund  
13 the Public Defender's Office.

14 MR. CUNNINGHAM: Can I add something?

15 COUNCILWOMAN REYNOLDS BROWN: Please.

16 MR. CUNNINGHAM: As I sat here in this  
17 chambers and listened to the testimony of the  
18 First Judicial District, I heard Councilman Jones  
19 talk about the fact that the programs that the  
20 First Judicial District has implemented has saved  
21 the taxpayers of Philadelphia a great deal of  
22 money. That is very true.

23 As a matter of fact, not only is that true,  
24 but it is something that needs to be examined.



1 And it needs to be examined in terms of making  
2 sure that those savings -- some of those savings  
3 are reinvested in the justice partners. Because  
4 the Defender Association is a very integral part  
5 of every one of those programs.

6 And without a Defender Association, there  
7 would be no AMP Program. Without the Defender  
8 Association, there would be no AVOC Program.  
9 These are programs that have been designed to take  
10 away the necessity of bringing police officers in  
11 courtrooms, of bringings witnesses in, of taking  
12 up valuable judicial time. We are a major player  
13 in those programs. We are a major reason why  
14 those programs are producing the savings to the  
15 City.

16 COUNCILWOMAN REYNOLDS BROWN: Okay.

17 MR. CUNNINGHAM: We ask that those  
18 savings -- that some of those savings be  
19 rechanneled to us so that we can get to parody.  
20 We have a Probation Alternative Sentencing Unit  
21 that is involved in re -- in paroles and getting  
22 early parole petitions signed so that people are  
23 out able to get out of the prison systems in  
24 Philadelphia far faster. We get them out. We get

1     them into program so that they can hopefully  
2     become productive citizens of the City of  
3     Philadelphia.

4             COUNCILWOMAN REYNOLDS BROWN:   Indeed.

5             MR. CUNNINGHAM:   Those programs alone, the  
6     re-parole save over \$5 million.   And in some  
7     estimates, close to \$15 million.

8             The Defender Association handles VOPs.   We  
9     handle the vast majority -- when I say VOPs, I'm  
10    talking about violation of probation.   We handle  
11    the vast majority of those even though the rules  
12    require that if there is court appointed attorney,  
13    the court appointed attorney should handle those  
14    VOPs.   We step in.   We handle them because it the  
15    most efficient way to do it.   We are far more  
16    qualified to do it in many instances.   And there  
17    again, there is a savings to the City because the  
18    City does not have to pay additional attorneys to  
19    handle those.

20            COUNCILWOMAN REYNOLDS BROWN:   So, given the  
21    remarks, I would like to ask the Administration to  
22    please come to the Witness Table, Rebecca  
23    Rhynhart.

24            (Ms. Rhynhart approaches Witness Table.)

1 MS. RHYNHART: Rebecca Rhynhart, Budget  
2 Director.

3 COUNCILWOMAN REYNOLDS BROWN: So given the  
4 testimony that's been presented by the Defender  
5 Association and given the hard data which speaks  
6 to or at least validates the observations made,  
7 what is the Administration's response and/or  
8 response?

9 MS. RHYNHART: Just to make sure I'm clear  
10 on your overall question is on the request for  
11 parody?

12 COUNCILWOMAN REYNOLDS BROWN: Yes.

13 MS. RHYNHART: So, am I done.

14 COUNCILWOMAN REYNOLDS BROWN: No.

15 MS. RHYNHART: I'm kidding.

16 COUNCILWOMAN REYNOLDS BROWN: Let's let the  
17 clock catch up.

18 MS. RHYNHART: Okay. The Administration  
19 does recognize the issue that the Defender  
20 Association is discussing and is talking about  
21 today. And we have put in this budget in the  
22 Fiscal '15 Budget an additional 500,000. And then  
23 we in the Five Year Plan, we put additional  
24 amounts so that in Fiscal '18 there is \$2 million

1 more annually starting in '18 and then in '19 to  
2 address the parody issue.

3 The full cost estimate of what the parody  
4 would be would be 6 to 7 million dollars a year  
5 which, as you know, we have limited resources for  
6 all of the pressing needs across the City. So our  
7 attempt at giving the 500,000 and then ramping up  
8 to a million and then 2 million extra a year is an  
9 attempt to move towards that goal.

10 COUNCILWOMAN REYNOLDS BROWN: Has the  
11 Administration sat down with the Defender  
12 Association recently or within the past year or  
13 whatever to come to a number 500,000 versus the  
14 reverse? Start with a large number and tip it the  
15 other way?

16 MS. RHYNHART: We have met with the  
17 Defender Association. We have met many times.  
18 The -- what we have built into our Five Year Plan  
19 was what was affordable given our financial  
20 constraints. The fund balance levels in our Five  
21 Year Plan are low. And we have -- we had a little  
22 bit more room in the budget in the out years of  
23 the Plan, being '18 and '19, because there are  
24 several more years of the economic recovery at

1 that point, which is why we made a decision to do  
2 a step approach to this. And as you've heard from  
3 departments and agencies, elected officials across  
4 the City, everyone would want more.

5 COUNCILWOMAN REYNOLDS BROWN: Indeed.

6 MS. RHYNHART: And as the Budget Director I  
7 can see that all of these -- all of the requests  
8 or many of the requests are valid and moving  
9 requests. But it's a matter of how much money we  
10 have and trying to balance that.

11 COUNCILWOMAN REYNOLDS BROWN: What is in  
12 the budget for the District Attorney's Office? Is  
13 there an increase or a decrease?

14 MS. RHYNHART: There is an increase for the  
15 District Attorney's Office.

16 COUNCILWOMAN REYNOLDS BROWN: The amount?

17 MS. RHYNHART: Let me check. I have the  
18 District Attorney right behind me.

19 The increase is about \$700,000 which a lot  
20 of that is a one -- 587,000 -- close to 600,000 is  
21 a one-time expense for lump sum payments.

22 COUNCILWOMAN REYNOLDS BROWN: Okay. Okay,  
23 then, thank you.

24 Councilman Johnson.

1 Thank you, Administration.

2 COUNCILMAN JOHNSON: Thank you. Thank you,  
3 Madam Chair.

4 How you doing Mr. Cunningham?

5 MR. CUNNINGHAM: Councilman.

6 COUNCILMAN JOHNSON: Just a couple  
7 questions.

8 Out of 30 percent of defendants who qualify  
9 for no-cost criminal representation and do not  
10 receive it, what happens to that population?

11 MR. CUNNINGHAM: That population right now  
12 would probably be receiving court-appointed  
13 attorneys.

14 COUNCILMAN JOHNSON: Court.

15 MR. CUNNINGHAM: Court-appointed attorneys.

16 COUNCILMAN JOHNSON: Court-appointed  
17 attorneys?

18 MR. CUNNINGHAM: Right. Those are  
19 attorneys that -- there are standards that are set  
20 for those attorneys that were -- I guess those  
21 standards were put into place about ten years ago  
22 or less. Those appointments then would be coming  
23 out of those attorneys that have qualified as  
24 court-appointed attorneys.

1 COUNCILMAN JOHNSON: And what's the  
2 average -- what's the percent of the cases that  
3 you handle a year?

4 MR. CUNNINGHAM: We estimate that our  
5 average is probably around 70 percent.

6 COUNCILMAN JOHNSON: 70 percent?

7 MR. CUNNINGHAM: Right.

8 COUNCILMAN JOHNSON: And about how much --  
9 you spend about 70 percent on average per case.

10 MR. CUNNINGHAM: I don't -- if you're  
11 asking for what would the average cost --

12 COUNCILMAN JOHNSON: Cost on each  
13 individual case.

14 MR. CUNNINGHAM: I don't know what the  
15 average cost would be today. I do know that years  
16 ago under the Street Administration they did a  
17 calculation. And basically, looked at it and said  
18 the average cost was about \$335.

19 COUNCILMAN JOHNSON: \$335?

20 MR. CUNNINGHAM: Right. That doesn't  
21 include homicide cases, however.

22 COUNCILMAN JOHNSON: Okay. And in terms of  
23 your public defenders, what is their average  
24 salary? How do you go about recruiting?

1 MR. CUNNINGHAM: Their starting salary is  
2 48,500.

3 COUNCILMAN JOHNSON: 48,000?

4 MR. CUNNINGHAM: Yes. That is where they  
5 start, 48.5. How do we go about recruiting them?  
6 We actually have a website. People will contact  
7 us on our website. On occasions, we will send out  
8 recruiting teams to various locations and  
9 participate in those types of programs.

10 And we also conduct four clinicals. One  
11 from Temple, University of Pennsylvania, Drexel  
12 and Villanova. So some our recruits come from  
13 there which gives us an opportunity to observe  
14 some of those people. And we have many people who  
15 come to us as summer interns. And once again, we  
16 have the opportunity to examine those people and  
17 get some insight into their abilities.

18 COUNCILMAN JOHNSON: Okay. All right.  
19 Thank you very much, sir.

20 COUNCILWOMAN REYNOLDS BROWN: Let's now go  
21 to a brief conversation about staff dem --  
22 demographics which is a recurring theme and  
23 interest across departments when we have  
24 testimony. According to the EEO Report from



1 April 1, 2013 that was submitted, out of 242  
2 attorneys, 25 are African-American; 9 are Asian;  
3 Pacific and 8 -- are 8; and 4 of mixed race. The  
4 total number of non-Caucasian employees equals  
5 37 percent. The total number of Caucasian  
6 employees is 196 equaling 63 percent.

7 So given those numbers, speak to the  
8 percentage of individuals your office is charged  
9 with defending that are minority.

10 MR. CUNNINGHAM: Well, I would say that the  
11 vast majority of our clients are minorities. So,  
12 the exact percentage I cannot tell you. But I  
13 would say without a doubt the vast majority are  
14 minorities. There is no question about that.

15 COUNCILWOMAN REYNOLDS BROWN: So, speak to  
16 how -- you have spoken to how attorneys are -- are  
17 recruited. The -- the -- the concern is that the  
18 tip with the composition of staff and the  
19 composition of those that you serve are -- are in  
20 the inverse, if you will.

21 MR. CUNNINGHAM: Yes.

22 COUNCILWOMAN REYNOLDS BROWN: How or what  
23 can we do so that we have --

24 MR. CUNNINGHAM: We are -- frankly

1 speaking, we are looking into trying to do more  
2 recruiting. And we always, frankly speaking, one  
3 of our major concerns is always to try and to get  
4 qualified minority candidates, not only  
5 African-American but also Latinos. And it is  
6 becoming increasingly difficult to find those  
7 candidates.

8 Because we had -- we made offers to three  
9 Latino attorneys this year. And unfortunately,  
10 two of them went to Miami. Can't imagine why they  
11 would want to go to Miami instead of Philadelphia.  
12 And I believe the third one just -- I'm not quite  
13 sure, but went to another, I guess, a larger law  
14 firm. So, they are a -- a very valuable  
15 commodity, if you will. And there is a great  
16 demand for them.

17 COUNCILWOMAN REYNOLDS BROWN: I see.

18 MR. CUNNINGHAM: But we continue to try to  
19 do our best to recruit minorities. As I said, we  
20 try our best to get minority candidates. And we  
21 obviously want qualified minority candidates.

22 COUNCILWOMAN REYNOLDS BROWN: Of course.  
23 Of course. And did I hear you say also you  
24 attempted to create a pipeline with the local law

1 schools?

2 MR. CUNNINGHAM: We do.

3 COUNCILWOMAN REYNOLDS BROWN: Towards that  
4 end?

5 MR. CUNNINGHAM: We do.

6 COUNCILWOMAN REYNOLDS BROWN: You spoke in  
7 your testimony regarding the zone system. How old  
8 is that -- is that strategy, if you will?

9 MR. CUNNINGHAM: Well, to be very honest  
10 with you, I think that we have the District  
11 Attorney. And I would have to say that when he  
12 came into service -- I shouldn't say service --

13 DISTRICT ATTORNEY WILLIAMS: 2009.

14 MR. CUNNINGHAM: 2009, he implemented the  
15 Zone System within the District Attorney's Office.  
16 The courts had already started implementing  
17 somewhat of a zone system. So, it has been in  
18 place since 2009.

19 DISTRICT ATTORNEY WILLIAMS: 2010.

20 MR. CUNNINGHAM: 2010. See I'm corrected  
21 by the -- giving me misinformation.

22 At any rate, we had within the Defender  
23 Association begun to do our own Zone System over  
24 the past, I'd say, year and a half or actually

1     probably closer to two years. We have implemented  
2     our zone system in a slower fashion than --  
3     because, obviously, we want to make sure in  
4     implementing it, we were, in fact, creating a  
5     system that was serving our clients properly.

6             COUNCILWOMAN REYNOLDS BROWN: Sure.

7             MR. CUNNINGHAM: And we certainly didn't  
8     want our clients to suffer while we were  
9     implementing our zone system.

10            COUNCILWOMAN REYNOLDS BROWN: Is there any  
11    synergy betw -- across -- across systems around  
12    this strategy?

13            MR. CUNNINGHAM: I'm --

14            COUNCILWOMAN REYNOLDS BROWN: Meaning,  
15    given the zone geography that you've laid out, is  
16    it consistent or parallel with the DA's Office?

17            MR. CUNNINGHAM: Yes, it is.

18            COUNCILWOMAN REYNOLDS BROWN: And the  
19    Police Department?

20            MR. CUNNINGHAM: It is consistent with the  
21    District's Attorney's zone and with the First  
22    Judicial District zone, yes.

23            COUNCILWOMAN REYNOLDS BROWN: Very well.

24            Okay. Any other questions from Members of

1 the -- please, Councilman O'Brien.

2 COUNCILMAN O'BRIEN: Thank you, Madam  
3 Chair.

4 COUNCILWOMAN REYNOLDS BROWN: You're  
5 welcome.

6 COUNCILMAN O'BRIEN: I would just like to  
7 go back to indigent counsel. And since the City  
8 has withdrawn from their request for proposal,  
9 there is an opportunity for us to create something  
10 new and different for in -- from my view, I think  
11 we should have study to look at what the strengths  
12 are in our system and where the challenges are.

13 Having said that, I believe that going  
14 forward it's my understanding that just for the  
15 edification of the Members, the Public Defender  
16 Office would get the first indigent case. And if  
17 there is multiple defendants, then that would go  
18 to a court-appointed process. I believe that the  
19 Public Defender's Office handles about 40 percent  
20 of those -- of the total cases.

21 But having said that --

22 MR. CUNNINGHAM: I'm sorry. Of the total,  
23 np, it's higher than that.

24 COUNCILMAN O'BRIEN: Okay.

1           MR. CUNNINGHAM: Definitely higher than  
2   that. We're closer to, I would think that with  
3   regards to the indigent cases, we are probably  
4   handling at least 70 percent of those cases. With  
5   regards to homicides, we are up to -- we have  
6   about 20 percent.

7           COUNCILMAN O'BRIEN: Okay. The -- I just  
8   wanted to see if you had any thoughts on the  
9   court-appointed process. And I would just add one  
10   comment to the mix. And that is, when you talked  
11   about getting monies from the savings to the  
12   courts, I really believe we're the only state that  
13   the state doesn't pay for indigent counsel. And I  
14   really believe that that is a shortcoming in this  
15   whole conversation. We have to put more money  
16   into that conversation.

17           I wanted to beg on your expertise. I think  
18   that the Public Defender's Office in the City of  
19   Philadelphia is probably the best in the nation.  
20   But I just wanted to see what your thoughts were  
21   in creating a response to the indigent counsel  
22   that's court appointed.

23           MR. CUNNINGHAM: I think that there are a  
24   number of ways that that can be handled. And I

1 think it's going to -- that determination is going  
2 to be made by the City. And --

3 COUNCILMAN O'BRIEN: But we're hoping --  
4 we're hoping that if the Charter change passes in  
5 the Primary, that this Council will have input  
6 into how it's determined.

7 MR. CUNNINGHAM: Let me -- let me -- let me  
8 say this. Whatever system is created, whether it  
9 be a Conflicts Office, whether it be something  
10 along the lines of the Federal System where they  
11 have the peo -- people who monitor those people,  
12 they regulate who gets appointments, they then  
13 monitor those people who get the appointments.  
14 They review those people's performance. Whatever  
15 system is employed, one thing is essential, I  
16 believe. And that is that people have to be  
17 trained. And after you train people, you must  
18 monitor performance.

19 COUNCILMAN O'BRIEN: Yes.

20 MR. CUNNINGHAM: Because if you don't  
21 monitor the performance, then you are not going to  
22 get what you're paying for. It is extremely  
23 important to train people. It is extremely  
24 important to monitor their performance. Because

1 without those two things, you will not have  
2 quality representation. And it should be about  
3 quality representation, not just putting a body in  
4 that courtroom. The indigent are entitled to  
5 quality representation.

6 COUNCILMAN JOHNSON: That's right.

7 COUNCILMAN O'BRIEN: Okay. Yeah. I think  
8 you hit the nail on the head, and I appreciate  
9 your testimony.

10 Moving forward, the only thing that should  
11 be important for this legislative body is making  
12 sure that the Constitutional and Civil Rights of  
13 the indigent are protected. And that means that  
14 we have to have standards, which means the skill  
15 set matches the complexity of the case and there's  
16 adequate funding. And that's why I recommend and  
17 I will say it loudly, that the State should kick  
18 in.

19 Thank you.

20 COUNCILWOMAN REYNOLDS BROWN: Thank you,  
21 Councilman.

22 Councilman Johnson.

23 COUNCILMAN JOHNSON: And I just want to  
24 support my colleagues in his efforts in making



1     sure that we engage the State in this particular  
2     important issue. And I often look at -- you know,  
3     I look at the work of your counterpart, the  
4     District Attorney, and how he came in and did a  
5     lot of reforms. And I also look at making sure on  
6     the defense side there is the same level of  
7     support being offered to individuals who won't  
8     have the ability to go buy a private attorney.

9             And everyone is innocent until proven  
10    guilty. And so, the same level of support that we  
11    are focusing on, on your counterpart side, we  
12    should also be taking a look and paying attention  
13    to on the defense side, as well.

14            And so, just from your perspective, what  
15    are some of the best practices that you have seen  
16    throughout the country that put the Defense Office  
17    on par with our District Attorney's Office?

18            MR. CUNNINGHAM: Well, I think -- I think  
19    the -- the question is one of, you know, when you  
20    look at State systems, most of the State systems,  
21    the State Attorney is on an equal pay with the  
22    defense attorney. So you're putting -- creating a  
23    system where you can attract qualified people to  
24    both sides. Okay. So, I think that that's one of

1 the keys to doing this.

2 COUNCILMAN JOHNSON: Thank you,  
3 Mr. Cunningham.

4 Thank you, Madam Chair.

5 COUNCILWOMAN REYNOLDS BROWN: You're  
6 welcome. Any other questions from Members of  
7 Council?

8 (No response.)

9 COUNCILWOMAN REYNOLDS BROWN: Any closing  
10 comments/observations you'd like to make for the  
11 record?

12 MR. CUNNINGHAM: One last comment.

13 COUNCILWOMAN REYNOLDS BROWN: Please.

14 MR. CUNNINGHAM: And I would be remiss. I  
15 know that the Budget Director has talked about a  
16 plan whereby the Defender Association would get  
17 \$2 million and be up to \$2 million towards the  
18 parody in 2018. But the time that -- first of  
19 all, we're talking about \$6 million.

20 And the Defender Association all along has  
21 said and sat down with the City and said, we  
22 understand you cannot do this all at one point.  
23 And we were willing to abide by a plan. But we  
24 expected a plan that would put us at parody not in

1 2018 but at least within a three-year period of  
2 time. The plan that the Administration has come  
3 up with now, frankly speaking, only 1 million of  
4 that money would be on this Administration. It  
5 would be the next administration that would have  
6 to fund the other part of that million dollars.

7 And with that, I have no further comment.

8 COUNCILWOMAN REYNOLDS BROWN: Thank you  
9 very, very much. You stated what many Members of  
10 Council fully understand and recognize. The work  
11 that you do is important and certainly does not go  
12 unnoticed.

13 Thank you very, very much for your  
14 testimony.

15 MR. CUNNINGHAM: Thank you.

16 COUNCILWOMAN REYNOLDS BROWN: If we can  
17 please invite the District Attorney to the Witness  
18 Table and his department heads.

19 (Panel approaches Witness Table.)

20 COUNCILWOMAN REYNOLDS BROWN: Good  
21 afternoon, gentleman. Please proceed with your  
22 testimony.

23 DISTRICT ATTORNEY WILLIAMS: Good  
24 afternoon, Madam Chair. I'd like to also just say

1 good afternoon to Members of Council that are  
2 present, Councilman Johnson, Councilman Oh, my  
3 high school classmate Councilman Goode -- not you,  
4 but also like to say hello to Councilman O'Brien.

5 Madam Chair?

6 COUNCILWOMAN REYNOLDS BROWN: Yes. Yes.  
7 Yes.

8 DISTRICT ATTORNEY WILLIAMS: I'd like to  
9 also state for the record that with me at the  
10 table here is my First Assistant Ed McCann seated  
11 to my left. And seated to my right is the Chief  
12 of our Legislative Unit Mr. Greg Rowe.

13 Madam Chair, please allow me to submit my  
14 Fiscal Year 2015 Budget Request in its entirety  
15 and to make an oral summary of the formal written  
16 document. Thank you.

17 COUNCILWOMAN REYNOLDS BROWN: You're  
18 welcome.

19 DISTRICT ATTORNEY WILLIAMS: Madam Chair, I  
20 don't know how to say this anymore, but I love my  
21 job. And it is an honor to serve Philadelphia as  
22 its District Attorney.

23 I want to first take a moment and thank  
24 those who deserve an enormous amount of gratitude

1 and appreciation, my staff. The Assistant  
2 District Attorneys in my office fight every day  
3 for justice. They don't get paid a lot. They  
4 have to work many long hours. Their case loads  
5 are far greater than those of their counterparts  
6 and we expect excellence from them. The successes  
7 I can brag about today are because of the men and  
8 women of my office. I want to acknowledge and  
9 thank them for their dedication.

10 I am pleased to submit this testimony on  
11 behalf of my budget request for Fiscal Year 2015.  
12 I want to also begin by thanking Council President  
13 Clarke and City Council for its great leadership  
14 in helping us secure additional funding for my  
15 office last year. Funding that was critical to  
16 allow us to sustain many of our important  
17 diversionary programs. I also appreciate the  
18 collaboration of the last four years, which has  
19 allowed us to make many significant  
20 accomplishments.

21 Last year if you recall, my tone was a  
22 little different. In fact, it was a lot  
23 different. However, after much work and analysis,  
24 a reasonable appropriation was ultimately provided

1 to my office. The Mayor and his staff worked with  
2 us. And we could not have secured the modest  
3 funding increases we received without you. As I  
4 will explain in great detail below, while we have  
5 done so much good for Philadelphia, while we have  
6 tracked our performance, while we are engaged in  
7 the community and while we are implementing and  
8 sustaining innovative programs, we remain  
9 underfunded.

10 I understand the financial challenges of  
11 the City, but believe our office is still  
12 significantly shortchanged in the Mayor's proposed  
13 budget. I look forward to working you and the  
14 Mayor again to secure adequate funding.

15 As you recall, Madam Chair, four years ago  
16 I appeared before you and discussed my goals for  
17 the Philadelphia District Attorney's Office. I  
18 stated that we needed to be smart on crime. I  
19 explained that my mission of being smart on crime  
20 meant we needed to modify the way we held  
21 defenders accountable and ensure the criminal  
22 justice system was victim friendly. I explained  
23 that being tough on everything meant being tough,  
24 in fact, on nothing. I explained we needed more

1 diversionary programs, early plea offers that were  
2 serious. And that we had to double down on being  
3 tough on our violent offenders, those who deserved  
4 none of our sympathy.

5 I also described how through justice  
6 reinvestment we needed to make investments in my  
7 office as well as the entire criminal justice  
8 system. And that such investments would  
9 ultimately result in both less crime and less  
10 waste in the Criminal Justice System. This  
11 approach was and remains comprehensive. We have  
12 accomplished many of these goals, Madam Chair.  
13 We've been successful because we have  
14 collaborated.

15 I like to thank the Judges. I watched  
16 their testimony earlier. I have to thank my  
17 partner, Police Commissioner Ramsey, the Prison  
18 Commissioner, all the Members of Council,  
19 Ms. Greenlee and the Public Defender's Office, all  
20 of our members of the Criminal Justice Advisory  
21 Board. We have gained a mutual understanding of  
22 our needs and goals. We've assessed our  
23 challenges and limitations. Identified what is  
24 possible and forged ahead responsibly with

1     impressive results.

2             Implementing these goals is one thing.  
3     Sustaining them is another and typically presents  
4     a different set of challenges that we must  
5     identify and address. Sustaining these  
6     accomplishments means we must continue to  
7     collaborate, look at data, identify best  
8     practices, make modifications and support  
9     additional investment into the Criminal Justice  
10    System. Now before I explain what my office needs  
11    financially, it is important to know what we have  
12    accomplished. Details are in my submitted  
13    testimony, but here are some of the highlights.

14            Our Charge Unit consists of outstanding  
15    ADAs who charge what we can prove. When I took  
16    over, there were five Assistant District Attorneys  
17    in our Charging Unit. For those of you, for your  
18    edification, the Charging Unit is a unit in my  
19    office that reviews the police paperwork, that  
20    approves or declines all arrests warrants, search  
21    warrants and sight arrests. I tripled the number  
22    of people in that unit. I believe Philadelphians  
23    want to make sure that I only charge the right  
24    people and I only charge them with the right



1 crimes.

2 Our community-based prosecution that all of  
3 our other partners have testified, you know, I  
4 heard them say all great and glowing things about  
5 it has been enormously successful. And we are  
6 building bridges with the community and we are  
7 improving the quality of our prosecution. We  
8 divert several thousand people per year who  
9 possess small amounts of marijuana out of the  
10 Criminal Justice System. We also divert less  
11 serious misdemeanors into community service  
12 through our AMP Program, the Accelerated  
13 Misdemeanor Program.

14 32 percent of our Common Pleas dispositions  
15 are disposed of in Smart rooms. Meaning, reduced  
16 the time it takes to secure a guilty plea. The  
17 result is a more swift and certain punishment. We  
18 continue to implement E-discovery, a system that  
19 City Law Enforcement will use to process digitally  
20 discovery material from the time of arrest to  
21 trial. In other words, E-discovery will help us  
22 go paperless.

23 Our community action centers continue to  
24 allow us to assist members in the community in

1     their neighborhoods. Two additional centers will  
2     be opening this spring. One in West Philadelphia  
3     on 60th Street. And another in Northeast  
4     Philadelphia, I believe, in Long Crest.

5             Our Public Nuisance Task Force continues to  
6     engage in our communities and improve the quality  
7     of life in our neighborhoods. We are tracking our  
8     performance. Even with our very antiquated case  
9     management system, more cases are being held for  
10    court. Cases are resolved more quickly. Our  
11    conviction rate is up.

12            Misdemeanors. Our cases are resolved more  
13    quickly. The median time to dispose of  
14    misdemeanors has decreased from seven months in  
15    2009 to four and a half months in 2013.

16            More diversion. The rate of successfully  
17    diverting cases has risen from 9 percent to 25  
18    percent.

19            Fewer withdrawn and dismissed cases. The  
20    rate of withdrawn or dismissed cases has dropped  
21    the 43 percent to 35 percent over the same period.  
22    Those were just the misdemeanors. For felonies,  
23    more cases are held for court. Felony cases held  
24    for court rate has increased from 10 percent --

1 I'm sorry, has increased 10 percent from 2009 to  
2 2013 from 60 percent to 70 percent. There's been  
3 a 7 percent increase for gun cases, 14 percent  
4 increase for robberies and 6 percent increase in  
5 them being held for court for aggravated assaults.

6 We have a better conviction rate. The  
7 overall conviction rate has increase from  
8 14 percent in 2009 to 2013 from 43 percent to  
9 47 percent. The cases are resolved more quickly.  
10 There's been a decrease in the total median time  
11 to final disposition from ten months in 2009 to  
12 approximately eight months in 2013.

13 As relates to violent and gun crimes, last  
14 year, Madam Chair, homicides were the lowest  
15 they've been since 1967. This year we are  
16 currently on pace to be even lower. More cases  
17 are being held for court. Held for court cases  
18 today for robbery, aggravated assault and fire  
19 arms act violations has increased between 5 and  
20 10 percent between 2009 compared to where we are  
21 in 2013.

22 We have a better conviction rate. A  
23 conviction rate for violent crimes overall have  
24 increased from 2009 to 2013 approximately from

1 28 percent in 2009 to 48 percent in 2013. Rape  
2 convictions have increased from 54 percent in 2009  
3 to 72 percent in 2013. We continue to vote a  
4 substantial amount of our time and our Focused  
5 Deterrence initiative which has allowed us to  
6 meaningfully address gun violence.

7 Yesterday, Madam Chair, I announced that  
8 one of my most veteran and well respected  
9 prosecutors, Mr. Mark Gillson, will assume a newly  
10 created position in my office as the First  
11 Director of Conviction Review for the Philadelphia  
12 District Attorney's Office. And he will work with  
13 our Post Conviction Relief Act Unit and the  
14 Innocence Project. When people bring to our  
15 attention allegations of those that are factually  
16 innocent for having been convicted of our most  
17 serious charges.

18 Now my budget detail. I am requesting  
19 \$1.8 million more than the Mayor's Budget  
20 Proposal, a portion of which is nonrecurring. The  
21 Class 100, I am asking for an additional \$965,000.  
22 \$430,000 would be to cover the loss of JAG  
23 Funding. That's a federal budgetary grant  
24 process. That comes to the City from the

1 Department of Justice. We were informed by the  
2 Department of Justice that the City believed the  
3 programs initiated with JAG Funding are important,  
4 which include our Smart rooms and Bench Warrant  
5 Court, then the City should fund them. That has  
6 not occurred. Unfortunately, I ask that if you  
7 think these programs are important, that you  
8 include the appropriate funding in the budget you  
9 enact. \$535,000 would be to allow us to retain  
10 the best and brightest in our office, to sustain  
11 our initiatives, and to expand and implement new  
12 ones.

13 Under Class 200, Madam Chair, I am  
14 requesting 505,000 additional dollars in Class 200  
15 funding. This is in three categories:  
16 Maintenance, E-discovery and case management, and  
17 a one-time software licensing.

18 Class 400, we are requesting an additional  
19 330,000 in one-time funding to allow us to replace  
20 300 outdated computers. The majority of the 680  
21 active desktop computers in our office were  
22 purchased when the product -- when the  
23 productivity loan was in place. Seen those  
24 commercials when Apple -- saying the Apple was

1     invented in the garage? I think our computers  
2     were from that garage. And so we are asking for  
3     additional funding so we can replace them. OIT  
4     thankfully purchased 285 computers on our behalf  
5     at the end of Fiscal Year 2013.

6             Now I want to compare our office to other  
7     agencies in other counties. Really, I don't know  
8     how many times I need to say this or how many  
9     different ways to say this. We are unfunded. We  
10    are underfunded in comparison to other counties  
11    across the nation, in comparison to other agencies  
12    in the city. We are underfunded in comparison to  
13    overall City Budgets since 2008. We are  
14    underfunded in comparison to the rate of inflation  
15    since 2005. We are underfunded.

16            I want to show you just briefly, I am  
17    trying to help get you back on schedule. So, I am  
18    trying to make my presentation as brief as  
19    possible. The chart I am showing you now is just,  
20    again, is a reoccurring chart that I bring. I've  
21    updated it this year. It's the Philadelphia  
22    District Attorney's Office as compared to -- how  
23    many counties? About 15 other counties, Madam  
24    Chair, across this union of ours. Take into

1 consideration the incident of violent crime, if  
2 you were to compare the City of Philadelphia to  
3 these other 15, only one county funds its District  
4 Attorney's Office less, and that is Wayne County  
5 Michigan, Detroit.

6 And again, I recognize that the City has  
7 had financial difficulties during this great  
8 recession. I don't doubt that. But this chart  
9 depicts that despite that from Fiscal Year '08 to  
10 the proposed Fiscal Year '15. It shows the  
11 percent change for other City departments both  
12 Public Safety and Technology Budgets. The Prisons  
13 has increased 8.1 percent; Police, 13 percent;  
14 Fire 9.2 percent; OIT, 140.29 percent; the  
15 Sheriff, 21.49 percent; and the District  
16 Attorney's Office budget has increased over that  
17 same time span by 4.62 percent.

18 Madam Chair, in college I would yell "we  
19 are" wherever I was on campus. I think you know  
20 where I'm going with this. Wherever I was on  
21 campus I would yell "We are" --

22 COUNCILMAN JOHNSON: Penn State.

23 DISTRICT ATTORNEY WILLIAMS: And people  
24 would respond "Penn State" as Councilman Johnson

1 has so eloquently done for us today.

2 Today, Madam Chair, as District Attorney of  
3 Philadelphia whenever I am, if I say "we are" the  
4 only possible response is "underfunded." The  
5 successes that have been made to improve the  
6 Criminal Justice System here in Philadelphia has  
7 only occurred through collaboration. And I am  
8 extremely appreciative for the role that City  
9 Council has played. I appreciate that the Mayor  
10 and his staff have been receptive to our concerns.  
11 It has been a positive process this fiscal year  
12 wherein years past there was no process. The  
13 process, however, needs to have impact in meaning  
14 to yield results.

15 I hope that together we will reach a  
16 consensus on how to appropriately fund the  
17 District Attorney's Office so that we can provide  
18 a safer Philadelphia for all of us to live, work  
19 and raise our families. Madam Chair, with that, I  
20 thank you for your attention. And I will answer  
21 any and all questions that you pose to me.

22 COUNCILWOMAN REYNOLDS BROWN: Thank you for  
23 your testimony. And thank you for the charts  
24 which really paint the picture quite graphically



1 of the realities that you're facing as leader in  
2 that department.

3 Couple questions before we move to Members  
4 of Council. Speak to what inspired the Innocence  
5 Project.

6 DISTRICT ATTORNEY WILLIAMS: What inspired  
7 the Innocence Project? You might have to ask them  
8 what inspired them.

9 My job is to do justice. My job is to seek  
10 a safer city to ensure that those that are accused  
11 of crimes are only the right ones that are  
12 charged, and that we treat them fairly. And that  
13 is what we aspire to do every day. It is my  
14 understanding the Innocence Project was created  
15 because people really believed that in some  
16 jurisdictions across this country, there were  
17 people that were on death row. There were people  
18 that were -- had been convicted of homicides or  
19 rapes that were not just maybe the statutes  
20 weren't applied correctly or the jury was  
21 instructed inappropriately but that they were  
22 factually innocent.

23 And so, that is how the Innocence project,  
24 I believe, was created and how they are funded.

1 And so they -- when they have a case in which they  
2 believe an accused person or persons convicted is  
3 factually innocent, they actually conduct an  
4 investigation of their own with their own  
5 resources first.

6 COUNCILWOMAN REYNOLDS BROWN: I am very  
7 familiar with the national effort.

8 DISTRICT ATTORNEY WILLIAMS: Yes.

9 COUNCILWOMAN REYNOLDS BROWN: And it is  
10 exactly the way you just described. And what a  
11 relief when we see that those prosecuted then get  
12 relieved of that circumstance.

13 DISTRICT ATTORNEY WILLIAMS: Correct. As a  
14 result --

15 COUNCILWOMAN REYNOLDS BROWN: In your  
16 testimony, however, that you're seeking to do that  
17 locally.

18 DISTRICT ATTORNEY WILLIAMS: I created a  
19 Conviction Review Unit. And that is to address  
20 the fact that in recent years there has been in  
21 many results an explosion in funding for the  
22 Innocence Project. Chief Justice Castille wrote  
23 an opinion regarding the Federal Defenders use of  
24 federal tax dollars to inject themselves into

1 state court issues. And our office has to respond  
2 to all of those.

3 COUNCILWOMAN REYNOLDS BROWN: I see.

4 DISTRICT ATTORNEY WILLIAMS: And so, my  
5 Post Conviction Relief Act Unit handles  
6 approximately 500 cases a year where they handle  
7 these very serious issues that often new evidence  
8 is brought and requires a hearing. So I thought  
9 when I ran in 2009, and I was -- I talked about  
10 conviction integrity. And the District Attorney  
11 of Manhattan created a Conviction Integrity Unit.  
12 The District Attorney Craig Watkins of Dallas  
13 created a Conviction Integrity Unit.

14 I am always trying to find the best  
15 practices. And so, you know, I thought we needed  
16 to do first was to reorganize our Charging Unit  
17 and to change the culture of our Charging Unit from  
18 being one where we put people who are punished to  
19 where we put people that demonstrate excellence  
20 and good judgement. And we did that.

21 We had to reform our office because as well  
22 all know when I took office, our City had the  
23 lowest conviction rate of 40 largest urban areas.  
24 Approximately, 59 percent of all of our felony

1 cases were being dismissed at the preliminary  
2 hearing. People thought it was just my rhetoric  
3 until the Philadelphia Inquirer in a series,  
4 "Justice: Delayed, Denied and Dismissed"  
5 chronicled the myriad of failures of our Criminal  
6 Justice System, Madam Chair. So I had to embark  
7 on fixing -- it's almost like an overhaul and  
8 changing the oil of a speeding Ferrari 95 as it  
9 was moving. And that's what we did in trying to  
10 turn around this criminal justice system.

11 I'm very proud to report today as a result  
12 of the wonderful collaborative effort, as I said  
13 earlier, with the First Judicial District, the  
14 Police Department, the Commissioner of Prisons,  
15 the Defenders court-appointed counsel, we've  
16 really tried to address all of those systemic  
17 issues that were chronicled in that. But it -- I  
18 had to prioritize which things we can do and when.

19 COUNCILWOMAN REYNOLDS BROWN: Of course.

20 DISTRICT ATTORNEY WILLIAMS: It took me  
21 unfortunately until April of 2014 to create this  
22 Conviction Review Unit.

23 COUNCILWOMAN REYNOLDS BROWN: Very well.  
24 Before we move to Members of Council, I want to

1 speak to my continuing interest around  
2 demographics.

3 DISTRICT ATTORNEY WILLIAMS: Yes, ma'am.

4 COUNCILWOMAN REYNOLDS BROWN: And in your  
5 testimony, you state that your office is -- of the  
6 536 total full-time staff, 29 percent are  
7 minority. Please speak to the percentage of those  
8 that you -- the breakdown of the percentage of  
9 those that are prosecuted by your office.

10 DISTRICT ATTORNEY WILLIAMS: Thank you,  
11 Madam Chair. I'm glad you brought that to our  
12 attention. I had prepared all of those answers  
13 last year expecting Councilman Goode to ask, and  
14 he didn't. So, I am very proud to report to the  
15 Members of City Council that the District  
16 Attorney's Office of Philadelphia employs more  
17 minority attorneys than any other law firm in the  
18 Commonwealth of Pennsylvania.

19 I am very -- almost very proud to report to  
20 the Members of Council that since I've been the  
21 District Attorney, 50 percent of all of my offers  
22 have been extended to minorities. That being  
23 said, at the time that this was prepared for me, I  
24 think 35 of our attorneys were African-American,

1     20 were Asian, 13 Hispanic. A total of 231 were  
2     White. Those are our attorneys. 40 percent of  
3     our support staff are members of -- are  
4     minorities. You know, I heard you ask earlier  
5     Mr. Cunningham about their efforts. I take this  
6     very seriously.

7             I recognize that the super majority of both  
8     the defendants and the victims of crime in  
9     Philadelphia are black and brown people. And so,  
10    we do all that we can. I make it a point of my  
11    own to attend the National Black Prosecutor  
12    Associations Conference where there is a job fair.  
13    We have a Minority Job Fair at our office where --  
14    a reception every year. I take it upon myself, I  
15    also teach at Temple and Villanova Law school  
16    adjunct faculty and try to find students through  
17    that effort as well that may wish to become  
18    prosecutors. 50 percent of my deputies are  
19    minorities, so I take very seriously that our  
20    office has to reflect the City that it represents.

21            Which also means I do all that we can to  
22    hire Assistant District Attorneys and staff  
23    members that speak Russian. We have a very large  
24    Russian population. We have a very large Korean

1 population in Philadelphia. We have a very large  
2 Cambodian population. So we are doing everything  
3 and all things that we can to identify the best,  
4 the brightest and to attract them to Philadelphia  
5 for a career of public service.

6 COUNCILWOMAN REYNOLDS BROWN: Okay. You've  
7 spoken well to the answer to that question. Now,  
8 guide us or provide information on the recruitment  
9 of women for leadership positions.

10 Of your deputies -- how many deputies do  
11 you have?

12 DISTRICT ATTORNEY WILLIAMS: The majority  
13 of our deputies are women; is that correct? Let  
14 me see, we have the Law Department, we have three  
15 women deputies.

16 COUNCILWOMAN REYNOLDS BROWN: Out of a  
17 total of --

18 DISTRICT ATTORNEY WILLIAMS: Out of 7,  
19 sorry.

20 COUNCILWOMAN REYNOLDS BROWN: Thank you  
21 very, very much.

22 DISTRICT ATTORNEY WILLIAMS: I failed  
23 Algebra II at Central High School. I'm sorry.  
24 But out of our deputies 3 are female. The

1 majority of attorneys at our office are females.

2 COUNCILWOMAN REYNOLDS BROWN: That's  
3 something to celebrate.

4 DISTRICT ATTORNEY WILLIAMS: Yes, ma'am.

5 COUNCILWOMAN REYNOLDS BROWN: Very well.  
6 Now let's move if we could -- the President has  
7 returned.

8 DISTRICT ATTORNEY WILLIAMS: And 50 percent  
9 of our supervisors are women.

10 COUNCILWOMAN REYNOLDS BROWN: Okay. Very  
11 well. I am going to ask Councilman Greenlee and  
12 I'm going to return this Chair to the President.

13 DISTRICT ATTORNEY WILLIAMS: All right,  
14 thank you.

15 COUNCILMAN GREENLEE: Thank you, Madam  
16 Chair. Good afternoon.

17 DISTRICT ATTORNEY WILLIAMS: Good  
18 afternoon, Councilman.

19 COUNCILMAN GREENLEE: Just a couple --  
20 couple quick phones. I know the Focused  
21 Deterrence Program you talked about, I know it's  
22 down in Councilman Johnson's District. I assume  
23 you -- you're calling that a success so far. Is  
24 that a fair statement?



1           DISTRICT ATTORNEY WILLIAMS: Not only am I  
2   calling it a success, but the Inventor David  
3   Kennedy touts what we have done in Philadelphia to  
4   be the best example of Focused Deterrence.

5           COUNCILMAN GREENLEE: And I guess, and  
6   obviously everything comes down to -- to funding.  
7   But is there a plan to maybe expand that to other  
8   areas?

9           DISTRICT ATTORNEY WILLIAMS: Well, again,  
10   Mr -- Councilman Greenlee, I believe that we have  
11   to have the political will to reduce the gun  
12   violence. The City of New York had the political  
13   will to reduce the gun violence. They used to  
14   have approximately 2400 homicides a year with  
15   about 85 percent being committed by handguns.

16           Last year, they had fewer homicides  
17   committed with handguns in a city of 8 million  
18   than the City of Philadelphia did in a city of 1.5  
19   million. They had the political will to reduce  
20   the gun violence. So if you're asking me should  
21   we increase, replicate across the city Focused  
22   Deterrence? I have to first say that I am very  
23   thankful Commissioner Ramsey and his command staff  
24   have implemented many innovative programs across

1 the city. Many of them we don't even know their  
2 names. But with all of those, the wholistic  
3 approach of those programs, we have seen a  
4 significant reduction in gun violence.

5 Part of that is the program we created that  
6 is now being replicated in Harrisburg to ask for  
7 high bail for every defendant that unlawfully  
8 possesses a firearm. But yes, I believe Focused  
9 Deterrence is smart. It's smart on crime. We're  
10 not just shooting a shotgun wildly. We are  
11 identifying those that are most -- we're  
12 identifying those violent neighborhoods through  
13 empirical data. And then identifying further  
14 those groups and individuals that are most  
15 responsible for that violence.

16 So yes, I believe Focused Deterrence is a  
17 tremendous success. If you were to ask the people  
18 that live in that part of South Philadelphia, they  
19 would say yes. If you look at the reduction in  
20 shootings and homicides in that area, of course,  
21 the quantifiable answer is yes. How to proceed to  
22 develop in other sections of the city is something  
23 that I am, of course, willing to work with the  
24 Police and Council and the appropriate law

1 enforcement agencies to find the best and the  
2 smartest way to do that.

3 COUNCILMAN GREENLEE: Okay. Thank you.

4 And the other question -- I might be stealing one  
5 of Councilman Jones' questions here, because I  
6 know he talks a lot about witness intimidation.  
7 But I know there was some increase last year. One  
8 of the things you asked for that we tried to help  
9 you with.

10 How successful have you -- would you call  
11 that in your Witness Intimidation Program and  
12 trying to fight that problem?

13 DISTRICT ATTORNEY WILLIAMS: Thank you.  
14 Good afternoon, Council President.

15 I want to thank again for the record  
16 Council President Clarke and my Councilman Curtis  
17 Jones, Jr. for championing the increases that were  
18 resulted in our being able to better serve those  
19 that were intimidated and were threatened.

20 So but witness -- witness relocation,  
21 witness protection remains a significant issue for  
22 our office to find appropriate funding. And this  
23 is something people were talking earlier about  
24 parody. Talking about -- there is no other

1 agency, no other law enforcement partner that has  
2 to do that. We have to come up with the funding  
3 to protect people. In every homicide case, we are  
4 seeing some form of witness intimidation or  
5 threats.

6 I am very thankful that through our work  
7 with Chief Justice Castille and the Supreme Court,  
8 and a committee that was created by them, we were  
9 able to create in the Commonwealth of Pennsylvania  
10 indicting grand juries. Through the use of  
11 indicting grand juries, we were able to hold for  
12 court many defendants in the past that would have  
13 eluded justice because they would have threatened  
14 victims, would have intimidated the witnesses  
15 while they were waiting for the 60 bus and would  
16 have shown up for court and there been no witness.  
17 So we're making significant headway there. I  
18 think we're probably closer to 1200 cases that  
19 have gone before the indicting grand jury. That  
20 is an amazing effort.

21 But we do need more funding for witness  
22 relocation. Right. So currently, we're receiving  
23 \$1.1 million from the Commonwealth of  
24 Pennsylvania. That is not just directed at us.

1 That is spread out. That is what they give for  
2 the entire state. And it's a shame, to be quite  
3 honest with you. The majority of the witnesses  
4 that we relocate, we only move them from one  
5 Philadelphia Housing Authority Property to  
6 another.

7 COUNCILMAN GREENLEE: Doesn't really get it  
8 done. I got you. Okay. Thank you.

9 Thank you, Mr. President.

10 COUNCIL PRESIDENT CLARKE: Thank you,  
11 councilman.

12 Chair recognizes Councilman Johnson.

13 COUNCILMAN JOHNSON: Thank you,  
14 Mr. President.

15 Thank you for being here with us today,  
16 Seth, Mr. District Attorney. We appreciate your  
17 hard work that you're doing here on behalf of the  
18 City of Philadelphia in keeping our city safe.  
19 Thank you for your partnerships with our various  
20 community groups through programs such as Focused  
21 Deterrence. And thank you for bringing out your  
22 team and participating in our first annual Point  
23 Breeze 5K Run, Walk and Health Fair, which the  
24 winner of the race was one of your assistant

1 district attorneys.

2 DISTRICT ATTORNEY WILLIAMS: That is  
3 correct. Matt Dirky of South Division One, the  
4 inaugural Point Breeze 5K.

5 COUNCILMAN JOHNSON: Yes. Yes, he did.

6 DISTRICT ATTORNEY WILLIAMS: He won. But  
7 Councilman O'Brien had the best looking legs, I  
8 think.

9 COUNCILMAN JOHNSON: I ain't looking at  
10 nobody legs but we appreciate your support for an  
11 awesome cause in raising awareness for pancreatic  
12 cancer.

13 In all seriousness, you know, you have done  
14 an outstanding job since you arrived as a District  
15 Attorney implementing your reform -- implementing  
16 your reforms based upon your initial platform once  
17 you arrived in 2009. So, I'm definitely  
18 advocating for, you know, increase in your budget  
19 however we can be supportive of your efforts.  
20 Because similar to the previous presentation we  
21 just saw from the First Judicial District and nice  
22 chart and talking about some savings that they  
23 were doing and some -- some of the great work that  
24 they're doing which I think is great, I also

1 recognize from working closely with your office,  
2 that you're definitely on ground in the  
3 communities and finding innovative ways of making  
4 our -- making our City safe.

5 A couple questions regarding the budget and  
6 its impact on your overall resources and your  
7 ability to do your job. There is -- when it comes  
8 to State and Federal funds, you're going to lose a  
9 total of \$688,000. Is your office or are you  
10 working and advocating in partnership with those  
11 elected officials on a State and Federal level to  
12 really push them to continue advocating to make  
13 sure we will bring those resources home?

14 DISTRICT ATTORNEY WILLIAMS: Well --

15 COUNCILMAN JOHNSON: Essentially, we will  
16 be filling this gap. You know, we're advocating  
17 for an increase for you. But I am always a strong  
18 advocate making sure those individuals that  
19 represent us on a federal and state level.

20 DISTRICT ATTORNEY WILLIAMS: Correct.

21 COUNCILMAN JOHNSON: They aggressively go  
22 after trying to seek funding to bring back home to  
23 help you do your job.

24 DISTRICT ATTORNEY WILLIAMS: First, let

1 me rec -- I kind of made a joke about this. But  
2 you mentioned my office having a team. Fifty  
3 members of my office were at your Point Breeze. I  
4 think that speaks to the community-based  
5 prosecution. I really wanted to bring in a  
6 culture where it wasn't just that the District  
7 Attorney went to community meetings.

8 COUNCILMAN JOHNSON: There was a team from  
9 that area.

10 DISTRICT ATTORNEY WILLIAMS: Right. It's  
11 more important that the Assistant District  
12 Attorneys that work for the citizens, that they  
13 understand their plight. That they understand how  
14 it feels and where they are coming from. And so,  
15 I am very glad that we are making inroads. We are  
16 not where I want us to be, but we are getting much  
17 closer to where we should be. So, I want to thank  
18 you for recognizing that.

19 As you address the question of, yes, we  
20 have a loss of federal funding. I'm very thankful  
21 Senator Casey always tries to identify for us  
22 Byrne Gram Funding. But the caveat with almost  
23 all of the federal funding is that it's to help us  
24 to track our performance. It's to implement



1 programs like the Smart courtrooms that pay for  
2 the salaries to show that the Smart courtrooms can  
3 work. But their goal is for justice reinvestment.

4 I went and testified Councilman --  
5 Congressman Wolf but Congressman Fattah. I went  
6 and testified at a subcommittee that he was a  
7 member of. And the whole goal is for justice  
8 reinvestment. The Federal Government says we will  
9 give you this money to start this program. But  
10 once you're saving money for the -- for the state  
11 government or you're saving money for the local  
12 government, if it's important to them, they are  
13 going to have to reinvest. They are going to have  
14 to put up some money, too. So that is where we  
15 are.

16 I am trying to find money everywhere. As  
17 you know, we created a program here called The  
18 Choice is Yours. I'm very thankful. I went out  
19 and visited District Attorney of San Francisco.  
20 It's a program for first time, nonviolent  
21 offenders, crack dealers who otherwise would go to  
22 state prison for a year at about \$40,000 a year  
23 with a recidivism rate of about 63 percent. We  
24 are now putting about 93 close to 100 people in

1 the program. As a result, purely as a grant, from  
2 the Gerry Lenfest Foundation and the William Penn  
3 Foundation. And we spent about \$4000 a year for  
4 those individuals. And instead of going to state  
5 prison, they received literacy training, job  
6 skills training, life skills training. And it's  
7 been success. But again, for us to continue that  
8 the money has to either come from the city or the  
9 state.

10 COUNCILMAN JOHNSON: Okay. Let me ask you  
11 this, and I'll wrap up, Council President, and go  
12 to the next round. So in terms of justice  
13 reinvestment, has there been an analysis done that  
14 says based upon the reforms that we have  
15 implemented, the diversionary programs, the  
16 various programs that we have introduced that will  
17 provide individuals an opportunity and not have to  
18 go into the system which will be more of a heavy  
19 burden on the taxpayers, has there been an  
20 analysis done that says based on these  
21 diversionary programs that have been implemented  
22 over the past two to three year time period, this  
23 is a significant dollar amount that we have saved  
24 the City of Philadelphia?

1           DISTRICT ATTORNEY WILLIAMS: Right. Well,  
2 we believe that these savings, the diversionary  
3 program, is a minimum. We bring very, very  
4 concerned about \$1.2 million a year is being  
5 saved. And that, you know -- I think if you were  
6 to look at other programs that we've created, you  
7 would see that the saving is also to the state.  
8 If we're not sending a hundred people to state  
9 prison at \$40,000 a person, we're making  
10 significant savings for them.

11           So we are showing a lot of savings. Like  
12 with SAM, right. We had 10 percent -- 10 percent,  
13 Mr. President, of our case load. About 7500 of  
14 the defendants most serious charge was unlawful  
15 possession of a controlled substance, that being  
16 marijuana. And I found that we were just clogging  
17 our court system with these cases, spending  
18 thousand of dollars on court overtime, police  
19 overtime right for the police, counsel for the  
20 indigent, creating discovery, analyzing the drugs.  
21 Thousands of dollars where someone possessed about  
22 10, 15 dollars worth of weed. It made no sense.

23           And so, now we're creating a lot of  
24 savings. E-Discovery has the potential to save

1 the City a lot of money. But again, we're --  
2 we're -- we're the ones really with the burden of  
3 creating these things and trying to use the  
4 staffing and trying to figure a way to do this.  
5 I'm just asking, look, you got to reinvest in us  
6 if you want us to continue to do this.

7 COUNCILMAN JOHNSON: I am with you on that,  
8 as well. Again, I am advocating for you to get  
9 the type of support you need. I also think it  
10 would be helpful as you move forward in the future  
11 to have someone to actually calculate what the  
12 savings actually look like and how it benefits the  
13 City of Philadelphia moving forward. It just  
14 makes part of your advocacy for your particular  
15 agency, you know, stronger for the most part.

16 Because we have limited resources. We have  
17 to make choices. So we're negotiating between  
18 administration and -- and, you know, competing  
19 interest amongst even the 17 council people in  
20 terms of their own projects. Knowing that you  
21 need the type of support you need to do to your  
22 job, as well. That's pretty where we're at.

23 DISTRICT ATTORNEY WILLIAMS: And,  
24 Councilman, I agree. Part of our request was for

1 an increase in the class. I don't know if it's  
2 200 or 400 for our case management system.

3 COUNCILMAN JOHNSON: Yes. I saw that.

4 DISTRICT ATTORNEY WILLIAMS: I heard other  
5 people testify. The reason the case management  
6 system that we have right now is actually created  
7 as a computer program to send out subpoenas. It  
8 wasn't meant as a method for us to do empirical  
9 analysis of data. But I'm just thankful I got  
10 some smart people like MacGuyver that worked for  
11 me that are taking, you know, paperclips and  
12 rubber band and created a system. We're trying to  
13 get this system, but it's nowhere near adequate.  
14 And that's why I'm asking for additional funding  
15 from OIT which we so -- I'm sorry, I showed in the  
16 chart is going up.

17 COUNCILMAN JOHNSON: I saw that.

18 DISTRICT ATTORNEY WILLIAMS: About 120 or  
19 140 percent.

20 COUNCILMAN JOHNSON: Yes, I saw that.  
21 Thank you, Mr. District Attorney.

22 COUNCIL PRESIDENT CLARKE: Thank you,  
23 Councilman.

24 Good afternoon, Mr. DA.

1           DISTRICT ATTORNEY WILLIAMS: Good  
2   afternoon, Mr. President.

3           COUNCIL PRESIDENT CLARKE: One real quick  
4   question. Your interpretation of the State  
5   Constitution, can a municipality apply a civil  
6   penalty for guns?

7           DISTRICT ATTORNEY WILLIAMS: Well, again,  
8   this is the million-dollar question. And it's my  
9   interpretation that those that are much smarter  
10   than I, did much better than I did in law school,  
11   that the Constitution of the Commonwealth preempts  
12   municipalities from laws that effect the right to  
13   bear arms. And so, I wish that weren't the case.  
14   I wish that we could do more locally. But  
15   everything that we do locally has to be consistent  
16   with the Constitution of the Commonwealth of  
17   Pennsylvania, as well.

18          COUNCIL PRESIDENT CLARKE: Laws. When you  
19   say from implementing laws, does that mean  
20   criminal code? It's your belief that it -- that  
21   the Constitution references both criminal and  
22   civil?

23          DISTRICT ATTORNEY WILLIAMS: Yes.

24          COUNCIL PRESIDENT CLARKE: Okay. I asked

1 for your answer and you gave it to me.

2 DISTRICT ATTORNEY WILLIAMS: I'm, of  
3 course, very willing to sit down and have people  
4 that work with me to sit down with people that you  
5 appoint to see if there is any way that we can  
6 find a better way for the citizens of Philadelphia  
7 to enact legislation that could make a difference.  
8 But until then, I have to default to it has to  
9 meet the four corners of the Constitution of the  
10 Commonwealth of Pennsylvania.

11 But I'm very interested in finding creative  
12 ways to work with you to find a solution and  
13 pushing the envelope, if necessary, when  
14 appropriate.

15 COUNCIL PRESIDENT CLARKE: Okay. Well,  
16 it's always appropriate when it comes to guns.

17 DISTRICT ATTORNEY WILLIAMS: Yes, sir.  
18 You're preaching to the choir.

19 COUNCIL PRESIDENT CLARKE: I understand. I  
20 understand. I just -- some people have certain  
21 interpretation about the Constitution and the  
22 Crimes Code and deals with -- doesn't necessarily  
23 deal with civil penalties, but okay. We will -- I  
24 will interact with you later on. Thank you.

1 DISTRICT ATTORNEY WILLIAMS: Yes, sir.

2 COUNCIL PRESIDENT CLARKE: Chair recognizes  
3 Councilman O'Brien.

4 COUNCILMAN O'BRIEN: Thank you,  
5 Mr. President. I'd like to amplify Councilman  
6 Bill Greenlee's interest in Focused Deterrence.  
7 To, again, edify David Kennedy's testimony  
8 here on February 10, he said: "What's going on  
9 there is fantastically impressive. It's well  
10 thought out. It's systemic. It's beautifully  
11 focused. The interagency work is exemplary." He  
12 further added, "we are so impressed with it, that  
13 we are trying to model it in other cities."

14 DISTRICT ATTORNEY WILLIAMS: Right.

15 COUNCILMAN O'BRIEN: I'd just like to  
16 express our appreciation for the incredible and  
17 life saving work that the District Attorney's  
18 Office is doing in South Philadelphia. And I'd  
19 like to thank your office for the high level of  
20 community buy-in. That's the engine that drives  
21 this conversation. I'd also like to thank the  
22 District Attorney's Office for listening to the  
23 community and engaging with them and credit the  
24 community for making this sustainable.



1           We are all looking forward to the expansion  
2   beyond South Philadelphia. Again, I will quote a  
3   gentleman by the name of Ed McCann who also  
4   testified at that hearing. He said: "The other  
5   thing I like to talk about is expansion. The  
6   thing about this program is that we are all in  
7   this together. So, we can't take a step unless  
8   everyone agrees to take a step. That's the  
9   important thing. So we're ready to take the step,  
10  but everyone else has to take the step, as well."

11           My question is the next step. I introduced  
12  a piece of legislation that called for the Office  
13  of Violence Reduction. I did that because I  
14  thought it could be a comprehensive way of  
15  assembling a -- furthering this conversation as  
16  stated by Ed McCann? Would you support that? Or  
17  how do you think we can make the next step?

18           DISTRICT ATTORNEY WILLIAMS: Well, I  
19  consider the Office of Violence Reduction the  
20  District Attorney's Office.

21           COUNCILMAN O'BRIEN: I employ that.

22           DISTRICT ATTORNEY WILLIAMS: I'd first like  
23  to thank you for recognizing Focused Deterrence.  
24  I would be remiss if I didn't recognize Bryan

1     Lentz was the Chief of Focused Deter -- of the Gun  
2     Violence Task Force when we ushered in Focused  
3     Deterrence. And it's led now by Lauren Baraldi.  
4     We also have to thank Caroline Keating and John  
5     Delaney who is our Deputy for our Trial Division  
6     who is here.

7             So, it's been a team effort. But  
8     Mr. Kennedy as you know stated that it's the best  
9     example of Focused Deterrence is what we have here  
10    in Philadelphia. And that's because of the First  
11    Judicial District, the judges have really gotten  
12    involved. It's because of the Probation and  
13    Parole Department, how they are involved. It's  
14    because of when we see that one of these target  
15    individuals and their group has used a weapon, we  
16    turn their electricity off. It's through the help  
17    of PECO and through Comcast. We've turn cable  
18    off. When we are doing that, it's really making a  
19    difference.

20            And so, I have to thank everyone that's  
21    associated with our effort. But, yes, we would  
22    love to replicate it in other parts of the City.  
23    We would like to expand it. As I stated earlier,  
24    there are a lot of great programs that the Police

1 Department is also innovated. And want to hear  
2 what's the best thing. What's best in South  
3 Philadelphia might not be what we need to do in a  
4 different part. So my -- what we want to do is  
5 try to figure out what is the problem? To treat  
6 it almost as a public health issue.

7 What is the problem effecting that part of  
8 the body of Philadelphia so we can best address it  
9 and heal it.

10 COUNCILMAN O'BRIEN: That's why I think we  
11 should recognize that this is a strategy. And  
12 that's why it can be relegated --

13 DISTRICT ATTORNEY WILLIAMS: Right.

14 COUNCILMAN O'BRIEN: -- in different ways  
15 throughout the City. I have two questions. And  
16 the second question is in three parts. It has to  
17 do with information --

18 DISTRICT ATTORNEY WILLIAMS: Reminds me of  
19 law school exam. I am ready. Got a notepad.

20 COUNCILMAN O'BRIEN: It has to do with  
21 informational technology.

22 DISTRICT ATTORNEY WILLIAMS: Yes.

23 COUNCILMAN O'BRIEN: And the one is, how  
24 much categorize the informational technology and

1 the infrastructure in the District Attorney's  
2 Office?

3 And the second three-part question is as  
4 the District Attorney, are you budgeted for  
5 capital dollars in Fiscal Year '15? When was the  
6 last time you received capital dollars for IT?  
7 And has there been a conversation with the  
8 Administration for capital dollars for IT?

9 DISTRICT ATTORNEY WILLIAMS: All right.  
10 For the first part, the overall status of our  
11 funding for our information technology -- the  
12 informational technology systems that we have are  
13 unsatisfactory. I can answer that. I can answer  
14 another part of it is that we did receive -- I'm  
15 very thankful that the Mayor's Chief of Staff  
16 worked with us to purchase -- I think I testified  
17 today, 200-plus computer desktops that was of  
18 significant assistance to us. That part I know.  
19 I'm very thankful for the Mayor and for them  
20 identifying the computers for us.

21 But the balance of the IT stuff, I am going  
22 to let Ed McCann answer for you.

23 ASSISTANT DISTRICT ATTORNEY MCCANN: Good  
24 afternoon, Councilman.

1 COUNCILMAN O'BRIEN: Good afternoon.

2 ASSISTAND DISTRICT ATTORNEY MCCANN: I  
3 would say our biggest problem is a personnel  
4 problem. In that it's pretty typical in many city  
5 agencies, maybe not just in Philadelphia but  
6 everywhere, our staff -- and not because of their  
7 training necessarily, but because it's hard to  
8 attract really good IT staff to a city when they  
9 have to live within the city and the salaries are  
10 low. So, we don't have an ability to do a lot of  
11 things that we need to do in terms of programming  
12 changes and things of that nature which makes it  
13 incumbent upon us to enter into contracts with  
14 other outside vendors so that things can be done,  
15 particularly with E-Discovery System, which is a  
16 mammoth project as you know.

17 And there is all kinds of systems that has  
18 to interface with. And there's been a lot of  
19 difficulty rolling it out because we really don't  
20 have the ability to do that in-house. The  
21 Administration has been very helpful along the way  
22 in terms of addressing shortfalls in Class 200 as  
23 they come up. But I don't really think there's a  
24 long term plan, and there needs to be a long-term

1 plan so we can attract some people inhouse that  
2 can do some of these things for us without  
3 necessarily always going to outside vendors. The  
4 infrastructure is very weak. It's very weak.  
5 It's like a rotary phone in terms of -- in terms  
6 of what we have.

7           While I very much appreciate the  
8 responsiveness that we've gotten from the  
9 Administration since last budget cycle. I have  
10 had many conversations with Mr. Gillison about  
11 short term things and have gotten a very good  
12 response. There hasn't been a long term plan  
13 IT-wise for the DA's Office probably in ten years.  
14 We haven't been part of the capital budget  
15 discussions.

16           We've had many meetings with my staff. I  
17 have met with three different IT directors that  
18 this Administration has had about getting us a new  
19 case management system. We've had many, many  
20 conversations. That hasn't gone anywhere. And I  
21 think the thing that's the most frustrating thing  
22 for us is that while again the short term requests  
23 have been met with approval and a lot of attention  
24 by the Administration, there hasn't been any long

1 term thinking about what we need and what --  
2 frankly, what everyone else that's in the criminal  
3 justice system needs.

4 Everyone is always asking for data and for  
5 performance measures. We basically have two guys  
6 that are tremendous at doing it, but they are  
7 doing a lot of stuff by hand. They are actually  
8 going through case records by hand to come up with  
9 some of the data that we have. There is no magic  
10 button to push. That's years off if we started  
11 now. And that's the problem. We need to start  
12 thinking about long term solutions. And there  
13 hasn't been any thinking about long term  
14 solutions.

15 COUNCILMAN O'BRIEN: Thank you. I have  
16 some more questions. I'll wait for round two.

17 COUNCIL PRESIDENT CLARKE: Thank you,  
18 Councilman.

19 Chair recognizes Councilman Jones.

20 COUNCILMAN JONES: Thank you,  
21 Mr. President.

22 Mr. District Attorney, as a young person  
23 growing up in the streets of West Philly, I never  
24 thought today I would spend so much time with

1 Judges and District Attorneys, but it is a welcome  
2 evolution in my life.

3 DISTRICT ATTORNEY WILLIAMS: Your parents  
4 raised you well.

5 COUNCILMAN JONES: Thank you. I want to  
6 say thank you on a number of notes.

7 One, for you working with us on hearings,  
8 dealing with bail reduction. And I want to, you  
9 know, the low amount of bails and coming to  
10 testify. And we were able to talk to the Courts,  
11 and people are receiving higher bails as a result  
12 of it. And I don't think there is a -- I think  
13 there is a correlation between higher gun related  
14 bails and longer stays in prison and making crime  
15 go down a notch or two. So, we want to thank you  
16 for that.

17 More recently -- oh, and also, I want to  
18 thank you for your Focused Deterrence. And let  
19 you know that crime doesn't stop at South Philly.  
20 It does --

21 DISTRICT ATTORNEY WILLIAMS: Some people  
22 cross Greys Ferry Bridge?

23 COUNCILMAN JONES: There you go. We  
24 anxiously look forward to some rendition of that



1 in troubled spots. Not -- in and around West  
2 Philadelphia.

3 Also, for the Community Action Center that  
4 you're going to open up on North 60th Street which  
5 is often, too often an epicenter for bad things.  
6 And your presence there will be a welcome addition  
7 to Crime Deterrence. And so, thank you for that.

8 Having said all of that, we recently had  
9 hearings on home invasions by impersonators of  
10 utility workers. And want to make you aware that  
11 a lot of the groups that I talk to are now  
12 actually -- if we catch these folks or people who  
13 victimize women in these pocketbook snatchings  
14 particularly in the Overbrook Park section, that  
15 the engagement of those community groups, they are  
16 going to start showing up at court to help out  
17 with the sentencing phase to basically say to the  
18 Judges and -- to really take seriously, not that  
19 you don't. But in a real strong statement to say  
20 that we won't tolerate this. Good neighborhoods  
21 are going to speak back. So, look for us in our  
22 recruitment of Townwatch Members that are going to  
23 play that role.

24 Coming to my question is dealing with

1 forfeitures. Now, I am not sure as to the  
2 organizational chart of who is responsible for  
3 property that is confiscated in the commission of  
4 a crime and how that repurpose of those properties  
5 out. So if you could talk about that particularly  
6 in light of the loss of the Department of Justice  
7 Assistance Grant.

8 Can some of those dollars be diverted to  
9 that for your Smart rooms and Bench Warrant Court?

10 DISTRICT ATTORNEY WILLIAMS: All right.  
11 So, good afternoon, Councilman.

12 COUNCILMAN JONES: Good afternoon.

13 DISTRICT ATTORNEY WILLIAMS: You mentioned  
14 several different things. You talked about  
15 Focused Deterrence. And while we don't have  
16 Focused Deterrence in other districts, we do  
17 utilize GunStat.

18 So monthly, I have a meeting where the six  
19 bureau chiefs who represent the six geographic  
20 police divisions, we mirror the Police Department.  
21 We meet, the first assistant, myself, the deputy  
22 for gun violence, drug and narcotics trafficking,  
23 the deputy for trial division, we sit down with  
24 each of those chiefs. And we go through a litany

1 of things to try to identify the most violent  
2 individuals in hot spots as we've identified with  
3 the police in each of those districts. It's very  
4 similar to Focused Deterrence other than we just  
5 don't have the call ins or a lot of the services  
6 that we provide to those individuals. But that is  
7 something again that we're working --

8 COUNCILMAN JONES: I think it's an  
9 effective tool.

10 DISTRICT ATTORNEY WILLIAMS: That we're  
11 working with the Police Department I think, very  
12 effectively.

13 You mentioned the CACs. And yes, we will  
14 have a new Community Action Center on, I think, 47  
15 North 60th Street right where I used to catch the  
16 46 bus coming home every day from Central High  
17 School. We wouldn't have it without assistance of  
18 the organization of Achievability. We will be  
19 co-located with them. I think we're going to work  
20 out the details, probably pay them \$1 a year.

21 I think having our presence there will be  
22 significant. I hope it will be. And I hope to  
23 work with your office and Councilwoman Blackwell's  
24 office there that one spot to help train the

1 community.

2 To the second issue you were talking about,  
3 to help train people in the community for what is  
4 important to them in many parts of the city, home  
5 invasions, car thefts. While we talk about gun  
6 violence, Mr. President, the homicides and the  
7 shootings, violent crimes is only about 5 percent  
8 of the crimes that take place in the City. The  
9 super-majority of the crimes are property crimes.  
10 Are crimes where people are selling narcotics.  
11 The very crimes that through town watches, through  
12 civic associations, through efforts where they  
13 work with law enforcement, we can prevent those  
14 crimes.

15 We look forward to that. Your other --  
16 your final question.

17 COUNCILMAN JONES: Wasn't the final.

18 DISTRICT ATTORNEY WILLIAMS: Okay.

19 COUNCILMAN JONES: They want it to be the  
20 final.

21 DISTRICT ATTORNEY WILLIAMS: As it relates  
22 to asset forfeiture.

23 COUNCILMAN JONES: Right.

24 DISTRICT ATTORNEY WILLIAMS: We have a

1 Public Nuisance Task Force. And the Chief of that  
2 is Ms. Beth Grossman who is here. She also  
3 supervises and handles all of our asset  
4 forfeitures. So, she does a tremendous job --

5 COUNCILMAN JONES: How much --

6 DISTRICT ATTORNEY WILLIAMS: --  
7 coordinating all that.

8 COUNCILMAN JONES: How much money do you  
9 generate through that?

10 DISTRICT ATTORNEY WILLIAMS: Well, that  
11 unfortunately is something that I am not allowed  
12 to testify or really give --

13 COUNCILMAN JONES: You going to use the  
14 Fifth?

15 DISTRICT ATTORNEY WILLIAMS: I'm not  
16 pleading the fifth. It's just that the Asset  
17 Forfeiture Act of the Commonwealth of Pennsylvania  
18 really states, it gives us the ability when  
19 individuals use vehicles or homes or anything of  
20 value for the commission of a crime or to use as  
21 the focal point of that criminal activity, that  
22 those properties can be taken, can be seized in  
23 civil court. Something totally separate and  
24 distinct from what goes on in the criminal court.

1 Those properties can be used in other ways to  
2 reduce crime.

3 COUNCILMAN JONES: That falls under your  
4 purview, as well?

5 DISTRICT ATTORNEY WILLIAMS: Yes, it does.  
6 But the -- the -- the Asset Forfeiture Act  
7 prohibits municipal governments from taking that  
8 into account. Because what would happen is they  
9 would find, okay, well, you know, the City the  
10 Mayor's office -- I'm not saying they do this, but  
11 they could.

12 They could say, well, they are getting this  
13 much money because Pookie and Manman's cars were  
14 stolen, were taken through asset forfeiture of the  
15 home. We know the DA's Office needs X, but we  
16 will just give them X minus 8 million. And they  
17 will just -- because that in some ways might  
18 incentivize a prosecutor to do things to get more  
19 money --

20 COUNCILMAN JONES: Makes sense.

21 DISTRICT ATTORNEY WILLIAMS: -- to run what  
22 should be governmental functions. Public safety  
23 is a fundamental function of our city government  
24 and should be -- and our office should be funded

1 appropriately regardless if we seize a hundred  
2 houses or we seize none.

3 COUNCILMAN JONES: I got it.

4 DISTRICT ATTORNEY WILLIAMS: And so, really  
5 everything that -- in a perfect world, the City of  
6 Philadelphia would fund the District Attorney's  
7 Office appropriately. And anything that came from  
8 asset forfeiture would go to do other types of  
9 crime preventative strategies that are gravy.

10 COUNCILMAN JONES: Just quickly, sir. The  
11 Senior Law Project -- Senior Law Center.

12 DISTRICT ATTORNEY WILLIAMS: Yes.

13 COUNCILMAN JONES: Working with crimes  
14 against seniors also dealing with issues of  
15 property theft and other things like that, is in  
16 desperate need of support. Do they testify to the  
17 wonderful contribution.

18 How do you work with them?

19 DISTRICT ATTORNEY WILLIAMS: Well, we  
20 have -- we work very well with the Philadelphia  
21 Corporation for the Aging and the Senior Law  
22 Project. And Assistant District Attorney Deb  
23 Nixon, I've appointed her to a serve as our  
24 liaison and to go out and talk with seniors. As I

1 do often when I am at community meetings with you,  
2 about how they can prevent themselves from being  
3 the victims of a majority -- a slew of financial  
4 crimes. A majority of seniors that are the  
5 victims of these economic crimes are victimized by  
6 their own family members who have access to their  
7 checking accounts. Who have access to their debit  
8 cards. And so, we work with those entities to go  
9 out and to educate the public.

10 We had a recent press conference where we  
11 had representatives at the Senior Law Project, the  
12 Philadelphia Corporation of Aging come in where we  
13 had arrested an individual who was posing as the  
14 District Attorney. And calling an individual, a  
15 93-year-old World War II Veteran. And he had  
16 swindled, basically, \$93,000, I believe, from this  
17 man by calling him and saying that he was District  
18 Attorney. That he was going to send this  
19 defendant now to his home to pick up money because  
20 the gentleman had -- you know, had trash out in  
21 front of the house. He owed this amount of money.  
22 The City was going to do this to him if he didn't  
23 pay \$60 or \$80 or \$200 at a time.

24 And so, we had a press conference with them



1     because there are many scams that go on. We  
2     wanted to bring to the public's attention how  
3     seniors can be protected.

4             COUNCILMAN JONES: Thank you so much,  
5     Mr. President.

6             COUNCIL PRESIDENT CLARKE: You're welcome,  
7     Councilman.

8             Chair recognizes Councilwoman Brown. Oh,  
9     she's not here.

10            Chair recognizes Councilman Oh.

11            COUNCILMAN OH: Thank you very much,  
12     Mr. President.

13            Good afternoon, Mr. DA.

14            DISTRICT ATTORNEY WILLIAMS: Good  
15     afternoon.

16            COUNCILMAN OH: I'd like to go into a  
17     little bit of a different direction. And I'm just  
18     saying it because it's really not nuts and bolts  
19     stuff about the function of the office, but just  
20     something I am curious about in my work as a  
21     legislator.

22            These days it seems that, you know, the  
23     balance of where our state government focuses,  
24     where it sends its money, where it prioritizes

1 development in our state or not developing our  
2 state is really kind of to me as a Philadelphian a  
3 balance between Pennsylvania versus Philadelphia.  
4 It seems like there are those who see Philadelphia  
5 as leader of our state's economy, innovation and  
6 growth. And there are others who see Philadelphia  
7 as a drag on the rest of the state. Most of the  
8 people who think it's a drag are outside  
9 Philadelphia. And most of the people who think  
10 it's a leading area are in Philadelphia.

11 As District Attorney, who as you go out to  
12 deal with not only the legislators in Harrisburg  
13 for funding and support but also interface with  
14 other District Attorneys and prosecutors across  
15 our state, I'm interested to know how is your  
16 standing among them? And I will preface that by  
17 saying that I was assumed as a law school student  
18 and then as a young assistant DA, that in  
19 Pennsylvania the premier District Attorney's  
20 Office was Philadelphia.

21 DISTRICT ATTORNEY WILLIAMS: You are  
22 correct.

23 COUNCILMAN OH: Thank you. And good to  
24 know that is still true. And I also assumed that,

1    you know, our experiences in Philadelphia were  
2    common to prosecutors all over the state until one  
3    of my friends went to a prosecutors' convention  
4    and came back telling me that nobody believed any  
5    of the stories that he told. They thought he was  
6    a tall teller because nobody else in the state had  
7    the experience -- the experiences of Philadelphia  
8    prosecutors in the type of crimes and the amount  
9    of violence, just the whole variety of crimes that  
10   we have.

11           And so, there being kind of a disconnect  
12   between Philadelphia and the amount of crime it  
13   deals with and it's processes, just the volume of  
14   it and the seriousness of it and then the rest of  
15   the state.

16           How are you able to bridge that gap? Do  
17   you have challenges in dealing with your fellow  
18   prosecutors, law enforcement community and the  
19   state in getting the money, getting the support  
20   and making that case for Philadelphia?

21           DISTRICT ATTORNEY WILLIAMS: All right.  
22   Thank you.

23           I have the pleasure of serving as the  
24   legislative Chairperson for the Pennsylvania

1 District Attorney's Association. Our 67 District  
2 Attorneys from our Commonwealth. Each county is  
3 represented by a District Attorney. And I serve  
4 on that Executive Board.

5 Mr. Rowe is the Chief of our Legislative  
6 Unit. But our legislative unit comprised of  
7 Mr. Rowe. There was a Kate Thurston was his  
8 assistant. Ms. Jillian Roth who is here  
9 functioned as the legislative arm of the  
10 Pennsylvania District Attorney's Office. They  
11 spent approximately two days a week in Harrisburg  
12 working with state law makers for every issue that  
13 you can imagine. And I am sure that your  
14 colleagues were former state representatives.  
15 Johnson and O'Brien would testify that laws really  
16 don't guess passed that relate to public safety  
17 unless the District Attorney's Association and the  
18 Chief of Police Association has really given it --  
19 their imper mater.

20 So, I agree with you with that. As it  
21 relates to -- yes. We are seen in many ways as  
22 the premier District Attorney's Office. Many of  
23 the District Attorneys across the state, the  
24 District Attorney of Snyder County, the District

1 Attorney of, let's see, Wayne County, District  
2 Attorney where Gettysburg is -- what's that --  
3 that's Adams County, are all former Philadelphia  
4 Assistant District Attorneys who came to the big  
5 city, learned and then went home. The current  
6 Lieutenant Governor of North Dakota was an  
7 Assistant District Attorney. He went home and  
8 they made him the Attorney General for that -- I'm  
9 sorry, the U.S. Attorney for that state.

10 We do a great job in training prosecutors.  
11 But above and beyond that, you know, I said when I  
12 took over this office, in many ways the criminal  
13 justice in Philadelphia was not held in the  
14 highest regard diplomatically put. Recently the  
15 Bureau of Justice Assistance and the Association  
16 of Prosecutor Attorneys chose the method in which  
17 we implemented geographic prosecution to be a  
18 national model to be replicated in other places.  
19 And I have a copy of that document right now here  
20 in the courtroom -- I'm sorry -- City Hall Council  
21 Chambers.

22 So we are doing things. And David Kennedy  
23 says our reincarnation of Focused Deterrence is  
24 the best example of it. So we are doing things

1 here. Our challenge is to make sure that we are  
2 receiving appropriate funding. The District  
3 Attorney of Fulton County, a county of 14,850  
4 people has the same exact salary as the District  
5 Attorney of City of Philadelphia.

6 And, you know, so our challenges are to  
7 ensure that we fund programming that will allow us  
8 to move to this new paradigm of what I believe it  
9 means to be an American prosecutor. My job isn't  
10 just mere X's in the courtroom. It's doing all we  
11 can to prevent crime, all that we can to reduce  
12 recidivism. And those are things that are  
13 dollar-to-dollar, apple-to-apple with agencies  
14 like those that just testified immediately before  
15 me.

16 The function of government is to keep its  
17 people safe, to educate them. We need to find  
18 what is the best way, what is the appropriate  
19 percentage for this City's budget if we're going  
20 to make Philadelphia a safer place to be that  
21 place the rest of the state won't think is Sodom  
22 and Gomorrah. Where we will be able to attract  
23 the best minds to come here to go to school, to  
24 stay here, to create the jobs that we need because

1 people will feel safe.

2 The reason why people -- my understanding,  
3 I didn't do my own research. But people leave  
4 because they feel as though they don't feel safe  
5 or because they feel as though their children are  
6 going to be given the best education. If we can  
7 address those two things, I think again  
8 Philadelphia will be a premier city.

9 COUNCILMAN OH: All right. Thank you very  
10 much.

11 COUNCILMAN GREENLEE: Thank you,  
12 councilman.

13 Councilwoman Blackwell.

14 COUNCILWOMAN BLACKWELL: Thank you.

15 Thank you Mr. DA and company. I only  
16 wanted to thank you. I said it last year, these  
17 are exciting times. We like our DA who is  
18 involved in issues that affect us all. And so, we  
19 thank you for the interest and involvement in  
20 myriad issues.

21 DISTRICT ATTORNEY WILLIAMS: Very welcome.  
22 I thank you for your support and leadership last  
23 year in ensuring that we received the adequate  
24 funding. I appreciate all the community walks and

1 community meetings that you attend with myself and  
2 members of my staff.

3 COUNCILWOMAN BLACKWELL: Thank you. My  
4 pleasure.

5 Thank you.

6 COUNCILMAN GREENLEE: Thank you,  
7 Councilwoman.

8 Councilman Johnson.

9 COUNCILMAN JOHNSON: I wanted to talk  
10 about, Seth, something we -- Council President  
11 talked about briefly which is the issue with guns.  
12 I know you've been doing an effective job in  
13 building a collaboration and working with  
14 Philadelphia Police Department.

15 And obviously, you know, I talked to you  
16 about this when it was just you and I talking. I  
17 talked to Chief Ramsey about it, as well. I am  
18 still trying to work -- work towards some level of  
19 resolve in the future. And I always stand firm  
20 that there are no gun factories in Point Breeze or  
21 Richard Island. Guns are coming from somewhere.  
22 Once we find those guns, the level of tracking the  
23 individuals who straw purchase or the individual  
24 who -- make sure I got the terminology right --



1 who are engaged in dealing the guns. Now we got  
2 drug dealers we got --

3 DISTRICT ATTORNEY WILLIAMS: Gun  
4 traffickers.

5 COUNCILMAN JOHNSON: Gun traffickers. And  
6 so, I know some of the background is with Attorney  
7 General's Office, some aspects maybe U.S.  
8 Attorney's Office. What can we do to be  
9 supportive of your efforts in moving forward. I  
10 am still a strong advocate in choking that  
11 pipeline.

12 And as a young man watching, be frank with  
13 you, folks carrying Revolvers and to me turning 40  
14 and watching young guys with Glock 44s and 45s and  
15 really questioning, okay, where are these guns  
16 coming from and how do we choke that supply? Or  
17 where does the will, as you would say. There's a  
18 lack of will to fund your office adequately so you  
19 can do your job. I am always looking at that will  
20 from the law enforcement side be it District  
21 Attorney's Office, Philadelphia Police Department,  
22 U.S. Attorney's Office to really go after those  
23 folks who are flooding the streets of Philadelphia  
24 and any other urban environment to cross the

1 state.

2 But in this case, Philadelphia with those  
3 guns. Because the guns are still coming from  
4 somewhere. I always tell young people you  
5 shouldn't pick it up anyway.

6 DISTRICT ATTORNEY WILLIAMS: Right.

7 COUNCILMAN JOHNSON: Just because a crack  
8 pipe is there or a blunt is there, doesn't mean  
9 you pick up the blunt or smoke it or smoke the  
10 crack. Same thing with the gun. But the reality  
11 is when I see the heavy artillery that some of  
12 these young men are getting arrested with, like,  
13 okay. Let's put him under the jail. And I heard  
14 in your testimony saying some folks we are not  
15 going to be sympathetic too.

16 But the guns are coming from somewhere. So  
17 just from your professional insight on how we can  
18 better wrap our arms around choking that pipeline  
19 of guns that are flooding our streets.

20 DISTRICT ATTORNEY WILLIAMS: All right.  
21 Thank you, Councilman. I'd like to thank you for  
22 your efforts even before you became a Councilman  
23 with your Peace Not Guns efforts. So I want to  
24 thank you and recognize you for that.

1           We have to have a wholistic approach. But  
2   your first part of your question related to the  
3   actual tracking of those handguns. Where are they  
4   coming from. And the most recent information I  
5   received I believe from Commissioner -- Deputy  
6   Commissioner Ross was that the average handgun  
7   once a person is arrested and found to be in  
8   possession of these firearms, is about eight years  
9   prior they were purchased or stolen. But the last  
10   record of them was about eight years ago.

11           That, I think, attests to the fact that we  
12   have way too many guns flooding our streets. So  
13   to address the gun violence, I think we have to  
14   have a wholistic approach. Now one of the things  
15   I need Council to do if you want to help me, is  
16   that I have been able to get the rest of the  
17   District Attorney's Association, going back to  
18   Councilman Oh's question to agree with me. And  
19   they unanimously agree with me that we should have  
20   a two-year mandatory minimum for people that  
21   unlawfully possess a firearm in the City and  
22   County of Philadelphia.

23           Why is that important?

24           If we look at the -- the homicides in 2012,

1     there were 334 of them in the City of  
2     Philadelphia. 85 percent were committed with  
3     handguns. But not one of those was caused by a  
4     person with a license.

5             COUNCILMAN JOHNSON: Let's go back -- not  
6     cutting you off, Seth. I'm with the two-year  
7     mandatory. I'm with five-year mandatory you get  
8     caught with a gun because you shouldn't have the  
9     gun. I'm with that part.

10            I am looking at specifically the tracking  
11     of or the investigating of where those guns are  
12     actually coming from. Lock you up if you got  
13     caught with it if it's an illegal gun. But I am  
14     always still stuck that the guns the young men are  
15     getting in their hands -- I know they didn't go in  
16     the store and purchase them.

17            Where is that effort to put that pressure  
18     on the pipeline the same way folks --

19            DISTRICT ATTORNEY WILLIAMS: Right. So we  
20     have a Gun Violence Task Force which is funded  
21     through the Commonwealth of Pennsylvania where we  
22     have agents from the Attorney General's Office  
23     working with Assistant District Attorneys to go  
24     after those that are trafficking in those

1 handguns. Primarily to go after the straw  
2 purchasers. So, that's one angle. But the other  
3 issue that you -- I think you're trying to get at  
4 is when defendant, whatever you want to call him.

5 When Pookie gets arrested and he's in  
6 possession of a firearm, we would like to find out  
7 where did you get the gun? Well, the defendant  
8 does have a Fifth Amendment right. He's going to  
9 be charged with unlawful possession of a handgun.  
10 We have to prove his guilt beyond a reasonable  
11 doubt. He does not have to say anything when the  
12 police officers are asking him questions. We  
13 can't just shake it out of him, nor would I want  
14 to have any procedure that would be volitive of  
15 the defendant's Constitutional rights.

16 It has to be explained what his rights are  
17 and have to give up those rights freely.  
18 Hopefully, we can find ways to identify where  
19 those guns are coming from without the requirement  
20 of that.

21 COUNCILMAN JOHNSON: No one ever told me  
22 that particular --

23 DISTRICT ATTORNEY WILLIAMS: Right. So  
24 what we are finding through Focused Deterrence and

1 through our GunStat Program is that a lot of the  
2 violence done with guns are going to be done -- a  
3 lot of the violence with the -- Dickinson Murder  
4 Team.

5 COUNCILMAN JOHNSON: Yes.

6 DISTRICT ATTORNEY WILLIAMS: Okay. It  
7 might be one gun used in 15 different crimes in  
8 that they circulate that gun for whoever needs it.

9 COUNCILMAN JOHNSON: Okay. That's  
10 interesting. All right. That's it. Thank you,  
11 sir.

12 DISTRICT ATTORNEY WILLIAMS: Thank you,  
13 Councilman.

14 COUNCILMAN JOHNSON: And I do appreciate --  
15 just for the record, I do appreciate your  
16 partnership with the Philadelphia Police  
17 Department as well as GunStat. So, I do recognize  
18 you're doing the best that you can. But I'm  
19 always looking for as we move forward down the  
20 line, different strategies just to get that  
21 chokehold on the actual flow.

22 DISTRICT ATTORNEY WILLIAMS: Correct.

23 COUNCILMAN JOHNSON: I know it's tough  
24 because at the end of the day there is some

1 constitutional things that we have to address  
2 regarding the loss of -- if we can just get on  
3 paper just the report of loss of stolen guns --

4 DISTRICT ATTORNEY WILLIAMS: That would be  
5 perfect.

6 COUNCILMAN JOHNSON: -- that would help us  
7 out. And its -- and the purpose of bringing it  
8 up, because we also don't want to be in a city  
9 where as these incidents of crime involved  
10 specific with handguns take place, even though  
11 it's an uphill battle in Harrisburg, we don't give  
12 up the fight and it becomes just an everyday  
13 routine as it relates to specifically finding out  
14 where the guns are coming from and holding those  
15 individual who purchase these guns accountable for  
16 the guns that they purchase.

17 But I do thank you for your partnership  
18 with the various law enforcement agencies and --  
19 and staying on top of this. Thank you, Seth.

20 COUNCILMAN GREENLEE: Thank you,  
21 Councilman. Excellent points.

22 Councilman O'Brien.

23 COUNCILMAN O'BRIEN: Thank you,  
24 Mr. Chairman.

1           Recently I introduced Bill 140142. And  
2   that would create licensing standards for those  
3   providing immigration services. The intent of my  
4   legislation is to give immigrants and persons who  
5   require assistance with immigration matters  
6   clarity on how immigration services should be  
7   handled to promote ethical, fair and honest  
8   business practices. And most importantly,  
9   preserve public confidence.

10           This bill also presents an opportunity to  
11   stop the exploitation and the fraud in our  
12   immigrant community. These cases are difficult  
13   for a multitude of reasons. One of which is  
14   creating a paper trail for prosecution. Two  
15   questions.

16           Do you think this bill could aid your  
17   office in the successful prosecution of  
18   immigration services fraud?

19           And two, has any training been done within  
20   your office on immigration and its relation to  
21   criminal prosecution?

22           DISTRICT ATTORNEY WILLIAMS: One, we  
23   support your legislation. I believe Ms. Lauri  
24   Malone who is a deputy in my pretrial division, I



1 think testified at the hearing. We need more  
2 victims to come forward. And so, anything that we  
3 can do to end whatever chilling effect there has  
4 been to get these victims to come forward when  
5 this has occurred will be helpful.

6 COUNCILMAN O'BRIEN: And we're meeting with  
7 License and Inspection on complementary issues  
8 there, as well. I'd like one other question  
9 about -- oh, have you done any training in your  
10 office in relation to criminal prosecution.

11 DISTRICT ATTORNEY WILLIAMS: I'm sorry. I  
12 didn't hear that.

13 COUNCILMAN O'BRIEN: Have you -- has your  
14 office done any training on immigration and its  
15 relation to criminal prosecution?

16 DISTRICT ATTORNEY WILLIAMS: Well, we had a  
17 recent continuing education program. And we had  
18 one of our employees talk about cultural  
19 sensitivity, to explain cultural differences so  
20 that we can provide the highest quality of  
21 services to victims who may be from different  
22 cultures. And so, that's one thing.

23 We -- our staff speak approximately 27  
24 different languages. And so, we try to do the

1 best that we can to ensure that we are providing  
2 the right services to the right people. But we  
3 recognize we can do a much better job at it. We  
4 need to do a much better job at it.

5 COUNCILMAN O'BRIEN: I'd like to talk a  
6 little bit about the York Street Grand Jury and  
7 its relationship to the Vacant Property  
8 Legislation that I recently introduced.

9 To give context, Lieutenant Robert Neery  
10 and Firefighter Dan Sweeney were killed while  
11 battling a fire in a large factory located at 1817  
12 York Street on April 9, 2012. Subsequently, your  
13 office launched a grand jury investigation and  
14 released its findings on February 3 of this year.

15 In January, I introduced a bill that seeks  
16 to amend the Philadelphia Fire Code. And it  
17 provides for a requirement to create a vacant  
18 property task force charged with compiling an  
19 inventory and database of these properties. It  
20 also calls for an inspection team with specific  
21 responsibilities when evaluating abandoned and  
22 vacant buildings, structures and premises. Your  
23 grand jury makes many recommendations, and it also  
24 makes reference to my legislation. But it said it

1 needed further review.

2 So one, again to edify, my legislation is  
3 calling for the creation of a vacant property task  
4 force. Do you think this collaboration can create  
5 substantive change to save first responders' live  
6 and protect our community?

7 And have you had an opportunity to review  
8 that legislation?

9 DISTRICT ATTORNEY WILLIAMS: One, I'd like  
10 to thank you for bringing that up today. Because  
11 you know, I have had a meeting with every Council  
12 person. And the one thing that has been remained  
13 consistent, I have taken a copy of that Grand Jury  
14 Report and provide it to each Member of Council.  
15 I didn't want the memories of those firefighters  
16 to die with them. We have to do a lot. And I  
17 have to speak on behalf of the grand jury.

18 And so I want to take that reporter  
19 everywhere. And I hope City Council does  
20 something to enact several of the recommendations  
21 that were made by the Grand Jury. One was that --  
22 to be a city ordinance requiring the contractors  
23 not be tax delinquent. Also, that an outside  
24 agency should perform a complete review of the

1 Department of Licenses and Inspections. That a  
2 license and permit application should request  
3 additional information. We've talked about that.  
4 The L&I inspection process should be improved and  
5 violations consolidated for court, citizens  
6 complaint should be logged and followed up  
7 promptly. A cooperation between the City  
8 departments should be improved and formalized.

9           These are just some of the, you know, the  
10 recommendations that were made. We've spoken a  
11 lot about this. And I think that your inf -- the  
12 resolution that you proposed is an intelligent  
13 one. There are too many vacant buildings in the  
14 City of Philadelphia that at any time could result  
15 in a tragedy we saw in York Street. And we have  
16 to do something to address it.

17           I know Mr. McCann wants to --

18           ASSISTANT DISTRICT ATTORNEY MCCANN: Just  
19 one thing. I think the vacant property task force  
20 is an excellent idea. I wonder if it shouldn't be  
21 more focused on the larger properties. If -- if  
22 the -- the way the legislation is written right  
23 now, it seems like it applies to all vacant  
24 properties, but -- at least the version I saw

1 previously. But if it was more tailored towards  
2 those larger properties which, as you know,  
3 Councilman O'Brien, can cause huge problems within  
4 a neighborhood, that -- that to me would be ideal  
5 in terms of -- in terms of legislation.

6 I know you know a ton about this. We've  
7 talked a lot about it. And some of the things  
8 that have been done in other jurisdictions have  
9 really focused in on those properties because they  
10 have such a devastating impact on a neighborhood  
11 if they burn down or even before that when they  
12 become a nuisance where people just come in and go  
13 into the properties and live in the properties,  
14 squat in the properties.

15 COUNCILMAN O'BRIEN: Yeah. The -- in the  
16 legislation we specifically identified the large  
17 commercial and industrial properties. And we  
18 focused on Councilman Maria Quinones-Sanchez'  
19 district because that's where most of them are  
20 located. And she was a pioneer in the land bank  
21 conversation. And we predicated a lot of this  
22 language off of that.

23 But we would like to move into the other  
24 areas as we go forward. And I would like to

1 collaborate with your office in taking the  
2 recommendations that you have in the Grand Jury  
3 Report. And again, respecting the sacrifice that  
4 the Neery and Sweeney families made and making a  
5 comprehensive -- most people are looking at our  
6 legislation and saying we are 90 percent there. I  
7 would like to reach out to your office, take the  
8 recommendations that you have identified through  
9 your exhaustive Grand Jury Report and incorporate  
10 them into this ordinance.

11 ASSISTANT DISTRICT ATTORNEY MCCANN: We  
12 definitely support it and definitely want to be  
13 part of the task force that you set forth in  
14 your -- in your ordinance.

15 COUNCILMAN O'BRIEN: Thank you.

16 COUNCILMAN GREENLEE: Thank you,  
17 Councilman.

18 Councilwoman Reynolds Brown.

19 COUNCILWOMAN REYNOLDS BROWN: Thank you  
20 very much.

21 During our meeting, Mr. District Attorney,  
22 I was most struck by your devoted phil -- your  
23 devotion philosophically to why we need to do  
24 better on the prevention side of the ledger. And

1    when DHS came before us as well as Judge Kevin  
2    Dougherty, made it clear to them of which they  
3    already knew that we are all in the same column.  
4    It's how -- how we can connect these systems  
5    better for the prevention side of the equation.  
6    And yet to come before us is the School District  
7    of Philadelphia.

8               So where do you believe we can do better?  
9    Where do you believe the gaps are in tackling this  
10   issue of truancy? Because if we can capture and  
11   get their attention at that stage, we stand a far  
12   better chance at not seeing them go through the  
13   system.

14             DISTRICT ATTORNEY WILLIAMS: Thank you very  
15   much. I also served on the National Board of  
16   Directors of Fight Crime Invest in Kids. And what  
17   we find is that every 100 -- every \$100 invested  
18   in early childhood education projects to save us  
19   \$700 on prison costs. That is one aspect. We  
20   have to invest in early childhood education. We  
21   have to invest in programs and allow safe havens  
22   for kids after school. Those are the times when  
23   more crimes are committed by kids and against  
24   kids.

1 COUNCILWOMAN REYNOLDS BROWN: That's right.

2 DISTRICT ATTORNEY WILLIAMS: We have to  
3 have a safe place for them.

4 As it relates to truancy, I think in many  
5 ways truancy is a number one indicator, of course,  
6 for criminal behavior. The number one thing  
7 people have in common when get arrested in  
8 Philadelphia is that they didn't finish high  
9 school. We know that high school dropouts are  
10 eight times more likely to go to state prison than  
11 a high school graduate. More tragically here, in  
12 Philadelphia we know that if you're a high school  
13 dropout, you are twenty times more likely to be a  
14 homicide victim.

15 I believe we can do all that we can to  
16 reduce truancy. And so, one of the first things I  
17 did when I became the District Attorney, I spoke  
18 with the Deputy of our Juvenile Division,  
19 Mr. George Mosey who is here, who has done a lot  
20 of great and innovative things to work with  
21 schools and work with students and teaching  
22 curriculum on conflict resolution and being better  
23 citizens. But we have to reduce truancy.

24 I hired a woman, Dr. Rachel Pereira who has



1 a Bachelor's degree, a Master's degree, a Ph.D. in  
2 higher education. She also has her law degree  
3 from Penn when she was the President of the Black  
4 Law Students Association. And I hired her to be  
5 my Truancy Reduction Officer to try to replicate  
6 what was done in San Francisco.

7 The District Attorney of San Francisco  
8 Kamala Harris, she is now their Attorney General,  
9 made a significant impact in reducing truancy by  
10 holding parents accountable of elementary school  
11 students that were chronically truant. And that  
12 is something that I tried to implement here. I'm  
13 very thankful that charter schools have worked  
14 very well with us. I cannot say the same for the  
15 School District of Philadelphia.

16 I have had a very good relationship with  
17 Dr. Ackerman, with Dr. Leroy Nunery with Dr. Hite.  
18 They both believe we have to do more. It's this  
19 layer of bureaucracy right below them that has  
20 thwarted any opportunity for collaboration,  
21 meaningful collaboration, with the District  
22 Attorney's Office under the theory of that they  
23 would be violating FERPA, a federal rule where  
24 they cannot share that information with us.

1 Clearly, the law says if they create an agreement  
2 of mutual understanding between them and law  
3 enforcement -- of which, of course, I'd assert the  
4 District Attorney of Philadelphia is law  
5 enforcement -- we can circumvent that so that we  
6 can send letters to parents of children that are  
7 chronically truant, of elementary school age and  
8 say, look, your kids are chronically truant. If  
9 you don't go and meet with the principal within 30  
10 days, you'll get another letter from us.

11 When that has happened in San Francisco and  
12 San Diego, there is almost 100 percent of  
13 compliance.

14 COUNCILWOMAN REYNOLDS BROWN: Change in  
15 behavior.

16 DISTRICT ATTORNEY WILLIAMS: Right. So we  
17 want to get involved after DHS. And Judge  
18 Dougherty is doing a lot of great things in Family  
19 Court. But when those systems have failed in  
20 third grade and now the kid has been chronically  
21 truant in fourth grade, at that point give us the  
22 name of guardian, the address and the name of the  
23 child so we can send a letter on gold city  
24 letterhead with my signature on it saying go to

1 the principal or go to your DHS social worker  
2 within 30 days. And if they don't, then the next  
3 letter will say you have to come in and meet with  
4 George Mosey, the Deputy District Attorney for our  
5 Juvenile Division.

6 COUNCILWOMAN REYNOLDS BROWN: Yes.

7 DISTRICT ATTORNEY WILLIAMS: If that  
8 doesn't get compliance, then we will send them a  
9 letter, you know, you failed to do that. We are  
10 going to institute endangering the welfare of a  
11 child charges against you. You have 30 days to  
12 contact us. If they don't do that, then we will  
13 bring charges. Endangering the welfare of a child  
14 felony charge against that parent.

15 But again, our goal would not to be  
16 criminalize, not be to incarcerate that parent.  
17 Generally, they have some sort of dysfunction at  
18 home that has to be addressed. We just want to be  
19 the bad cop to DHS' good cop to get those families  
20 the services they need to end the dysfunction.

21 COUNCILWOMAN REYNOLDS BROWN: So, then what  
22 becomes the next step for us as champions of this  
23 issue? To convene all the parties you just  
24 discussed at the table?

1           DISTRICT ATTORNEY WILLIAMS: We have a lot  
2 of great meeting to end truancy, but I mean --

3           COUNCILWOMAN REYNOLDS BROWN: School  
4 District is at the table?

5           DISTRICT ATTORNEY WILLIAMS: Yes. I need  
6 champions such as yourself to say, look, work with  
7 the District Attorney's Office. How we solve this  
8 issue of FERPA so we can share with the District  
9 Attorney the names, addresses of those elementary  
10 school students that are chronically truant so  
11 they can be a part of the solution. Again, I  
12 recognize I'm not a school principal. I can't  
13 solve all the problems, of course. We just want  
14 to work with --

15          COUNCILWOMAN REYNOLDS BROWN: Yes.

16          DISTRICT ATTORNEY WILLIAMS: -- the School  
17 Reform Commission in a way that is best utilizing  
18 our efforts, our expertise to be that bad cop so  
19 that we can address the dysfunction and get more  
20 kids to stay in school.

21          COUNCILWOMAN REYNOLDS BROWN: So, I hear  
22 the assignment. You can trust that I will do the  
23 follow up and follow through on that convening  
24 those parties so that we can get -- that's an

1     impediment that we need to remove and/or fix.

2             DISTRICT ATTORNEY WILLIAMS: Thank you.

3     Because if not, we will just have to seek a state  
4     legislative remedy. But that would be years off.  
5     We have kids right now that need help.

6             COUNCILWOMAN REYNOLDS BROWN: Absolutely.  
7     When you hear the stats and the way that you just  
8     described, we need to do more right now.

9             DISTRICT ATTORNEY WILLIAMS: Yes, ma'am.

10            COUNCILWOMAN REYNOLDS BROWN: So, I hear  
11     the assignment. Thank you, Mr. District Attorney.

12            Thank you, Mr. Chairman.

13            COUNCILMAN GREENLEE: Thank you,  
14     Councilwoman.

15            Councilman Oh.

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

18            I just like to put on the record that I  
19     believe in regards to the District Attorney's  
20     request and so many other of the testimony that we  
21     heard, that -- that our ability be successful in  
22     lifting up the City is dependent one upon the  
23     other. And that if we can have a comprehensive  
24     strategy towards approaching particularly

1 Harrisburg where we need the funding and  
2 authorization, I think we would have a greater  
3 opportunity to be successful.

4 When the District Attorney reduces crime,  
5 our ability to get dollars for city increases.  
6 When we run our government more efficiently, we  
7 have a better chance of getting dollars for our  
8 schools. So very much, you know, the work that  
9 you're doing I think is an integral part of an  
10 overall opportunity for us to improve the  
11 conditions of our City in all the areas that you  
12 talked about from education to jobs to better  
13 quality of life and so forth.

14 But the function of the District Attorney's  
15 Office cannot be minimized in the importance of  
16 revitalizing and improving our City. So thank you  
17 very much for your work, you and your staff.

18 DISTRICT ATTORNEY WILLIAMS: Thank you very  
19 much.

20 COUNCILMAN GREENLEE: Thank you. All works  
21 better when we all work together.

22 Seeing no other questions, Mr. District  
23 Attorney, thank you. Thank you all, your staff.

24 DISTRICT ATTORNEY WILLIAMS: Thank you,

1 Councilman.

2 COUNCILMAN GREENLEE: I got to mention the  
3 man that deals with us every week, Mr. Vernon  
4 Price, who does a great job for you. But you all  
5 do a great job. We appreciate all you do for the  
6 citizens of Philadelphia. Thank you.

7 DISTRICT ATTORNEY WILLIAMS: Thank you very  
8 much. I appreciate it.

9 COUNCILMAN GREENLEE: This Committee will  
10 stand in recess until Tuesday, April 22 at  
11 10:00 a.m. At which time, we will reconvene in  
12 Room 400 City Hall. And hopefully, it won't be  
13 freezing then.

14 Thank you.

15 - - -

16 (At this time, the Committee of the  
17 Whole adjourned at 3:29 p.m.)

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C E R T I F I C A T I O N

I, hereby certify that the  
proceedings and evidence noted are  
contained fully and accurately in the  
stenographic notes taken by me in the  
foregoing matter, and that this is a  
correct transcript of the same.

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Court Reporter - Notary Public

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