

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE OF THE WHOLE

Room 400, City Hall  
Philadelphia, Pennsylvania  
Tuesday, May 5, 2015  
10:35 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE  
COUNCILWOMAN JANNIE BLACKWELL  
COUNCILMAN W. WILSON GOODE, JR.  
COUNCILMAN WILLIAM K. GREENLEE  
COUNCILMAN CURTIS JONES, JR.  
COUNCILMAN ED NEILSON  
COUNCILMAN DENNIS O'BRIEN  
COUNCILMAN DAVID OH  
COUNCILMAN MARK SQUILLA

BILLS 150162, 150163, and 150164  
RESOLUTION 150179

- - -

1  
2 COUNCIL PRESIDENT CLARKE: Good  
3 morning, everyone. This is the public  
4 hearing of the Committee of the Whole  
5 regarding Bills No. 150162, 150163,  
6 150164, and Resolution 150179.

7 Ms. Lewis, please read the  
8 titles of the bills and resolution.

9 MS. LEWIS: Bill No. 150162, an  
10 ordinance to adopt a Capital Program for  
11 the six Fiscal Years 2016 through 2021  
12 inclusive.

13 Bill No. 150163, an ordinance  
14 to adopt a Fiscal 2016 Capital Budget.

15 Bill No. 150164, an ordinance  
16 adopting the Operating Budget for Fiscal  
17 Year 2016.

18 And Resolution No. 150179,  
19 providing for the approval by the Council  
20 of the City of Philadelphia of a Revised  
21 Five Year Financial Plan for the City of  
22 Philadelphia covering Fiscal Years 2016  
23 through 2020, and incorporating proposed  
24 changes with respect to Fiscal Year 2015,  
25 which is to be submitted by the Mayor to

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        the Pennsylvania Intergovernmental  
3        Cooperation Authority (the "Authority")  
4        pursuant to the Intergovernmental  
5        Cooperation Agreement, authorized by an  
6        ordinance of this Council approved by the  
7        Mayor on January 3rd, 1992 (Bill No.  
8        1563-A), by and between the City and the  
9        Authority.

10                COUNCIL PRESIDENT CLARKE:

11        Thank you, Ms. Lewis.

12                Today we continue the public  
13        hearing of the Committee of the Whole to  
14        consider various bills read by the Clerk  
15        that constitute proposed operating and  
16        capital spending measures for Fiscal Year  
17        2016, a Capital Program and a  
18        forward-looking Capital Plan for Fiscal  
19        2016 through Fiscal 2021.

20                Before we move on with the  
21        testimony from the First Judicial  
22        District, we have some housekeeping that  
23        we have to handle for our budget process.  
24        We will be offering an amendment to the  
25        Capital Program and Capital Budget from a

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       timing perspective to comply with the  
3       30-day window.

4               So at this time, I will go into  
5       the public meeting very briefly so I can  
6       offer these four amendments to the  
7       Capital Program and Capital Budget.  
8       These amendments are to delay by one  
9       fiscal year that proposed purchase of new  
10      voting machines, to provide capital  
11      funding to the Free Library of  
12      Philadelphia. The first amendment will  
13      move from Fiscal 2016 to Fiscal 2017 and  
14      22 million in proposed capital funding to  
15      replace City voting machines.

16      Notwithstanding testimony that was  
17      presented to provide the rationale for  
18      this expenditure, this Councilmanic body  
19      has reservations about making such a  
20      large expenditure on equipment that is  
21      less than ten years old. This is  
22      especially so given the other capital  
23      needs of existing municipally owned  
24      buildings. This delay will give us the  
25      time to consider this capital request

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       more fully.

3               The remaining amendment will  
4       restore to the Fiscal 2016 Budget and  
5       Program the Fiscal 2015 capital  
6       appropriation of \$2,400,000 to the Free  
7       Library of the City of Philadelphia to  
8       match a Redevelopment Authority Capital  
9       Program, also known as RCAP, grant that  
10      will launch the 21st Century Libraries  
11      Initiative, resulting in the renovation  
12      of every library in the neighborhood.  
13      The funding will allow for initial  
14      construction on four branches, providing  
15      for handicap accessibility to the  
16      facilities; a mix of private and communal  
17      spaces that will allow patrons to take  
18      full advantage of the Free Library's  
19      healthcare, educational, and job search  
20      resources; and an improved children's  
21      space and newly designed teen areas.

22              The reason why these amendments  
23      are being offered at this time is that  
24      the City Home Rule Charter spells out the  
25      requirements for any changes that are to

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       be made to the Capital Program. Before  
3       Council can enact an amendment to the  
4       Capital Program, we must first request  
5       through the Mayor the recommendation of  
6       the City Planning Commission. The  
7       Commission has 30 days in which to  
8       respond with its recommendation, so I  
9       want to start the clock running now.

10               And right now all the members  
11       have copies of the amendments. Thank  
12       you.

13               At this time, Councilman Jones  
14       will offer these amendments on my behalf.  
15       I will not be requesting a vote on the  
16       amendments. My intent is to get these  
17       amendments in the record.

18               COUNCILMAN JONES: Thank you.  
19       I offer proposed amendments to Bills No.  
20       150162 and 150163 and request that no  
21       vote be taken on them at this time.

22               (Duly seconded.)

23               COUNCIL PRESIDENT CLARKE: No  
24       vote. Just offering the amendment; no  
25       vote.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   All right. And we will see the  
3 stenographer receives a copy of both of  
4 the amendments so that it will be made  
5 part of the record.

6                   We will now go back into our  
7 public hearing. Thank you all very much.

8                   Today we will hear testimony  
9 from the following City departments: The  
10 First Judicial District, the District  
11 Attorney, and the Law Department.

12                   Please come forward.

13                   (Witnesses approached witness  
14 table.)

15                   JUDGE WOODS-SKIPPER: Good  
16 morning, Council President Clarke and  
17 members of City Council. I am honored to  
18 appear before you as President Judge of  
19 the Court of Common Pleas for the First  
20 Judicial District. I look forward to  
21 working with each of you individually and  
22 collectively towards the betterment of  
23 our courts and the City. I will speak to  
24 you briefly on some of the highlights and  
25 successes of our Court.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   The First Judicial District has  
3       had so many successes over the past year  
4       that I will just limit my comments to a  
5       brief outline. The Chair of the  
6       Administrative Governing Board and the  
7       Administrative Judge for the Trial  
8       Division, Judge Kevin Dougherty, who  
9       oversees our budget, and our other  
10      administrative judges, Judge Margaret  
11      Murphy, who joins me at the table, and  
12      Judge Carrafiello, who sits in the  
13      background, will discuss with you in more  
14      detail the savings and the contributions  
15      of the Court of Common Pleas.

16                  The First Judicial District  
17      continues to strive to be fiscally  
18      responsible and create efficiencies in  
19      every division of our Court. Each of our  
20      administrative judges work diligently  
21      with their assigned judges to ensure that  
22      we are transparent and accountable.

23                  While because of time  
24      constraints I cannot highlight every  
25      successful venue of the Court, I have



1       5/5/15 - WHOLE - BILL 150162, etc.  
2       selected a few to just give you a flavor  
3       for the mix of creativity, interest in  
4       promoting public safety and justice in  
5       allowing the First Judicial District to  
6       rise above and beyond expectations and  
7       standards.

8               First, the use of video  
9       conferencing continues to provide both  
10      costs and time savings to the Court.  
11      Fewer prisoners are transported, child  
12      witnesses can feel more comfortable when  
13      testifying, and security issues are  
14      addressed by this effective tool.

15             Inactive voice response and  
16      robo calls notify and remind defendants  
17      of court dates and payment. Most  
18      courtrooms are paperless, using  
19      electronic filings and document  
20      management systems in all divisions of  
21      our courts. Our case management programs  
22      in each division continue to provide  
23      swift and efficient resolution of cases.

24             Our Commerce Court focuses on  
25      disputes among commercial entities

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       involving judges who specialize in  
3       resolving these issues to address  
4       companies that conduct businesses in  
5       Philadelphia. It also, through the  
6       Sequestration Program, collects back  
7       taxes, half of which benefit our public  
8       school system.

9               The Residential Mortgage  
10       Foreclosure Diversion Program is designed  
11       to reduce mortgage foreclosures by  
12       connecting the homeowner and the mortgage  
13       company. This program provides  
14       appropriate counseling and reconciliation  
15       conferences and is still going strong and  
16       maintains a national and international  
17       reputation. Created by now retired Judge  
18       Annette Rizzo and now led by Judge  
19       Roselyn Robinson, 5,345 new cases were  
20       processed in 2014 and over 6,000 cases  
21       were disposed of.

22               We continue to use electronic  
23       monitoring to supervise pretrial and  
24       posttrial defendants as well as juvenile  
25       delinquents who are using GPS monitoring

1 5/5/15 - WHOLE - BILL 150162, etc.

2 as an alternative to placement.

3 The First Judicial District  
4 Mental Health Court continues to thrive.  
5 Since its inception in 2009, thousands of  
6 cases have been reviewed. Led by me, the  
7 President Judge, the First Judicial  
8 District Mental Health Court provides an  
9 alternative to incarceration for  
10 offenders with mental health, with mental  
11 illness, and co-occurring disorders by  
12 preparing them for reentry into more  
13 effective treatment modalities in  
14 supervised community settings. The  
15 Mental Health Court aims to reduce jail  
16 population and criminal justice costs by  
17 balancing justice, treatment, and public  
18 safety. It is a reentry program that  
19 provides a unique collaborative approach  
20 which combines intensive wrap-around  
21 services for the individuals that  
22 participate. This includes the  
23 collaborative efforts of both the  
24 Department of Behavioral Health, the  
25 Prisons, the courts, the Defenders

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        Association, and the District Attorney's  
3        Office. This demonstrates the joint  
4        commitment of each of our justice  
5        partners to protect the interest of  
6        public safety while lowering the criminal  
7        recidivism rate for individuals with  
8        severe mental illness involved with the  
9        criminal justice system.

10                There are currently over 300  
11        participants in our program. The Mental  
12        Health Court continues to grow, even with  
13        fewer resources and higher demand for  
14        limited services, housing, and placement.  
15        As we become more aware of mental health  
16        issues resulting in criminal charges, we  
17        must be prepared to meet the demand. It  
18        not only saves prison costs, but it  
19        reduces crime and saves lives.

20                In Juvenile, the Project START  
21        truancy and collaborative effort to  
22        reduce chronic truancy and increase  
23        attendance allows court participation by  
24        ordering appropriate service to help  
25        families. Through service in the

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           community and community outreach efforts,  
3           Juvenile Probation stays connected to the  
4           community, sponsoring back-to-school  
5           supply drives and the like.

6                     The Juvenile Treatment Court,  
7           led by Judge Frank Reynolds, celebrated  
8           ten years of having positive impacts for  
9           youth struggling with substance abuse.

10                    The Juvenile Human Trafficking  
11           Court, called WRAP, Courts Working to  
12           Restore Adolescents' Power, is a  
13           relatively new program and it's gaining  
14           national acclaim in its efforts to  
15           service and counsel youth who have been  
16           victimized by human trafficking. Led by  
17           Judge Lori Dumas, it seeks to provide  
18           alternatives to the criminalization of  
19           minors of sex trafficking by providing  
20           specialized trauma-informed treatment to  
21           victims in the least restrictive and most  
22           holistic environment, promoting treatment  
23           and feeling.

24                    The Domestic Relations finds  
25           our courts are involved with other

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           agencies in an effort to find the  
3           frequent child support data and matches  
4           to insurance awards settlement. It also  
5           partners with other agencies to provide  
6           job training and job searches for  
7           obligors -- those obligated for child  
8           support payments in an effort to increase  
9           child support payments.

10                   In order to ensure access to  
11           justice, both language and sign  
12           interpreters are available for all court  
13           proceedings. A newly created health  
14           center in Family Court assists litigants  
15           with forms and processes, providing  
16           better access to the court system.

17                   Speaking of the health center,  
18           the Orphans Court is seeking to provide a  
19           volunteer guardians assistance program to  
20           review and advise guardians and provide  
21           training and support. It is hopeful that  
22           a position of guardianship investigator  
23           will be created to review guardianship,  
24           annual reports, and questionable behavior  
25           in non-compliance of guardians.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   Our Probation Department  
3       remains current as a result of receiving  
4       a Bureau of Justice grant to improve  
5       supervision technique and addressing  
6       criminogenic needs. They also use  
7       evidence-based practices in motivational  
8       interviewing. The Court is proactive in  
9       addressing the needs of the elderly.  
10      Armed with the results of the Supreme  
11      Court Task Force on the Elderly, the  
12      Court is actively engaged in exploring  
13      the development of an Elder Court. This  
14      is an effort to ensure equal justice and  
15      reduce continued victimization due to  
16      long delays and inconvenience in the  
17      courtroom.

18                   So as you can see by these  
19      highlights, the First Judicial District  
20      is on the move. These are just a few  
21      examples of the fine work our judges,  
22      administrators, and staff are performing.  
23      From children, juveniles to elders, the  
24      First Judicial District is poised and  
25      prepared to move forward with new,

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       creative, cost-efficient technology found  
3       and inspirational program for the Court.  
4       As President Judge, I have reinvigorated  
5       the committees of the Board of Judges so  
6       that they are more inclusive and  
7       diversive and that they work for the  
8       betterment of the Court. I have created  
9       new committees, including Strategic  
10      Planning and Succession, Public Relations  
11      and Community Affairs, Witness  
12      Intimidation, Technology, Elder Court,  
13      Women's Initiatives, and Access to  
14      Justice. This Administration is  
15      determined to be transparent and  
16      accountable while providing access to our  
17      courts. We welcome you to join with us  
18      as we envision a whole new way of  
19      providing justice for all.

20               Thank you for the opportunity  
21      to present this information, and I look  
22      forward to a strong and productive  
23      partnership. I now invite Administrative  
24      Judge of the Trial Division and Chair of  
25      the Administrative Governing Board, Kevin



1 5/5/15 - WHOLE - BILL 150162, etc.

2 Dougherty, to provide additional  
3 information concerning our budget and on  
4 the First Judicial District.

5 Thank you.

6 COUNCIL PRESIDENT CLARKE:

7 Thank you, Your Honor.

8 Good morning.

9 JUDGE DOUGHERTY: Good morning.

10 Good morning, Council President, members  
11 of Council. As you know, I'm Kevin  
12 Dougherty. I am currently the  
13 Administrative Judge of the Trial  
14 Division and I have the good fortune of  
15 being the Chair of the Administrative  
16 Governing Board. As Chair and as  
17 Administrative Judge, I sit here proudly  
18 to speak on behalf of all the  
19 hard-working, dedicated women and men  
20 judges in the City of Philadelphia, as  
21 well as the administrators but, most  
22 importantly, our staff, that being those  
23 members who are comprised of DC33, which  
24 is Local 696, as well as AFSCME 47, which  
25 is our Local 810 and 2186. Together, the

1           5/5/15 - WHOLE - BILL 150162, etc.

2           First Judicial District is advancing the  
3           interests of all Philadelphia children,  
4           families, and those who need the services  
5           of the Court.

6                     Our mission, as you know, for  
7           the Court is to adjudicate cases  
8           according to their jurisdiction and to  
9           ensure fair, timely, and accessible  
10          justice to the citizens and litigants in  
11          the City and County of Philadelphia.  
12          Today, I'm here to outline how the  
13          Philadelphia Judiciary contributes to  
14          this budget, how we are fiscally  
15          responsible as a partner in government,  
16          how we achieve efficiencies within our  
17          system, and how we provide extraordinary  
18          services for our children. We were quite  
19          pleased to receive information from the  
20          City asking us to take those three  
21          highlights - fiscal responsibility,  
22          achieving efficiencies, investing in our  
23          children.

24                    First and foremost, I think  
25          this Council body needs to understand

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           that our Fiscal Year 2016 budget is \$168  
3           million, consisting of \$110.3 million for  
4           our General Fund and 58.3 for grants and  
5           revenues, and it is awaiting your  
6           approval.

7                     I also must share with you, in  
8           large measure this budget and the monies  
9           generated, in fact, it largely is  
10          contributed by the Court. The FJD  
11          generates \$51 million that's credited to  
12          the General Fund from our filing fees,  
13          our fines and costs, which are  
14          approximately \$35.8 million, and  
15          reimbursements, which approximates 15.9  
16          million. In addition, the FJD saves this  
17          City and its agencies nearly 5.5 million  
18          annually by waiving the filing fees in  
19          the Court of Common Pleas and the  
20          Municipal Court, as well as 3.1 million  
21          Law Library fees. As a consequence, of  
22          the total of \$168 million budget request,  
23          the FJD is really only seeking \$49.8  
24          million.

25                    With regard to fiscal

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       responsibility, I think that pretty much  
3       sums up how hard-working -- not only are  
4       we a court that is dedicated to servicing  
5       the people of Philadelphia and those who  
6       use our system, but we're also  
7       contributing monetarily back to the  
8       system to help generate the ability for  
9       us to think forward and move. As our  
10      President Judge has indicated, we are a  
11      strong, unified judiciary with the best  
12      interest of all who enter our system. It  
13      is with your good blessings and your  
14      approval of our budget, it is the only  
15      way we will continue to service those who  
16      need the court systems the most.

17               With regard to other  
18      efficiencies within the system, I must  
19      share with you, we have now the use of  
20      video conferencing, which has been proven  
21      to be an effective and cost-saving  
22      measure. During 2014, the criminal  
23      courts conducted 5,503 video  
24      conferencing, saving the City an  
25      estimated \$403,000 in prisoner

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       transportation costs. Instead of  
3       bringing them down, we're now able to  
4       have arraignment and discussion while the  
5       individual is on State Road or elsewhere.

6               We also have initiated our  
7       interactive voice response and robo  
8       calls, which notify the defendants of  
9       upcoming court dates and how we accept  
10      payments. That is a service that we're  
11      providing so that we will not have  
12      unfortunate bench warrants or the misuse  
13      of our employees for services or for the  
14      retraction of these individuals who may  
15      not have received appropriate notice.  
16      Considering that we know in the City of  
17      Philadelphia we are the largest poorest  
18      city in the country, we must take that  
19      into consideration, that when we serve  
20      our people, we are serving all people.  
21      However, when we look at one out of every  
22      three children in our cities, they walk  
23      the lines of poverty, one out of every  
24      four adult. We cannot incarcerate nor  
25      issue bench warrants for their inability

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           to have the appropriate funds to take  
3           transportation to our court system, yet  
4           they must appear in our court system to  
5           adjudicate their matters efficiently and  
6           effectively.

7                       With regard to the most  
8           important, I must share with you, is the  
9           investment in our children. As you know,  
10          I have been a staunch advocate for the  
11          most at-risk, vulnerable, poor, and  
12          working poor as well as the working  
13          children and families that make up our  
14          city, and I am proud to share with you  
15          that the accomplishments of the  
16          Philadelphia Family Court under the  
17          administration of Judge Margaret Murphy  
18          and under my leadership, we have done  
19          very effective and progressive reforms,  
20          which really we are investing in our  
21          children.

22                      For example -- and I should  
23          give you a highlight. Years ago, we  
24          worked collaboratively with various  
25          groups and we created a Sports for

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           Justice initiative. In 2014, we had 290  
3           court youth involved in Sports for  
4           Justice programs. We worked with the  
5           University of Pennsylvania, the Palmer  
6           Group, the U.S. Attorney's Office, our  
7           Juvenile Probation and the Department of  
8           Human Services. In 2014, we were able to  
9           introduce our children in court-involved  
10          activities with the First Tee Golf,  
11          Legacy Tennis, Katie at the Bat, Village  
12          of Champions, Philadelphia City Rowing,  
13          Squash, Youth Starz Basketball League.  
14          We were able to take our children and  
15          introduce them to sports that have not  
16          arguably been urban centric.

17                 I can share with you, years ago  
18          I picked an article up out of the  
19          Inquirer and it said an interesting  
20          survey was those children in the urban  
21          environment have the same dreams as those  
22          children in the suburban environment.  
23          While I thought it was meant to be  
24          flattering, I found it most insulting,  
25          and as a result, we were able to reach

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       out and make sure that our children with  
3       the same dreams, hopes, and ideals were  
4       also able to participate effectively and  
5       efficiently in those sports that are not  
6       commonly considered, quote/unquote,  
7       urban, yet our children have not only  
8       engaged, they've aspired and succeeded,  
9       and we're very fortunate that we're  
10      taking our children from our system and  
11      enlightening them with the opportunity to  
12      learn teamwork, sportsmanlike conduct,  
13      and an understanding of responsibility  
14      not only for themselves but for others  
15      and in the community.

16               Also we have developed some  
17      summer jobs for our youth in our system.  
18      Last year we worked well with the  
19      Philadelphia Youth Network and we worked  
20      with Work Ready and DHS, and we had 134  
21      summer jobs for our youth in the Juvenile  
22      Justice Program. I think that's  
23      fantastic. Too often we read about the  
24      failures of our children and the failures  
25      of our system and we do not accentuate or



1        5/5/15 - WHOLE - BILL 150162, etc.  
2        advance the successes of our children and  
3        our families. It's wonderful to know  
4        that we had 134 children who were alleged  
5        to be delinquent actually worked, made  
6        money, and paid taxes.

7                We also have a program with our  
8        School District. We work with the  
9        Mayor's Office of Grants, the  
10       Philadelphia Police Department, the  
11       School District, and DHS and we have a  
12       grant-funded program called School  
13       Justice Collaboration: Keeping Kids in  
14       School and Out of Court. The program has  
15       diverted 264 students since May 2014  
16       through intervention, conflict  
17       resolution, and mediation service. We've  
18       had the good fortune and the benefit of  
19       working with the leadership of the  
20       Philadelphia Police Department under the  
21       leadership of Commissioner Ramsey and  
22       Commissioner Bethel and all of them,  
23       Ross. You name it, these officers have  
24       worked steadfastly with the Philadelphia  
25       Family Court and the First Judicial

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       District to advance the health and  
3       welfare of our children by making sure  
4       those low-risk individuals who may have  
5       been caught up in our system have an  
6       opportunity to remove themselves from our  
7       system, be rehabilitated, and enter our  
8       environment once again as a happy  
9       individual, able to enjoy their life such  
10      as we hope.

11               I must also share from another  
12      perspective, our Civil Commerce Court has  
13      introduced the City's petition to appoint  
14      a receiver and sequester to manage  
15      abandoned commercial properties against  
16      tax liens, and as a result, in the last  
17      18 months, we have obtained over \$13.8  
18      million in back taxes. But one of the  
19      greatest accomplishments that I find for  
20      Philadelphia and our First Judicial  
21      District started in the Philadelphia  
22      Family Court, and it's my hope and vision  
23      to expand it to the Adult Division. We  
24      introduced GPS.

25               As a result of GPS and working

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           with a particular provider, we were able  
3           to take our children and place them on  
4           electronic monitoring, GPS, which would  
5           track them every five seconds as opposed  
6           to electronic monitoring, which is an  
7           outdated system, which requires a land  
8           line in your home. As I indicated, we  
9           are a poor city and many of our families  
10          no longer have land lines because they  
11          cannot afford it. We do not need those  
12          land lines.

13                 As a result of our initial  
14          investment from DHS, we were able to keep  
15          our children from detention as a result  
16          of knowing where they are. So not only  
17          was it a preventive aspect of Juvenile  
18          Probation, but it was also a  
19          dispositional tool in which instead of  
20          placing our children, we were able to put  
21          them on GPS and place them in the home  
22          and know exactly when they were going to  
23          school. As a result or in lieu of paying  
24          detention costs at the detention center,  
25          which could range anywhere from \$300 to

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           \$500 a day, we were paying \$6.75 for the  
3           bracelet, and we have improved the  
4           technology. As a result, over the course  
5           of some years, I believe the first  
6           year -- we were at two years -- we saved  
7           the City \$5.5 million. I believe we're  
8           up to 7 point some million dollars.

9                       While I have not requested  
10          additional monies in this current budget,  
11          it's my hope and desire and my vision to  
12          utilize GPS in Adult Probation. We work  
13          hand in glove with our system partners  
14          and our prisons. We're all concerned  
15          about the length of stay while we have  
16          individuals incarcerated, and as a result  
17          of those individuals who may not be able  
18          to meet the bail requirement as  
19          established by statute and rule, we can  
20          put them on GPS. So we're looking to  
21          save not only detention costs and  
22          transportation costs, but it's the right  
23          thing to do.

24                      The First Judicial District is  
25          aspiring to seek approximately \$1 million

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        from this body for future use or for  
3        working, I should say, collaboratively  
4        with you all so that we can implement  
5        this now into our system. Considering  
6        the monies that we've saved the City  
7        through our innovative programs, I'm  
8        hoping that you may be able to invest  
9        once again with the First Judicial  
10       District, because I can assure you the  
11       return on your investment is not only  
12       fiscally responsible, it's socially  
13       conscionable, and it must be done.  
14       That's my perspective. I'll leave it to  
15       you all to sit and discuss it with us.

16                I must also share with you  
17       another great accomplishment that the  
18       First Judicial District can stand above  
19       the rest of Pennsylvania, maybe  
20       nationally, and that is our partnership  
21       with the Philadelphia District Attorney's  
22       Office and the Philadelphia Public  
23       Defender service. As a result of our  
24       collaboration, despite the harrowing  
25       experience of Luzerne County, which is

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       known as the kids-for-cash, I had a  
3       personal experience that I'd like to  
4       share. I one time received a phone call  
5       from a public defender who indicated that  
6       a young African American woman who had  
7       just been accepted to medical school was  
8       being denied admission because of,  
9       quote/unquote, misinformation on her  
10      application. It was that she indicated  
11      she had no record when there was in fact  
12      a juvenile record.

13                When we searched our records,  
14      we realized the record was expunged.  
15      However, based upon the antiquated and  
16      pre-historic system that was in place,  
17      they destroyed the record. So we had no  
18      proof to indicate that this individual in  
19      fact had a record expunged. That  
20      individual, that young lady, was denied  
21      an access to medical school. Who knew.  
22      Maybe she'd have cured cancer for us.  
23      But what it caused me to do was to sit  
24      down with our partners, and I must share  
25      with you, the District Attorney's Office

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           and the Public Defenders Office, we  
3           worked incredibly well and in the last  
4           two years, closer to three years, we  
5           developed a process in which the Court  
6           has expunged over 7,000 juvenile records.  
7           That means 7,000 of our children have an  
8           opportunity to succeed without the stigma  
9           of an adjudication of delinquency. It's  
10          the right thing to do, but it shares with  
11          you what can be accomplished in this city  
12          through the court system when you work  
13          with major partners such as our District  
14          Attorney, Seth Williams, or Ellen  
15          Greenlee, who is our Defender.

16                 I'm proud of these  
17          accomplishments, but this is only the tip  
18          of the iceberg. If this Council deems us  
19          worthy and deems us based upon our proven  
20          track record of additional funding, I can  
21          assure you not only as the Administrative  
22          Judge and as the Chair but as a citizen  
23          of this great city that we would use  
24          those funds wisely, efficiently,  
25          effectively, and the only people to

1 5/5/15 - WHOLE - BILL 150162, etc.

2 benefit would be those who need us most.

3 Thank you for this opportunity  
4 to address you all, and we're open to any  
5 questions should you have.

6 COUNCIL PRESIDENT CLARKE:

7 Thank you. Thank you, Your Honor.

8 We usually have our props up  
9 there. A little late going up. You did  
10 mention a couple of things. In the  
11 Council we have been having this  
12 discussion about schools. Pretty much  
13 everybody is in this electoral season.  
14 And one of the things that we recognize  
15 and you referenced it in your testimony  
16 in particular, Judge Dougherty, about the  
17 support for juveniles and providing job  
18 opportunities for young people, and it's  
19 our thought and when we look at the  
20 School District's budget is that a lot --  
21 I'd say over half of the things that are  
22 listed by category are things that other  
23 departments or other entities provide  
24 support for. The challenge is is that  
25 there's no coordination between, say, for



1           5/5/15 - WHOLE - BILL 150162, etc.  
2           instance, DHS and all the other things.  
3                   I got my little props here.  
4           We're going to make sure that you all  
5           have copies. The School-Based Family  
6           Services, and obviously a part of Family  
7           Court plays an integral role, and I guess  
8           what we want to do -- and you kind of  
9           referenced it in your testimony  
10          already -- to see if you would be willing  
11          to participate in the implementation of  
12          this program. To date, we've gotten a  
13          lot of positive response. The  
14          universities are very interested in  
15          participating.

16                 Some of the shortages in the  
17          School District, as we all know, are  
18          counselors, healthcare, social services.  
19          Clearly, Family Court can play a role.  
20          So we're looking to attempt to integrate  
21          these services and, if at all possible,  
22          provide a significant amount of these  
23          services on site. Our position is that  
24          there's a school in every neighborhood,  
25          and that should be the focal point of

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       every neighborhood. So wherever  
3       possible, if we can have services in that  
4       school or in proximity to that school, it  
5       will provide a service delivery model.

6               After that long statement, I  
7       guess my question is -- and I understand  
8       that you haven't seen the proposal --  
9       would you be willing to entertain the  
10      possibility of providing some services  
11      out in some of these neighborhood  
12      community schools to support families and  
13      children?

14             JUDGE DOUGHERTY: Philadelphia  
15      Family Court has dedicated itself to  
16      making sure that each and every at-risk  
17      vulnerable child has an opportunity or  
18      anyone that walks through our system. We  
19      have already laid the groundwork not only  
20      with the Department of Human Services but  
21      with the Philadelphia School District in  
22      the development of a memorandum of  
23      understanding, so that we can share the  
24      necessary information with each system  
25      partner to effectively and efficiently

1 5/5/15 - WHOLE - BILL 150162, etc.

2 address the needs of all our children.

3 You must also understand, we're  
4 too busy doing and we don't have enough  
5 time sharing or enlightening the public  
6 as to what actually occurs in the  
7 Philadelphia Family Court. We dedicate  
8 ourselves. We work hand in glove with  
9 the systems. We're working with them,  
10 and the Court is not the bastion of last  
11 resort. We have created the Prevention  
12 Service Unit in which we work -- we are  
13 working well with the Department of Human  
14 Services. This city is fortunate to have  
15 millions of dollars of community-based  
16 services. However, the stigma attached  
17 means you either have to be arrested or  
18 you have to be taken in by DHS before you  
19 have access, which is not true. We're  
20 doing really well. We've created  
21 specialty courts like the Crossover Court  
22 in which we're taking delinquent youth  
23 and we're trying to get them the  
24 services, so that we don't have to judge  
25 them delinquent youth nor have them

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           penetrate our dependent system. We are  
3           doing phenomenally well. Unfortunately  
4           as a lack of sustained funding or money,  
5           we don't have the technology to track the  
6           outcomes, but we anecdotally can tell you  
7           thousands of children have been -- have  
8           avoided adjudication delinquency.

9                     Most people, not only in  
10          Philadelphia, in Pennsylvania, don't  
11          realize that if you're 14 years or older  
12          and you're a judge delinquent of a  
13          felony, you're a convicted felon the rest  
14          of your life. As a result, we take your  
15          fingerprints, we take your photographs,  
16          and we take your DNA and charge you \$250.  
17          Should you not pay, we can hold you in  
18          contempt and create debtors prison, which  
19          we do not do.

20                    But also our prisons are so  
21          overcrowded, primarily with people of  
22          color, that the system has created the  
23          prior record score. The most points one  
24          can acquire would be six in their life.  
25          Stealing a car is one. Selling drugs,

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       two. Fighting in school could be  
3       anywhere from three to six. What we've  
4       created was a system in which our  
5       children are acquiring six points headed  
6       to State Road where our prisons are as  
7       opposed to State College where we would  
8       like them to be.

9               So we have worked arduously  
10       with all the system holders to make sure  
11       that we have a plethora of diversion  
12       programs and making sure that our School  
13       District provides not only a free but an  
14       appropriate education for our children,  
15       whether they're on probation or placed  
16       and returned back to Philadelphia.

17              Long answer is, I welcome any  
18       opportunity to work with the Philadelphia  
19       School District if it's going to advance  
20       the education as well as the health and  
21       welfare of any child.

22              COUNCIL PRESIDENT CLARKE:  
23       Thank you.

24              JUDGE DOUGHERTY: So, yes. And  
25       I must also defer to the Administrative

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           Judge of the Family Division, Judge  
3           Murphy, and I'm sure she too is a strong  
4           proponent of working collaboratively with  
5           anybody that is willing to work with us.

6                       COUNCIL PRESIDENT CLARKE:

7           Okay. Thank you.

8                       And the second part of that  
9           conversation has centered around where do  
10          we send the money. Every year this  
11          Council has stepped to the plate, and  
12          over the last four years we've  
13          appropriated upwards of \$375 million in  
14          additional annualized funding to the City  
15          of Philadelphia School District and,  
16          frankly speaking, I can speak for myself,  
17          I have no idea where that money goes and  
18          what the priorities are with respect to  
19          that money. And during the course of the  
20          conversation, it increasingly appears  
21          that a number of these services that the  
22          School District should or would like to  
23          provide are actually available in various  
24          departments. And the question arose  
25          during some earlier testimony if we were

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       to provide additional money to that  
3       department; as an example, Community  
4       College in the dual enrollment courses  
5       that allows a young person to enroll in  
6       11th grade, 12th grade to enroll in  
7       college for credits at the same time that  
8       they're getting their credits in high  
9       school and they graduate with college  
10      credits when they graduate from high  
11      school. Some of us -- and I can speak  
12      for myself. I'd rather send that money  
13      to Community College and have them run  
14      the program as opposed to send it up to  
15      400 North Broad. I have no idea where  
16      it's going.

17                So that's the kind of  
18      conversation that we would like to have.  
19      If I have to put additional money, I'd  
20      rather put it in a place where I know  
21      it's going to be --

22                JUDGE DOUGHERTY: It's a timely  
23      conversation. I must share with you just  
24      recently about -- we're probably into it  
25      a year, possibly two years, where

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       legislation has changed in which children  
3       who have been in our dependent system  
4       that left six months before their 18th  
5       birthday or at 18, if they want to come  
6       back into our system, we can accept them  
7       in our system, and a condition is that  
8       they have some form of education.

9                       So we're talking about those  
10      individuals in our foster care system  
11      that ultimately are put outside, and  
12      they're the individuals that become  
13      homeless or become incarcerated or drug  
14      addicted. We've now created a safety  
15      net, and we're hearing those cases and  
16      we're bringing those children, those  
17      young adults, back into our system for  
18      the purposes of not having them penetrate  
19      the dependency system to be placed in  
20      foster care, but to assist them and  
21      gather the necessary competencies to  
22      succeed.

23                      A program such as you suggested  
24      would require Philadelphia Family Court  
25      to be at that seat so that we can make



1       5/5/15 - WHOLE - BILL 150162, etc.  
2       sure that our children in our dependency  
3       system, all our children, have the same  
4       access to that free education at  
5       Community College that any other child  
6       does. So we would welcome that  
7       opportunity.

8               Wherever the money goes is a  
9       choice for the legislators. The children  
10      and the young adults that come through  
11      that system, you must not forget the  
12      court-involved kids. Too often they want  
13      to take our children and dismiss them as  
14      the bad kids. Our kids are good kids who  
15      got caught up in a bad way. If they're  
16      bad kids or behaviorally challenged,  
17      we'll place them somewhere, but we'll  
18      educate them. We'll get the necessary  
19      physical and mental health, and then  
20      they're coming back one day to be Council  
21      President maybe. So we're there with  
22      you.

23              COUNCIL PRESIDENT CLARKE: One  
24      of these days there will be a vacancy in  
25      that seat.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   COUNCILMAN NEILSON: Not this  
3       year.

4                   COUNCIL PRESIDENT CLARKE: Not  
5       this time. Get that pension structured  
6       properly.

7                   Thank you, Your Honors.  
8                   The Chair recognizes Councilman  
9       Jones.

10                  COUNCILMAN JONES: And for the  
11       record, there is no vacancies in that  
12       seat.

13                  JUDGE DOUGHERTY: I said one  
14       day.

15                  COUNCILMAN JONES: On the  
16       record.

17                  Thank you. I don't know if  
18       it's me, Council President, every year  
19       I'm more encouraged, more encouraged by  
20       your testimony since I've been here about  
21       progress, sometimes small, sometimes  
22       large, and what the courts are doing in a  
23       tough job to be able to deal with not the  
24       best part of society often, it's our  
25       uglier parts that have to be attended to,

1 5/5/15 - WHOLE - BILL 150162, etc.

2 but I always get a better feeling that we  
3 are moving in the right direction when I  
4 hear your testimony, so thank you for  
5 that.

6 A couple of things I'm  
7 intrigued about. I've heard the long  
8 list of -- partial list of  
9 accomplishments. I would like to spend  
10 my time on the questioning talking about  
11 the electronic monitoring and what the  
12 potential -- highlight those potential  
13 savings and say for the record that each  
14 year you come back with a savings,  
15 whether it's Mental Health Court, whether  
16 it's Veterans Court, whether it's this or  
17 that, and then we don't make the gesture  
18 to incentivize that by giving a portion  
19 of that back to the Administration to be  
20 able to further find better ways to  
21 deliver services. So we need to at some  
22 point do something different. If you  
23 save 5 million, you should get 20 percent  
24 of that to go and find another 5 million  
25 that might reduce costs.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   But let's just focus on the  
3       electronic monitoring and the difference  
4       for me between those costs and then also  
5       as we evolve GPS. Can you talk about  
6       that.

7                   JUDGE DOUGHERTY: Sure. We  
8       used a pilot in the Philadelphia Juvenile  
9       Probation Department. At the time to  
10      place a child at the then Youth Study  
11      Center, it costs approximately, I'd say,  
12      \$500 a day. We worked with this agency  
13      and we were able to develop a GPS system  
14      in which I paid \$6.75 for the actual  
15      bracelet or use of the bracelet. Now,  
16      there had to be an advanced monies for  
17      the use of the technology and the  
18      computer system and the personnel to  
19      track, but we track our children every  
20      five seconds. Not only does it prevent a  
21      detention initiative, it also assists in  
22      crime prevention generally, because we're  
23      able to determine where our children are.  
24      It has been used both by prosecution and  
25      by defense in cases of allegations of

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           arrest or other criminal conduct.

3                   But when you aggregate those  
4           monies and you really look at the monies  
5           that we're saving, it's doing a  
6           phenomenal job, and it's the right thing  
7           to do.

8                   But from a very practical  
9           approach, I must share with you, when  
10          we're taking a child and he or she may  
11          have been accused of a sexual offense,  
12          historically that individual must be  
13          detained as a result of not being able to  
14          return to the home in which the  
15          perpetrator and the victim reside.

16                   Truth be told, because of these  
17          types of offenses, we are prone not to  
18          trust at this point. While there's a  
19          presumption of innocence for every  
20          individual arrested, we must also take  
21          into account community safety. And when  
22          someone is charged with such an egregious  
23          offense, community safety often trumps.  
24          However, with GPS, I could take that  
25          young male or that young female, put a

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           GPS and we can put them in grand-mom's  
3           house, and I can say that you're only  
4           permitted to go to school and come home  
5           and you may go to therapy, and every five  
6           seconds I'm tracking you.

7                     During the infamous flash mob  
8           in Philadelphia, we were able to look at  
9           our GPS to determine whether any of those  
10          individuals who participated were on our  
11          active probation so that we could have  
12          swiftly responded.

13                    It has -- the purposes are  
14          plentiful. All it costs is minimal, but  
15          it creates an incredible opportunity for  
16          vision in any way that we see it  
17          appropriate to advance the people and the  
18          protection of our community, but also to  
19          preserve the freedom and liberty of that  
20          individual unnecessarily keeping them  
21          from detention.

22                    COUNCILMAN JONES: So based on  
23          your testimony, for 1.1 million we get  
24          175 wireless ankle monitors, 175 GPS  
25          ankle monitors and we get an additional

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           eight pretrial service personnel, and the  
3           return on investment every year is a half  
4           million dollars. So it pays for  
5           itself --

6                   JUDGE DOUGHERTY: In two years.

7                   COUNCILMAN JONES: -- in two  
8           years.

9                   JUDGE DOUGHERTY: And that's  
10          just calculations. That's not  
11          negotiations with these providers or how  
12          we can advance or use them. That's the  
13          minimum. That would be the -- I guess  
14          that could be the ceiling. It depends on  
15          how you want to interpret it. That's  
16          what we need to start. Ultimately I'd  
17          like to do away with electronic  
18          monitoring because we have to depend on  
19          land lines, and many of our families are  
20          no longer using land lines because we  
21          have cell phones. So it's not worth that  
22          investment. I'd rather take that money  
23          down the line and somehow incorporate it  
24          back into complete use of GPS.

25                   COUNCILMAN JONES: So I'm going

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       to yield my time. I'll go on the next  
3       round, but for sure, justice may be  
4       blind, but it doggone sure can count.

5               Thank you, Mr. Chair.

6               COUNCILMAN GREENLEE: Thank  
7       you, Councilman.

8               Councilman O'Brien.

9               COUNCILMAN O'BRIEN: Thank you,  
10      Mr. Chair.

11              I would just like to  
12      congratulate Judge Dougherty, Judge  
13      Woods-Skipper, and Judge Murphy for their  
14      extraordinary creativity in the court  
15      system, and I'd love to have a discussion  
16      on how we could attach an epidemiology  
17      study to the wonderful outcomes that  
18      you're achieving and the processes that  
19      are unique to your system that can be  
20      replicated throughout the rest of the  
21      Commonwealth and beyond.

22              But when you talk about the  
23      at-risk population, I personally want to  
24      congratulate you for your innovative  
25      processes and also thank you for adding



1           5/5/15 - WHOLE - BILL 150162, etc.  
2           the most vulnerable, our guys with  
3           disabilities, into that equation, and  
4           congratulate you and express my gratitude  
5           for the processes that you're exploring  
6           to deal with their unique challenges in  
7           your system.

8                       And I'd also like to thank all  
9           three of you for your participation in  
10          the Autism Project, which, again, will  
11          project some wonderful innovative  
12          processes in the future, and thank you  
13          for your enthusiastic and very  
14          comprehensive testimony. I wish we could  
15          expand upon this and tell this story in a  
16          larger audience, but thank you all for  
17          your testimony today.

18                      JUDGE DOUGHERTY: Thank you  
19          very much.

20                      COUNCILMAN GREENLEE: Thank  
21          you, Councilman.

22                      Councilwoman Blackwell.

23                      COUNCILWOMAN BLACKWELL: Thank  
24          you.

25                      I too would like to thank all

1 5/5/15 - WHOLE - BILL 150162, etc.

2 the wonderful, outstanding judges who are  
3 here today and thank them for their work.

4 Do you know if we're any closer  
5 to trying to find a place where we can  
6 send our youth when they leave about 19  
7 days on the average Youth Study Center so  
8 we can keep them here and save money? I  
9 know I talked to you before and you were  
10 saying we're having a hard time trying to  
11 find a place who will take our youngsters  
12 when they have to serve more times than  
13 the 19 days, and I think it's really  
14 important and something that we have to  
15 continue to focus on.

16 JUDGE MURPHY: We're engaging  
17 in a process right now where we're  
18 undertaking, along with DHS and a  
19 specific grant, to evaluate the options  
20 that we currently have and seek  
21 additional resources that may be closer  
22 in the vicinity so that our youth would  
23 not be traveling so far as such and to  
24 get the services we need. As a result of  
25 the transition from Judge Dougherty to my

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       administration along with Supervising  
3       Judge Olszewski, we're actually making an  
4       effort to visit every one of our  
5       placement facilities in the state to try  
6       and really evaluate what is it that  
7       causes us to choose one, let's say, in  
8       Pittsburgh versus one somewhat near  
9       Philadelphia.

10               The whole thrust of today's  
11       placement is to, one, try and keep the  
12       children at home if possible and, two,  
13       closer to home if that is feasible. And  
14       so the DHS Commissioner is clearly  
15       committed with us to research that and  
16       undertake that as an initiative of this  
17       year.

18               COUNCILWOMAN BLACKWELL: Thank  
19       you. Because I'm told youngsters who  
20       were doing so well, when they're pulled  
21       out of Youth Study Center where they're  
22       local and where they're cared for and  
23       have to go in the suburbs in a whole  
24       other or some other state and a whole new  
25       environment, then they begin to fail

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           again. And since we look at it and know  
3           it, it's such an important thing, and  
4           certainly we want to work with the courts  
5           however we can.

6                   JUDGE MURPHY: It's recognized  
7           that every transition leaves an impact on  
8           the youth. There's no question about  
9           that. And so the goal is to not have a  
10          series of transitions and a series of  
11          restarts, but rather to see whether or  
12          not the child can be placed appropriately  
13          as close to home as possible. Thank you.

14                   COUNCILWOMAN BLACKWELL: And  
15          I'd also like to thank all of you.  
16          Whenever I've had individual problems, we  
17          call you, and you have always been there.  
18          Thank you. Thank you, Judge Lori. Thank  
19          you all.

20                   (Thank you.)

21                   COUNCILMAN GREENLEE: Thank  
22          you, Councilwoman.

23                   Councilman Squilla.

24                   COUNCILMAN SQUILLA: Thank you,  
25          Mr. Chair.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   Good morning, guys, and thank  
3   you for being here, and I too want to say  
4   that how great it is to see the courts  
5   working in collaboration with our other  
6   departments and how important that is to  
7   make progress, and it's also interesting  
8   to hear of the money spent, how much  
9   actually comes back to the City of  
10   Philadelphia, which is so important,  
11   because not only are the courts  
12   necessary, when they are run properly,  
13   they become such an asset to our city,  
14   and to see what you guys have done and  
15   what you are doing and how you're using  
16   technology is really, really very  
17   encouraging.

18                   Piggyback off of Councilwoman  
19   Blackwell, a concern that we did hear is  
20   about young people going far away, and  
21   some people believe that that would make  
22   it harder for them to adjust and their  
23   families. So it's great to hear that  
24   answer that you just gave, Judge Murphy,  
25   on that.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   Is there a reason before we did  
3       it this time that we would send them out  
4       to other locations or was it just  
5       whatever was available?

6                   JUDGE DOUGHERTY: It was a  
7       fact-specific concern. For example,  
8       unfortunately we have no delinquent  
9       provider within our city. Under the  
10      administration of Madam Justice Richmond  
11      during the Rendell Administration, we  
12      actually had requests for proposals to  
13      try to find or establish detention  
14      facilities in this area or throughout  
15      Southeastern Pennsylvania, and  
16      unfortunately we had a population of  
17      young females that were coming into  
18      placement and no one was willing to take  
19      part or accept and even propose the  
20      creation of a detention. So much of it  
21      is just as a result of what is readily  
22      available.

23                  But over the course of time,  
24      the needs-based budget, which is  
25      generated through the state, which

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       requires the monies whether it's fed or  
3       state money coming into the child  
4       welfare, juvenile justice system requires  
5       the signature of the Administrative Judge  
6       of the Philadelphia Family Court as well  
7       as that of the Commissioner of DHS.  
8       Through the course of our administration,  
9       we have become more involved with the  
10      application of the needs-based budget.  
11      And the best way to say it, it used to be  
12      that we were invited to a buffet where we  
13      chose what they provided us. Over the  
14      course of my administration and Judge  
15      Murphy's administration, we're now at the  
16      table developing the meal. In essence,  
17      we're working with them.

18               Under our watch, under previous  
19      Commissioner Anne Marie Ambrose and  
20      myself, we brought all our children from  
21      out of other states and we had zero kids  
22      in detention outside of Pennsylvania. We  
23      try to obviously keep them to  
24      Philadelphia or our counties before we  
25      send them. But we cannot forsake the

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        fact that these institutions, whether  
3        it's George Junior Republic Summit  
4        Academy, VisionQuest or close to St.  
5        Gabe's, if they fit the needs of the  
6        child and we want the child to be placed  
7        for a period of time, we want to make  
8        sure that despite the travel, that they  
9        are provided a holistic way of  
10       reformation so that we get them out  
11       quickly, have them return, and be  
12       reintegrated into our communities  
13       effectively. Part of that problem was  
14       the lack of transfer of credits between  
15       the host educational facility and our own  
16       Philadelphia School District. Again,  
17       we've worked with the School District  
18       very well, sometimes not very well to  
19       make sure that our children are receiving  
20       the necessary credit.

21                So it can't be answered in a  
22       single question. That's the purpose of  
23       this study, to take all the various  
24       dynamics and try to group them into at  
25       least categories so that we can



1           5/5/15 - WHOLE - BILL 150162, etc.  
2           effectively match a child who needs to be  
3           removed from home to an appropriate  
4           facility primarily close to Philadelphia.  
5           Does that make sense, Councilman?

6                   COUNCILMAN SQUILLA: Yeah,  
7           absolutely. And I'm sure there's a cost  
8           associated with that also. I mean,  
9           obviously the closer there is, the less  
10          transportation we have.

11                   JUDGE DOUGHERTY: Absolutely.

12                   COUNCILMAN SQUILLA: And so on.  
13          So, I mean, it makes a lot of sense and I  
14          thank you for those answers.

15                   And I do want to reiterate  
16          again how proud we are here in  
17          Philadelphia to have a court system that  
18          really understands the mentality of the  
19          people in the City of Philadelphia, what  
20          it means to have kids that are  
21          unfortunate enough to have to live on the  
22          streets and what they deal with,  
23          understanding what is the best way to  
24          make them whole and get them back in to  
25          be productive citizens. And I know we

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           always hear about the bad things that  
3           happen and the bad guys that go away, but  
4           there's a lot of good things that happen  
5           with the court system also, and I'm just  
6           here to thank you for everything you've  
7           done. Thank you very much.

8                     JUDGE DOUGHERTY: Thank you.

9                     COUNCILMAN GREENLEE: Thank  
10          you. Thank you, Councilman.

11                    Councilman Neilson.

12                    (Bell rung.)

13                    COUNCILMAN NEILSON: Wow, I  
14          didn't even start yet.

15                    COUNCILMAN GREENLEE: Thank  
16          you, Councilman Neilson.

17                    COUNCILMAN NEILSON: Thank you  
18          all for coming. Justice Dougherty -- or  
19          Judge Dougherty -- confused again -- I  
20          want to talk about the GPS monitoring, if  
21          you would. We talked about how you save  
22          a lot of money during pretrial. Is there  
23          any thought on like some of the  
24          sentencing? Because I know house arrest  
25          can't be fun, and being able through the

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           GPS monitoring that you can say, hey, you  
3           can go from here to here, Point A to  
4           Point B and utilize that. And you  
5           mentioned in your testimony about prison  
6           overcrowding, and forever prisons are in  
7           here, they're asking for more money to  
8           expand on their prisons, and we keep  
9           on -- instead of educating our kids, we  
10          keep on building bigger and bigger  
11          prisons.

12                    Has there been any thought  
13          processes on the actual sentencing people  
14          to house arrest, the non-violent and the  
15          people that are not a menace to society,  
16          they just got tripped up in something,  
17          whereas we can save -- I mean, you saved  
18          7 and a half million dollars. It's  
19          significant. Can you talk about that a  
20          little bit for us.

21                   JUDGE DOUGHERTY: I could share  
22          with you for purposes of -- the term  
23          "disposition" is a term of art that we  
24          use in Juvenile Court, which really means  
25          sentencing on the adult side. So the use

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           of GPS would be a form of sentencing such  
3           as house arrest. We are permitted to  
4           have areas of restriction as well as  
5           areas that the child is permitted to go.  
6           Meaning if you have a child who may have  
7           committed an offense and it's an offense  
8           such that he or she is being prosecuted,  
9           the ultimate result would be that as long  
10          as the child is on a GPS, we can have the  
11          child go to school, go to treatment, go  
12          to an after-care program or go to some  
13          remedial educational facility. We would  
14          be able to track that child to make sure  
15          she or he is doing as the judge ordered  
16          and return.

17                 The beauty of this GPS system  
18           is that we're able to have two-way  
19           dialogue. For example, if Kevin is  
20           walking and he's not allowed at 30th and  
21           Market and we see Kevin on 29th and  
22           Market walking towards the Schuylkill  
23           River, our probation and staff can beep  
24           him and say, You'd better turn around,  
25           Kev, or we're coming for you.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   On the converse, we did have a  
3   great successful story in which one of  
4   our youth while on the GPS was at home on  
5   house restriction when his father had a  
6   heart attack. Since he was the only  
7   individual there, not only was he trying  
8   to resuscitate his dad, but he used the  
9   two-way system to contact our people, and  
10   we were able to call 911, and that  
11   youth's father, his life was saved.

12                   So these are the peripheral,  
13   the collateral, the anecdotal stories of  
14   the true successes of your money  
15   investment with us.

16                   COUNCILMAN NEILSON: Thank you,  
17   Mr. Chairman.

18                   Thank you all for everything  
19   you do for our kids and trying to make  
20   them success stories instead of mess  
21   stories. Thank you.

22                   COUNCILMAN GREENLEE: Thank  
23   you, Councilman.

24                   Councilman Jones.

25                   COUNCILMAN JONES: Thank you,

1           5/5/15 - WHOLE - BILL 150162, etc.

2           Mr. Chairman.

3                   I'd like to ask about something  
4           that was in your testimony. We noticed  
5           that crimes against seniors have  
6           increased in recent years, particularly  
7           those cowards that would take advantage  
8           of their age in ways that were like  
9           utility impersonators. In some cases we  
10          heard about Medicaid fraud. In other  
11          cases most recently, there were  
12          official-sounding individuals calling  
13          seniors saying that you missed jury duty,  
14          and because of that, if you don't pay  
15          \$400, \$500 right away, we're going to  
16          issue a bench warrant and arrest you.

17                  Do you have a Senior Court that  
18          addresses those kinds of criminal  
19          activities and, if so, have you seen an  
20          uptick in victimization of our seniors?

21                  JUDGE WOODS-SKIPPER: One of  
22          the things I mentioned in my remarks is  
23          that we now have a committee that is  
24          exploring the development of the Elder  
25          Court program here in the First Judicial

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        District. This is an off-shot of the  
3        Supreme Court had an Elder Task Force on  
4        Elder Abuse, and one of the  
5        recommendations was that Philadelphia  
6        pilot an Elder Court. And so what we're  
7        doing now is looking at statistics and  
8        data to see how many elders are coming  
9        into the system, what are some of the  
10       issues that involve elders, are they  
11       cross-division. So what could be a  
12       criminal matter may also be a matter  
13       that's in Civil Court because it involves  
14       property, maybe a matter that's in  
15       Orphans Court because it may be a  
16       guardianship issue.

17                So the effort really is to  
18       develop an interdivisional program where  
19       an elder can come in and have all of  
20       those issues addressed at the same time.  
21       Now, that's going to take a lot more  
22       planning. So we're now looking at some  
23       of the low-hanging fruit. Can we  
24       identify a particular judge in each  
25       program who will look at the elder cases.

1           5/5/15 - WHOLE - BILL 150162, etc.

2           Can we fast track elder cases, because  
3           oftentimes defendants or lawyers try to  
4           keep continuing matters in hopes that the  
5           elder will die, will develop Alzheimer or  
6           dementia so they can't testify. And so  
7           the effort will be to give them their day  
8           in court while they have the ability to  
9           address the issues at hand, to make sure  
10          that they have access, are they in a  
11          wheelchair, can we physically get them in  
12          and out of the building, do we have  
13          hearing aids available in the court  
14          system so that they could hear and  
15          understand, is there a need for any type  
16          of interpreter. So these are the kinds  
17          of issues that we're looking at, with the  
18          hopes of presenting a proposal to the  
19          Supreme Court to open an Elder Court here  
20          in Philadelphia.

21                        So we are aware of the issues.  
22          We think that the numbers of elders are  
23          increasing, and we need to work promptly  
24          to make sure that we're addressing them.

25                        COUNCILMAN JONES: We are



1           5/5/15 - WHOLE - BILL 150162, etc.  
2           encouraging also an awareness campaign.  
3           One of the partners, I believe, is the  
4           District Attorney's Office, and we wanted  
5           to know about the Be Sure Before You Open  
6           the Door campaign to educate seniors  
7           about utility impersonators. We have one  
8           case not long ago where a veteran who had  
9           knee replacements was taken for a ride,  
10          and they made them pay for renter cars.  
11          I mean, that had to be a frightening  
12          experience for them.

13                 So I'm glad that you and the  
14          courts are paying attention to that, from  
15          everything from people that are supposed  
16          to be guarding them as they age in their  
17          life are taking advantage of them  
18          financially and taking their Social  
19          Security and other retirement incomes  
20          that they may have. So it is good,  
21          because as they are, we may well be, and  
22          it's good that you're putting these  
23          things in place now.

24                 Thank you, Mr. Chairman.

25                 COUNCILMAN GREENLEE: Thank

1 5/5/15 - WHOLE - BILL 150162, etc.

2 you, Councilman.

3 Councilwoman Blackwell, did you  
4 have your light on?

5 COUNCILWOMAN BLACKWELL: I'm  
6 sorry. Thank you.

7 COUNCILMAN GREENLEE: Okay.  
8 Councilman, do you have any more  
9 questions?

10 COUNCILMAN JONES: Yeah, I did.  
11 I was trying to --

12 COUNCILMAN GREENLEE: No. I  
13 appreciate that. Go ahead.

14 COUNCILMAN JONES: Domestic  
15 violence cases are also on the rise, and  
16 Jewell Williams, Sheriff, testified that  
17 in 2013 there were 11,000 Protection from  
18 Abuse Orders entered in domestic violence  
19 cases; 3,500 of those cases involved a  
20 weapon. And I know our Chairman here  
21 pays particular attention to that and has  
22 put his money where his -- well, put our  
23 money where his mouth is by way of  
24 putting extra beds in these shelters.

25 What's going on with these

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        cases and how are we dealing with gun  
3        cases in particular? Because they offer  
4        the greatest threat in domestic violence  
5        cases.

6                JUDGE MURPHY: The Domestic  
7        Violence Unit continues to operate at the  
8        new location, and I have to say that the  
9        biggest and best thing that's ever  
10       happened to Philadelphia Family Court,  
11       other than Judge Dougherty of course, is  
12       the fact that we got a new building. And  
13       so one of the big issues and motivating  
14       reasons that we do have a new building is  
15       because the advocates for domestic  
16       violence really took exception to the  
17       deplorable conditions that we had at 34th  
18       South 11th Street. And "deplorable"  
19       would be a kind word.

20               In the new courthouse, the  
21       Domestic Violence Unit continues to  
22       provide assistance to each person and  
23       every person who comes in to file a  
24       domestic violence petition. I will say  
25       in Philadelphia that we have really 24/7

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       accessibility, unlike, in my  
3       understanding, other counties in that we  
4       have Family Court operating on all the  
5       business hours and then we have the  
6       emergency site that goes immediately into  
7       play as soon as we are closed.

8               In situations where we've had  
9       an emergency closing, we've had  
10      tremendous cooperation with Municipal  
11      Court under the direction of Judge  
12      Neifield, who has assisted us and  
13      immediately opened the emergency site.  
14      Thus, we have probably three times more  
15      filings per capita than any other county  
16      in the Commonwealth.

17             With respect to the guns, they  
18      are normally required to be surrendered  
19      under the terms of the PFA Act as well as  
20      under the terms of the PFA orders, which  
21      is done through the Sheriff's Office.  
22      Now, mind you, an awful lot of these  
23      cases are held in absentia with respect  
24      to the defendant. So there's good  
25      service. Defendant doesn't appear. So

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       you have to indicate in the order that  
3       there's alleged to be a gun, alleged to  
4       be a weapon of some sort. It can be a  
5       kitchen knife oftentimes, and that is to  
6       be confiscated.

7                       Now, the order has to then be  
8       served and then the person has to  
9       actually be apprehended to actually get  
10      the gun or whatever. So that's the  
11      second step of the process.

12                      With respect to the key to our  
13      domestic violence filing, we have so many  
14      people who have a language impairment, as  
15      I like to call it, meaning that they are  
16      not fluent in the language, and that has  
17      been the motivation for Judge Chen, who  
18      has been involved in this statewide  
19      process where the interpretation of all  
20      the PFA orders is now in so many  
21      languages and the people are given a copy  
22      in their native tongue coupled with the  
23      English for our police officers who may  
24      not be able to speak one of the 58  
25      dialects that someone does.

1 5/5/15 - WHOLE - BILL 150162, etc.

2 But anyway, I would say that  
3 that unit also has benefited from the new  
4 building in that when you come in, the  
5 two main courtrooms in terms of size have  
6 been given to the domestic violence area  
7 and they have separate waiting rooms for  
8 petitioners and respondents. That's so  
9 significant for that population, because  
10 in the past it would be the intimidation  
11 factor which would cause someone to not  
12 continue to proceed on their PFA. So as  
13 they would sit in our domestic violence  
14 waiting rooms, they would see the  
15 respondent across the hallway, across the  
16 corridor, who would make a threatening  
17 gesture and they would just give it up.  
18 And that is not the case anymore. So I  
19 think the security also, which has been  
20 provided by the Sheriffs, and I have to  
21 say it has made Family Court a different  
22 place. Again, they have stepped up.  
23 They will assist the person coming into  
24 our building, provide security out the  
25 door, around the block, and I think on

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           the whole and I hope that the domestic  
3           violence victims feel much safer than  
4           they ever did before if they choose to  
5           come forward, which they all do not do.

6                   COUNCILMAN JONES: Finally,  
7           Mr. Chair, I would ask about the use of  
8           technology. I've been around long enough  
9           now to remember when we first started  
10          learning about it, and I'm hearing  
11          paperless courtrooms. Bill Green would  
12          be proud at this point. But also the use  
13          of teleconferencing by way of hearings.  
14          Can you tell us how we've evolved in that  
15          regard and if it's making a difference by  
16          way of backlog and actual trial process.

17                   JUDGE MURPHY: Could I address  
18          that initially?

19                   With respect to the new  
20          courthouse -- and, again, I probably  
21          sound like either the advertisement for  
22          everyone to get one or whatever, but all  
23          I can say is if you have lived in a slum  
24          long enough and you finally get to the  
25          pearly gate, you just can't believe

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       you're still breathing and it is in  
3       heaven, and the reason I say that is  
4       because it's clean and it's competent and  
5       you can hear.

6                   The question you just asked is  
7       so interesting, because I've gotten more  
8       phone calls from my 29 colleagues of  
9       judges sitting on the bench who say, I  
10      had a hearing today. We used the  
11      conference system. I could actually  
12      hear, you know. Like it's a miracle.  
13      And it is, because if you have equipment  
14      that works, it's amazing how you're  
15      inclined to use it. And that doesn't  
16      mean the person on the dialing side has  
17      anything different than a telephone.  
18      They call in and it fills the entire  
19      courtroom, and the DRTs, who are taking  
20      down the recording as opposed to our live  
21      court reporters in the past, actually can  
22      pick it up as well. So it has been an  
23      advantage. In that they now exist almost  
24      everywhere, they are being utilized, but  
25      they prevent so many hearings happening,



1           5/5/15 - WHOLE - BILL 150162, etc.  
2           from interstate areas where we don't even  
3           need a video, although we have that  
4           capability in some, you just need to have  
5           the audio and you can actually resolve an  
6           interstate support case right there in  
7           the courtroom.

8                   COUNCILMAN JONES: So I would  
9           be interested -- I know we're new to the  
10          building, but I would be interested in  
11          next year's hearings finding out how it's  
12          reduced transportation costs, how it's  
13          increased time of processing and to  
14          reduce the backlog that we had for a lot  
15          of these hearings, that use of  
16          technology.

17                   So I know you're new to the  
18          spot. Mr. Chairman, we don't have such  
19          good news in this building about use of  
20          technology.

21                   COUNCILMAN GREENLEE: Any day  
22          now.

23                   COUNCILMAN JONES: But we wish  
24          you well.

25                   JUDGE MURPHY: Thank you.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   COUNCILMAN GREENLEE: Thank  
3           you, Councilman.

4                   JUDGE MURPHY: I would just  
5           like to extend an invitation formally to  
6           any of the members of Council or their  
7           staff who have not had an opportunity to  
8           come over to Family Court. Let us know  
9           when you can come and we would absolutely  
10          love to give you a tour. Many have taken  
11          us up on that, and it would be really a  
12          delight just to show you around.

13                  COUNCILMAN GREENLEE: Thank  
14          you. And, Judge Murphy, if I could just  
15          add on the domestic violence question,  
16          that I've heard from many of the victim  
17          advocates just a thousand fold  
18          improvement in the whole system and  
19          particularly with being able to keep the  
20          various individuals separate has been  
21          tremendous, because that fear or  
22          sometimes it's like you say, it's verbal  
23          threats that happened, it scared a lot of  
24          the victims away. So I think that's just  
25          a tremendous improvement. Thank you.

1 5/5/15 - WHOLE - BILL 150162, etc.

2 JUDGE MURPHY: Thank you.

3 COUNCILMAN GREENLEE:

4 Councilman Oh.

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

7 Good morning. I do have a  
8 question just for my information  
9 regarding translation or persons who  
10 don't speak English well. I know that  
11 there are court-certified interpreters,  
12 translators, and I'm not sure how that's  
13 going these days. I know that can  
14 sometimes be up or down.

15 Does the Court use Language  
16 Line and is it in all the courts or some  
17 of the courts?

18 JUDGE DOUGHERTY: Yes. The  
19 answer is yes. Yes, we use Language  
20 Line. We had a committee that created  
21 the most used dialects in our court  
22 system. We now have posted throughout  
23 our courtrooms directories in native  
24 tongue so that -- with English in their  
25 native. So even if the person doesn't

1 5/5/15 - WHOLE - BILL 150162, etc.

2 speak English, they can point and we're  
3 able to redirect them. That's for  
4 services within the courthouse.

5 For purposes of interpretation  
6 within the courtroom, if we don't have a  
7 live body in the room, we are able to  
8 access Language Line, yes. There's been  
9 a full-front effort, and Judge Chen has  
10 taken the charge.

11 JUDGE WOODS-SKIPPER: And I was  
12 going to say, as required by the Supreme  
13 Court, there is a language access plan  
14 that every county has to develop, and  
15 Philadelphia has really taken the lead in  
16 that, in that we have all languages  
17 available. Many of our forms, as Judge  
18 Murphy has indicated, have been  
19 translated or they're available, and we  
20 try to ensure that everyone has full  
21 access to the court based on that.

22 JUDGE MURPHY: In addition to  
23 that, Judge Chen and Janet Fasy Dowd also  
24 work together and they are in a training  
25 seminar constantly where they have a

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        group of individuals who are trying to  
3        get the certification. They actually  
4        bring them together for regular meetings,  
5        regular observation, and when they  
6        finally achieve the various steps along  
7        the way, we celebrate it actually at a  
8        luncheon and an event. It's an ongoing  
9        measure, and the reason is because we  
10       need to have various languages to be able  
11       to be interpreted by those with the  
12       required certification. So it is an  
13       ongoing issue. And if people come in for  
14       an interview such as with a domestic  
15       violence case and we do not have an  
16       interpreter available that speaks their  
17       particular language, they actually call  
18       then the Language Line and it is  
19       interpreted as contemporaneously.

20                I was using -- I was having a  
21       hearing just the other day where we were  
22       going to use Language Line because there  
23       was not an interpreter available with a  
24       certain Hindu dialect. And so we had the  
25       availability and the capability now to

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           not turn anybody away and not have to  
3           continue it. I mean, I'm sure there will  
4           be occasions, but it should not happen  
5           often.

6                   COUNCILMAN OH: Well, thank you  
7           very much. Let me just say  
8           congratulations and what a great model  
9           that is. For those who may not  
10          understand, justice delayed costs the  
11          taxpayers a lot of money, among other  
12          things. So thank you very much and I  
13          appreciate the answer and the work.  
14          Thank you.

15                   COUNCILMAN GREENLEE: Thank  
16          you, Councilman.  
17                   Councilman Jones.

18                   COUNCILMAN JONES: My last  
19          question for this panel.

20                   COUNCILMAN GREENLEE: You heard  
21          that, last question.

22                   COUNCILMAN JONES: We did a lot  
23          of work with -- and you talked about  
24          it -- saving a lot of homes from Sheriff  
25          Sale. There's a secondary issue that we

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           found to be true dealing with AVI, and  
3           that is tangled titles. Can you talk  
4           about that for a brief moment so that all  
5           of us can kind of understand what you're  
6           doing about it.

7                   JUDGE WOODS-SKIPPER: That is  
8           part of the Mortgage Foreclosure  
9           Diversion Program. There are counselors  
10          and individuals who are available in the  
11          courtroom who deal with that issue. As  
12          individuals, homeowners come in, they  
13          will work with lawyers who are available  
14          to get to the bottom of that, and that's  
15          presented to the judge or the Court to  
16          try to resolve that. So we are being  
17          very active in trying to ensure that  
18          these tangled titles are untangled and  
19          that homeowners can then move forward to  
20          make sure that their homes are secure.

21                  COUNCILMAN JONES: In many of  
22          the cases, Mr. Chair, where we're trying  
23          to get them relief from tax increases,  
24          they can't benefit from it because two,  
25          three generations back they didn't

1           5/5/15 - WHOLE - BILL 150162, etc.

2           transfer the title, so the homeowner's  
3           name is not on the deed.

4                   COUNCILMAN GREENLEE: Yes.

5                   COUNCILMAN JONES: And it's  
6           causing a problem.

7                   COUNCILMAN GREENLEE: I think  
8           we've all experienced that, yes.  
9           Absolutely.

10                  COUNCILMAN JONES: Thank you,  
11           Mr. Chair.

12                  COUNCILMAN GREENLEE: Thank  
13           you, Councilman.

14                  No further questions, Your  
15           Honors, thank you very much for all the  
16           work you do, and to the staff of the  
17           courts, thank you all very much.

18                  Our next office, I know he's  
19           been waiting over there patiently, the  
20           Office of the District Attorney.

21                  If we could get started so we  
22           can move on. We're a little behind  
23           schedule here.

24                  (Witnesses approached witness  
25           table.)



1 5/5/15 - WHOLE - BILL 150162, etc.

2 COUNCILMAN GREENLEE: Again,  
3 District Attorney Williams, we appreciate  
4 your patience, and please proceed.  
5 Identify yourself and please proceed.

6 DISTRICT ATTORNEY WILLIAMS:  
7 Good morning, Mr. Chairman. How are you?

8 COUNCILMAN GREENLEE: Good  
9 morning. Very good, sir.

10 DISTRICT ATTORNEY WILLIAMS:  
11 For the record, I am Seth Williams. I  
12 have the pleasure, the honor and  
13 distinction of being the elected District  
14 Attorney for the City and County of  
15 Philadelphia. How are you today?

16 COUNCILMAN GREENLEE: Okay.  
17 Very good, sir. Thank you.

18 DISTRICT ATTORNEY WILLIAMS:  
19 Mr. Chairman, members of Council, I'm  
20 very glad to have the opportunity to be  
21 with you today. I am joined here in  
22 Chambers, in addition with many other  
23 members of my office, most specifically  
24 to my left George Mosee. He is the  
25 Deputy District Attorney for our Juvenile

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           Division. To my right is Mr. Greg Rowe.  
3           He is the Chief of my Legislation Unit  
4           and is primarily responsible for my  
5           testimony and preparation of my testimony  
6           today. So I'd like to thank him again  
7           personally. I'm also joined specifically  
8           by Ms. Dorean Rooney to my left. She is  
9           our Chief Financial Officer.

10                   So, again, I am very blessed to  
11           have a wonderful staff. Anything that I  
12           say today that you appreciate or like,  
13           please credit to them. Any mistakes or  
14           mistakes with the English language,  
15           please attribute that to me. But, again,  
16           I have submitted as of Friday my full  
17           testimony. I would ask, Mr. Chairman,  
18           that you make that a part of the  
19           permanent record for my testimony.

20                   COUNCILMAN GREENLEE:  
21           Absolutely.

22                   DISTRICT ATTORNEY WILLIAMS: I  
23           was told by Council President that I  
24           could speak for three hours. Is that  
25           correct?

1 5/5/15 - WHOLE - BILL 150162, etc.

2 COUNCILMAN GREENLEE: I think  
3 you heard hours. He meant minutes.

4 DISTRICT ATTORNEY WILLIAMS:

5 Okay. I know that I'm all that stands  
6 between you and your staff and lunch, but  
7 I could speak for three hours about the  
8 great work of the men and women of the  
9 Philadelphia District Attorney's Office.

10 As you know, I love  
11 Philadelphia. I'm a lifelong resident.  
12 I'm the son of a secretary of the  
13 Philadelphia Naval Shipyard, a school  
14 teacher. He also worked at a recreation  
15 center and ran day camps for the  
16 Philadelphia Fairmount Park Commission.  
17 I love the City. I came back to be an  
18 Assistant District Attorney and I love  
19 being an Assistant District Attorney.

20 It was during that process,  
21 however, that I learned how dysfunctional  
22 the criminal justice system in  
23 Philadelphia is in general and  
24 specifically how dysfunctional the  
25 operations and antiquated protocol of the

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           District Attorney's Office were at that  
3           time.

4                   As I've stated, I've submitted  
5           my full testimony, but in summary my  
6           testimony is this, Mr. Chairman, that  
7           since 2010, working with all of our  
8           partners in the criminal justice system  
9           here in Philadelphia, we have made  
10          tremendous reforms. And by any  
11          qualitative and quantifiable standard,  
12          the criminal justice system in  
13          Philadelphia and the District Attorney's  
14          Office of Philadelphia operate and  
15          provide justice in a much better way.

16                   Now, we've had a better  
17          relationship with the Administration and  
18          the Mayor in the preparation of our  
19          budget. It used to be we were just told  
20          what our budget was going to be. I'm  
21          very thankful that we've had  
22          conversations with the Administration and  
23          gone back and forth, but the truth,  
24          Mr. Chairman, the truth, our share of the  
25          budget since 2008 has actually decreased.

1 5/5/15 - WHOLE - BILL 150162, etc.

2 If we receive the same percentage,  
3 allowing only for inflation, we would  
4 receive an additional \$2.3 million than  
5 we were appropriated for this year.

6 So, Mr. Chairman, the summary  
7 of my testimony is that the District  
8 Attorney's Office, its employees are  
9 doing a tremendous job, but are  
10 woefully -- that's all caps, exclamation  
11 point -- woefully underfunded in  
12 comparison to district attorney's offices  
13 across the country and in comparison to  
14 our partners in the criminal justice  
15 system here in Philadelphia.

16 So let me take you back to  
17 2009. The Philadelphia Inquirer  
18 published its groundbreaking series,  
19 Justice: Delayed, Denied, Dismissed,  
20 which analyzed the criminal justice  
21 system in Philadelphia. The series made  
22 many conclusions that were startling to  
23 some, not surprising to those who work in  
24 the system on a daily basis, yet were  
25 disconcerting to everyone. Among the

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       conclusions in this series were that two  
3       in three people accused of violent crimes  
4       walked free of all charges. Only one in  
5       ten defendants at that time in gun  
6       assault cases was found guilty of that  
7       charge. And one in five violent crime  
8       prosecutions ended in a felony  
9       conviction.

10               I was one of those not  
11       surprised with what the authors of the  
12       series had reported. Indeed, my campaign  
13       echoed many of the themes in this series.  
14       I vowed, if you can recall, that if  
15       elected, I'd reform our criminal justice  
16       system by making it more efficient,  
17       fairer, more focused on violent and  
18       repeat offenders, and smarter by relying  
19       on more evidence-based practices.

20               Today, I would like to tell you  
21       part of the story of how far we have  
22       come, how we have meaningfully  
23       transformed the criminal justice system  
24       in Philadelphia, how we have collaborated  
25       with the partners such as the courts, who

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       were just here. They weren't doing it  
3       for show. They were thanking in large  
4       part the District Attorney's Office for  
5       the work that we've all done together.

6           Every other public safety  
7       entity has received far greater General  
8       Fund appropriations increases since  
9       Fiscal Year 2008, every one of them. You  
10      and I, that being the members of Council,  
11      have fought together to obtain the modest  
12      increases I have thus far received, and  
13      for that I am grateful. But the status  
14      quo is unacceptable. It's almost like  
15      we're being penalized because of the  
16      great work of Ms. Rooney to efficiently  
17      balance our budget.

18           So let's start by talking about  
19      our wonderful successes. Five and a half  
20      years since the publication of the  
21      article in the Inquirer, it is with great  
22      sense of pride that I report that we have  
23      made transformational improvements in the  
24      way we handle and dispose of cases. Our  
25      office has been performing better and

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       more efficiently I believe than ever  
3       before. We have made it a priority to  
4       avert appropriate offenders out of the  
5       criminal justice system and ensure that  
6       they participate in the right programs  
7       that will help them stay out of trouble  
8       in the future. In doing so, we have been  
9       able to focus more of our energy and  
10      resources on holding the most dangerous  
11      offenders accountable, implementing  
12      trailblazing initiatives, like Focused  
13      Deterrence, GunStat, and hastening the  
14      speed at which cases are resolved.

15                Again, in summary, we were a  
16      laughing stock nationally in 2009.  
17      Today, people come from all over the  
18      United States to see what Lauren Baraldi  
19      is doing with our Gun Violence Task  
20      Force, what's going on with GunStat, how  
21      is Focused Deterrence working, how is it  
22      that we have so many diversionary  
23      programs, how is it 40 percent of all of  
24      our misdemeanor cases today are resolved  
25      through diversionary programs, allowing



1           5/5/15 - WHOLE - BILL 150162, etc.  
2           us to have the wonderful reduction in  
3           homicides that we have enjoyed here in  
4           Philadelphia.

5                        So it starts in our Charging  
6           Unit. "Smart on crime" is a term that I  
7           use a lot. It is not merely a glib catch  
8           phrase. It represents my approach as  
9           District Attorney and what I expect of  
10          the outstanding men and women of my  
11          office. At the core of being smart on  
12          crime, Mr. Chairman, is a system of  
13          changes I've made to our Charging Unit.  
14          Unlike in our past, our Charging Unit was  
15          staffed then with people who were being  
16          penalized. Now it's being staffed by  
17          strong, experienced prosecutors who have  
18          an intimate working knowledge of the law.  
19          We have raised the bar on the evidence we  
20          require in order to go forward with  
21          responsible charging decisions. I  
22          believe Philadelphians want us to charge  
23          the right people with the right crimes.  
24          Nothing more; nothing less.

25                       This also means that attorneys

1 5/5/15 - WHOLE - BILL 150162, etc.

2 I ask to serve in my Charging Unit are  
3 those with significant trial experience  
4 and who otherwise in the past would have  
5 been handling the more complicated  
6 criminal cases in my office, because I  
7 trust them to make the right decisions.

8 We have accelerated the time it  
9 takes to move cases through the system.  
10 Delays have been reduced, and cases are  
11 resolved faster. Between 2009 and 2014,  
12 the average time for misdemeanors to be  
13 disposed of was reduced by more than two  
14 months, from approximately seven months  
15 to approximately 4.5 months. This means  
16 less backlog for courts, swift justice  
17 for defendants, and quicker relief for  
18 our victims.

19 We make meaningful and early  
20 plea offers. We also continue to offer  
21 meaningful plea options at the earliest  
22 possible moment in the criminal justice  
23 process through the use of smart rooms.  
24 Smart rooms provide the opportunity to  
25 reach an early plea agreement, which

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        prevents many cases from even going to  
3        trial. Nearly 4,300 cases in 2014 were  
4        resolved in our smart rooms. About a  
5        quarter of Common Pleas matters are now  
6        resolved in our smart rooms. This has  
7        provided extraordinary fiscal and  
8        administrative relief for the criminal  
9        justice system in Philadelphia and our  
10       taxpayers, but still requires a  
11       significant amount of work from our  
12       staff.

13                When we began the diversionary  
14       programs and the smart rooms, we had  
15       grant funding to hire and maintain staff.  
16       In fact, in the last year where we had  
17       such funding, we had more than \$500,000  
18       to cover salaries. We are no longer  
19       eligible for grant funding for our  
20       pretrial programs, because the Department  
21       of Justice informed us that they provide  
22       funding to implement new and innovative  
23       programs, not for reoccurring expenses.  
24       It was their hope that City Council, the  
25       Mayor would invest in these cost-saving

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           programs.

3                       We have reshaped the criminal  
4           justice system by diverting non-violent  
5           offenders. Diverting low-level  
6           non-violent offenders is necessary.  
7           Locking these individuals up only makes  
8           them more likely to commit new crimes  
9           when they get out because their  
10          underlying criminogenic needs are not  
11          being addressed, and they are locked up  
12          with far more dangerous offenders who are  
13          terrible influences.

14                      The breadth of our diversionary  
15          programs is enormous, with nearly 15  
16          different programs. In 2014, more than  
17          10,000 cases were referred to  
18          diversionary programs. Of those 10,000  
19          cases, nearly 9,900 misdemeanor cases  
20          referred to diversionary programs. In  
21          that same year, nearly 5,900 misdemeanor  
22          cases already referred to diversionary  
23          programs were successfully completed.

24                      AMP: AMP is one of our most  
25          robust programs, the Accelerated

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       Misdemeanor Program. It saw an increase  
3       of 9 percent between 2013 and 2014, even  
4       though the total number of misdemeanors  
5       charged generally throughout Philadelphia  
6       during that same period went down 12.5  
7       percent.

8               Felony diversion: In 2014, we  
9       diverted more than 1,300 felonies to  
10      intermediate punishment and drug  
11      treatment courts. This was almost  
12      unheard of prior to 2010. These  
13      individuals need treatment. Otherwise,  
14      they will continue to commit new crimes  
15      because their underlying addiction will  
16      have been left unabated.

17             The Choice is Yours is a  
18      program again that I stole from the  
19      District Attorney then of San Francisco,  
20      Kamala Harris. She's now the Attorney  
21      General. The Choice is Yours provides  
22      pre-entry services. We're going to talk  
23      a lot -- people talk about reentry. I  
24      believe in pre-entry or no entry  
25      programs, what can we do so that people

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       will get the assistance that they need  
3       and not get the criminal record, and the  
4       Choice is Yours program is one such  
5       program that was started by a grant of  
6       almost \$1.4 million from Gerry Lenfest,  
7       the Lenfest Foundation and the William  
8       Penn Foundation. Since then, the money  
9       has dried up, but it's a program that can  
10      save us. Instead of spending \$40,000 a  
11      year on state prisons, we're spending  
12      \$4,000 a year to give these young men and  
13      young women the life skills training that  
14      they need, the literacy training that  
15      they need, and it's a success. Instead  
16      of having 63 percent of people failing  
17      like they do with the recidivism rate  
18      from the state court prison, only about 5  
19      percent of the people in this program  
20      have been shown to get rearrested.

21               So when we talk about  
22      diversion, everybody wants us to do more  
23      to keep people out of prison or put the  
24      right people in and not put the wrong  
25      people in prison. It's at a cost. It

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           costs us more money to evaluate those  
3           cases than just, as my predecessor said,  
4           let's just try it, let the judges work it  
5           out. No. We're trying to be smart on  
6           crime, to know the difference between a  
7           bad guy and a guy having a bad day.

8                     But while the City saves  
9           dollars from these programs, my office  
10          actually spends more time, more effort,  
11          more personnel, and more resources on  
12          diversionary programs than if we had  
13          merely tried the underlying cases. The  
14          fundamental point of diversion is  
15          ensuring that the District Attorney's  
16          Office spends time screening the cases  
17          and then helping to ensure that offenders  
18          comply with those requirements. If  
19          offenders do not comply, it is our  
20          staff's duty to address what sanctions  
21          may be appropriate or what other steps  
22          should be taken to better ensure the  
23          offender will not commit new crimes and  
24          to ensure public safety.

25                    Fewer cases are being dismissed

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           and the most dangerous of offenders are  
3           being brought to justice. Our  
4           felony-held-for-court rate has  
5           dramatically increased, from 59 percent  
6           in 2009 to 72 percent in 2014. During  
7           this time period, the held-for-court  
8           rates for illegal firearms possession  
9           increased from 77 percent to 85 percent,  
10          robberies from 47 to 64 percent, and  
11          rapes which held-for-court rates,  
12          however, hovered below 70 percent in 2010  
13          and 2011 are now at 75 percent. Most  
14          notably, our felony conviction rate has  
15          significantly increased. Consider that  
16          in 2009 the felony conviction rate was  
17          just 43 percent. In 2014, the crucial  
18          figure was 61 percent. During this time  
19          period, the conviction rate for illegal  
20          firearms possession increased from 53  
21          percent to 64 percent.

22                 Our efforts have yielded prison  
23          population decreases. Again, we can go  
24          across the board and see how things our  
25          office has done in cooperation with the



1           5/5/15 - WHOLE - BILL 150162, etc.  
2       Police Department, in cooperation with  
3       the courts, the Sheriff's Office, the  
4       Prisons, the Public Defenders have saved  
5       the City money. It's been estimated  
6       anywhere between \$1 to \$3 million a year.  
7       And that's good for the City. I know we  
8       have potholes to fill and a lot of other  
9       needs of the City, schools, everything  
10      else. I'm only asking for a percentage  
11      of that to be reinvested in our  
12      cost-saving measures.

13                 One of the wonderful programs  
14      is Focused Deterrence. For the better  
15      part of the past two years, members of my  
16      staff have dedicated hundreds, if not  
17      thousands, of hours to overcome gun  
18      violence in South Philadelphia through  
19      Focused Deterrence. One of the key  
20      components of Focused Deterrence is the  
21      call-in, where individuals identified as  
22      members of violent groups are brought  
23      face to face with the partnership of law  
24      enforcement and social service agencies  
25      and presented with two options: Seek for

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        help in changing your behavior and  
3        services will be made available to you or  
4        take part in violent activities and see  
5        all the members of your group face  
6        certain and serious consequences.

7                In August of 2014, we were able  
8        to get our message out again to members  
9        of 14 different groups who attended the  
10       call-in. While these call-ins have had  
11       positive effects, we have still had to  
12       conduct several enforcement actions after  
13       we have determined that a shooting or a  
14       homicide was group motivated. This  
15       requires even more further time and  
16       financial sacrifice from my office as  
17       well as other partnering agencies.

18               As a result of six shooting  
19       incidents attributed to gang members in  
20       2014, six enforcements were initiated on  
21       those groups. In 2014, we had 31 group  
22       members receiving social assistance  
23       through a social service coordinator,  
24       Reuben Jones. Last year we made room in  
25       our already constricted budget to hire an

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       outreach worker, Mr. Glasgow, a South  
3       Philadelphia native, to partner with  
4       Mr. Jones. This is the type of priority  
5       we place on evidence-based innovative  
6       solutions to the problems of violence we  
7       face in Philadelphia.

8                       So, again, I'm very thankful  
9       and proud of the tremendous working  
10      relationship we have with Commissioner  
11      Ramsey. A lot of the success for the  
12      reduction in violent crime is owed to him  
13      and his Police Department, of course.  
14      But it can't -- it's like Law and Order.  
15      I tell people you have to watch the TV  
16      show Law and Order. The first half hour,  
17      that's the Police. The second half hour  
18      is the Assistant DAs. Put together, it's  
19      criminal justice. And I'm very thankful  
20      for our partnership, but I want to talk a  
21      little bit about homicides.

22                      I have a chart here that shows  
23      in 1989 unfortunately Philadelphia  
24      experienced 500 homicides. As a result  
25      of the implementation of community-based

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       prosecution where my DAs are now assigned  
3       geographically, get to know the names of  
4       the Police, the community groups, the  
5       clergy, the business leaders, we work  
6       more efficiently and effectively with law  
7       enforcement partners and the community.  
8       We were able as a result of that to  
9       create GunStat, where we used empirical  
10      data to identify the most violent  
11      neighborhoods and the most violent groups  
12      and individuals in our city, which  
13      allowed us then to create Focused  
14      Deterrence where, again, we use very,  
15      very specific intelligence on the  
16      criminal behavior in a very specific  
17      neighborhood in South Philadelphia.

18             All of these things, in  
19      addition to just wonderful trauma units  
20      in Philadelphia -- I will give them a lot  
21      of credit as well, but as a result of us  
22      being smart on crime with the least  
23      violent offenders, focusing more on the  
24      violent offenders, I believe we can see  
25      that we had a significant reduction in

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           homicides. In 2012, we had 331. In  
3           2013, we had the lowest homicide rate  
4           this city has experienced since 1967.  
5           Last year we were up two. We had 249,  
6           but statistically we actually would have  
7           had less. We added four to that number  
8           as a result of -- you will recall the  
9           mother and her children that were the  
10          victims of men that were speeding away  
11          from a car jacking and a sexual assault  
12          and they hit the mother and her children  
13          as they were selling fruit and flowers  
14          for their church. In the years past we  
15          wouldn't even have considered those  
16          vehicular homicides in our homicide  
17          total, but the Commissioner and we agreed  
18          that those numbers should have been  
19          included for last year. But not for  
20          that, we would have had a lower number  
21          last year, which would have been our  
22          lowest number since 1967. And as of this  
23          morning, we are on pace to have a lower  
24          homicide rate than we did last year.

25                 So, again, I think everywhere I

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       go in the City, Philadelphians come up to  
3       me and they thank me, and I recognize  
4       that they're thanking the young men and  
5       women that work for me and my office and  
6       the hard work that they do to help make  
7       our city safer.

8               Traffic Court is an example  
9       again of a good collaboration, except the  
10      budget. Collaboration is critically  
11      important, and we have done so, and I  
12      believe we are partners in keeping our  
13      communities safer. But collaboration is  
14      more than just a one-way street. For  
15      example, my office took on the role of  
16      administering Traffic Court. We were  
17      asked because our partners in the  
18      criminal justice system had confidence in  
19      our ability to improve the administration  
20      of justice in a Traffic Court that had  
21      been on the front pages and in federal  
22      court.

23              We brought in our good  
24      supervisors and Assistant District  
25      Attorneys and other staff to run it. We

1           5/5/15 - WHOLE - BILL 150162, etc.

2           do not see Traffic Court, but we  
3           understand our responsibilities as  
4           stewards of justice.

5                     There's some irony in the fact  
6           that despite our willingness to take on  
7           new challenges and be good partners, when  
8           it comes time to appropriate budgets, we  
9           do not necessarily see that goodwill and  
10          confidence translate to an acceptable  
11          appropriation amount.

12                    What is it that we need going  
13          forward? We have to sustain our efforts.  
14          We have to continue to put the resources  
15          and time into our changing criminal  
16          justice system so that we don't go back  
17          to the way it was. We have to address  
18          the mental health crisis that exists.  
19          Gun violence is still an unacceptably  
20          high level here in the City of  
21          Philadelphia. And we have to continue to  
22          identify and implement meaningful  
23          solutions that will result in fewer  
24          shootings, fewer injuries, and fewer  
25          deaths.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   Additionally, it seems clear  
3           that additional resources from my office  
4           will be required for the City to fully  
5           comply with the recommendations of the  
6           recent COPS report on the use of deadly  
7           force by the Philadelphia Police  
8           Department. One of the report's most  
9           important recommendations was that the  
10          time to investigate a police shooting  
11          must be reduced. As you may have noted,  
12          the report specifically commended my  
13          office, the Office of the Philadelphia  
14          District Attorney, for significantly  
15          speeding up our shooting investigations  
16          once we received the cases from the  
17          Police Department. We are confident we  
18          can do even more in this regard, which  
19          will be crucial in meeting the goal of  
20          implementing the report's proposals.

21                   Members of my staff have had  
22          preliminary conversations with members of  
23          the Police Department's command staff,  
24          but it is apparent that we cannot  
25          maintain these advances, let alone



1       5/5/15 - WHOLE - BILL 150162, etc.  
2       improve on them, unless we can devote  
3       additional personnel to these  
4       investigations and thus funding to cover  
5       the salary costs of several experienced  
6       prosecutors and investigators.

7               The District Attorney's Office  
8       budget yet again is woefully inadequate.  
9       In terms of my budget, the Mayor's  
10      proposed budget is once again inadequate.  
11      At best, it flat funds my office. We  
12      continue to be underfunded as compared to  
13      other major cities. At this time,  
14      Mr. Rowe is going to show you a chart of  
15      the 14 largest cities, Mr. President,  
16      Philadelphia ranks lowest in terms of  
17      funding per violent crime. This is the  
18      first year, Mr. President, that I'm  
19      reporting that to you. Every other year  
20      that I was here, I said that we were  
21      second only to Wayne County, Michigan,  
22      Detroit, the city that went bankrupt and  
23      had to have its state send in someone to  
24      run the finances. Well, even Wayne,  
25      Michigan has seen fit to fund its

1 5/5/15 - WHOLE - BILL 150162, etc.

2 District Attorney's Office better than  
3 the current Administration in the City of  
4 Philadelphia.

5 So here you see that chart. If  
6 we look at the violent crime, the rate of  
7 violent crime and per crime and we divide  
8 that by our budget, we are the lowest.

9 The criminal justice/public  
10 safety budget has increased in  
11 Philadelphia 18.1 percent between Fiscal  
12 Year '08 and the current proposed budget.  
13 The District Attorney's Office budget,  
14 however, has increased only 9.3 percent,  
15 significantly below that level. Again,  
16 the next chart -- and don't get me wrong.  
17 I'm sure based on their interactions with  
18 the Mayor and his staff, they were all  
19 deemed to receive increases. You see  
20 here OIT. What does that say,  
21 Councilman? What percentage did they get  
22 as an increase?

23 MR. ROWE: 146.

24 DISTRICT ATTORNEY WILLIAMS:  
25 146 percent increase during the Nutter

1 5/5/15 - WHOLE - BILL 150162, etc.

2 Administration.

3 The Police Department  
4 correctly, they deserve it. They have  
5 police cars that don't run. They've  
6 received a 22 percent increase. The  
7 Sheriff, 19.68 percent. An average of  
8 all of our criminal justice partners is  
9 18.07 percent. Fire up 15.81, the  
10 Defenders Association up 15 percent,  
11 Prisons up 10 percent. District  
12 Attorney's Office, all the partners in  
13 the criminal justice, everyone that  
14 receives a budget from the City of  
15 Philadelphia in public safety sphere, we  
16 have received the lowest increase over  
17 that period. And, again, if we had only  
18 allowed for inflation -- and we have that  
19 chart as well -- again, the amount of  
20 funding my office has received as a  
21 percentage of the City budget has  
22 decreased since 2008. In Fiscal Year  
23 2008, my office's share of the City  
24 budget was 0.81002, a mere rounding error  
25 for some departments.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   In Fiscal Year 2015, my  
3       office's share was 0.75886 percent. If  
4       the District Attorney's Office received  
5       the same 0.81002 percent, our budget  
6       would be \$2.3 million higher.

7                   So at the very beginning I  
8       didn't come asking even for that. I'm  
9       trying to be reasonable. I've asked for  
10      an increase of 1.25.

11                  Again, I think this is a modest  
12      but fair increase given the fiscal  
13      challenges still facing the City, while  
14      taking into account our demonstrated need  
15      for additional funding to continue and  
16      expand the good work we are doing to make  
17      this city safer and the justice system  
18      fairer.

19                  Even with the proposed  
20      increase, the overall increase in my  
21      office budget from Fiscal Year 2008 to  
22      present would still be less than the  
23      overall public safety budget during the  
24      same time period.

25                  So, again, I'm very thankful

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       for this time, Mr. President. Again, I'd  
3       ask that my entire written testimony be  
4       moved into your record, and at this time,  
5       Mr. President, I'm more than willing to  
6       answer any of the questions you may have,  
7       and I have people that are much smarter  
8       than I am sitting behind me that I'm sure  
9       can answer specific questions even better  
10      than I.

11               COUNCIL PRESIDENT CLARKE:

12      Thank you, sir. I have someone much  
13      smarter than I am sitting next to me, so  
14      I understand. And thank you. Good  
15      afternoon.

16               DISTRICT ATTORNEY WILLIAMS:

17      Yes, sir.

18               COUNCIL PRESIDENT CLARKE: What  
19      do you attribute the lack of response or  
20      the appropriate response to your budget  
21      request increases as opposed to every  
22      other department?

23               DISTRICT ATTORNEY WILLIAMS:

24      Mr. President, I don't know. I try to  
25      play nice. I smile. I go to meetings.

1 5/5/15 - WHOLE - BILL 150162, etc.

2 I try to show them what we've done, as  
3 I've laid out here, every quantifiable  
4 and qualitative measurement we are doing  
5 a much better job. I think to answer  
6 your question honestly, it is that they  
7 expect us to handle less -- to do more  
8 with less in an efficient way while  
9 others might not. And, again, it's like  
10 we're being penalized.

11 COUNCIL PRESIDENT CLARKE: So  
12 you're getting penalized for doing good.

13 DISTRICT ATTORNEY WILLIAMS:  
14 We're being penalized for having  
15 Ms. Rooney and my deputies, my first  
16 assistant run an office as efficiently as  
17 possible. But there's a possible cost to  
18 that. See, everywhere I go, when I go  
19 out on community walks with Councilman  
20 Squilla, right, when we go, when  
21 Councilwoman Blackwell and I walk through  
22 her neighborhood, people want the DA's  
23 Office to do more. Nobody is asking me  
24 to do less. We're finding creative and  
25 efficient ways that have helped the City

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       save money. I'm asking for a mere  
3       reinvestment into our office.

4                   I'm thankful that the Mayor's  
5       Office, they've given us some money to  
6       increase our computer capabilities.  
7       That's necessary, but that kind of like  
8       just got us to 1990. We have to keep up  
9       with the technologies of 2015.

10                   But I just think that we're  
11       being penalized for running an office so  
12       efficiently. There's so much more that  
13       we could do with just a slight  
14       investment. Again, the young Assistant  
15       DAs start in my office at \$51,000. They  
16       have huge loan debt from law school.  
17       They get trained. But the very nature of  
18       being smart on crime, Mr. President,  
19       requires that people have experience so  
20       that then they can make the decisions on  
21       what is the most appropriate way to  
22       handle this defendant, this defendant's  
23       cases. We can't just get them, get some  
24       experience, and then let them go work at  
25       Dewey, Cheatem and Howe. We need to be

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           able to reinvest in those that are most  
3           qualified to keep them in the District  
4           Attorney's Office to make these tough  
5           decisions.

6                   COUNCIL PRESIDENT CLARKE:  
7           Right. Can you go back to the first  
8           chart, please.

9                   DISTRICT ATTORNEY WILLIAMS:  
10          Yes, sir.

11                   COUNCIL PRESIDENT CLARKE: From  
12          here I can't see the dates on the  
13          dramatic -- what's, I guess, the last  
14          three?

15                   DISTRICT ATTORNEY WILLIAMS:  
16          Yes. Mr. President, like 1985 we had  
17          about 550 homicides.

18                   COUNCIL PRESIDENT CLARKE:  
19          That's '85 where --

20                   DISTRICT ATTORNEY WILLIAMS: So  
21          1989, Mr. President, is to your far left,  
22          and we had about 500 homicides that year.  
23          It then shows a decrease, and then it  
24          shows in 2012 what the number was, and I  
25          have that written here.



1 5/5/15 - WHOLE - BILL 150162, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Which one is 2012? That one? Okay.

4 DISTRICT ATTORNEY WILLIAMS:

5 Mr. President, 2012 there were 331

6 homicides. In 2013, there was 247. And,

7 Mr. President, last year there were 249.

8 COUNCIL PRESIDENT CLARKE:

9 Okay. If you can answer this question,  
10 what's the comparable timeline on the  
11 national trend for that particular  
12 category?

13 DISTRICT ATTORNEY WILLIAMS:

14 Nationally we are seeing an even greater  
15 reduction in gun violence and homicides  
16 by handgun. And, again, I tell people,  
17 you have to have the political will to  
18 make that reduction. The City of New  
19 York over the same time period went from  
20 having approximately 2,400 homicides a  
21 year with a comparable 85 percent being  
22 committed by handguns, as we have in the  
23 City of Philadelphia, to last year  
24 Philadelphia we had more homicides caused  
25 by handguns in a city of 1.5 million than

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       the entire City of New York. But they  
3       had the political will to reduce the gun  
4       violence. So we've done some things.

5               COUNCIL PRESIDENT CLARKE: The  
6       reason I'm asking that question, when the  
7       economy traditionally -- it's based on  
8       the national trend. When the economy  
9       improves in Philly, more than likely it's  
10      improving overall in the country, and I'm  
11      asking similarly because I do think  
12      they're connected. An increase in the  
13      economy, probably there will be a  
14      subsequent decrease in crimes committed  
15      as a result of that, and I'm just trying  
16      to get a sense -- and, again, I  
17      appreciate all the great work that you  
18      all have done -- if that significant drop  
19      had to do with the economy based on the  
20      national trends of crime, homicides being  
21      reduced, or was it just simply an  
22      aberration in the City of Philadelphia?

23              DISTRICT ATTORNEY WILLIAMS:  
24      Mr. President, to answer that, I would  
25      almost need a couple Ph.D.'s in

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        criminology, because there's so many  
3        things. It's not just apples to apples.  
4        Many of these states have much more  
5        strident penalties for the unlawful  
6        possession of firearms. As you know,  
7        I've been going to Harrisburg to try to  
8        change Section 6108 of the Pennsylvania  
9        Crimes Code to make it a penalty with the  
10       possibility of incarceration of not less  
11       than two years for carrying a gun on the  
12       City streets without a license. In New  
13       York they made it 3.5 percent -- I'm  
14       sorry; three and a half years if you  
15       don't have a license and you carry a gun.  
16       That's part of the reason why they had a  
17       significant reduction in New York. But  
18       there are a lot of different things.

19                As you also know, of the top  
20       ten largest cities in America, we have  
21       the greatest percentage, unfortunately,  
22       of Philadelphians that live at or below  
23       the national poverty level, with slightly  
24       more than 30 percent of all  
25       Philadelphians living at or below the

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        poverty level. So when you have that  
3        rate, when you have the just unbelievable  
4        availability of handguns that we have in  
5        Philadelphia, when we have so few young  
6        men having appropriate conflict  
7        resolution skills. And, again, one of  
8        the things we did with Focused  
9        Deterrence, we had -- as minimal as the  
10       expense of Ms. Baraldi, who is here,  
11       having a basketball tournament, we got  
12       some of the most violent offenders in  
13       South Philadelphia to agree to a 14  
14       basketball tournament, and that if any  
15       member of your team got arrested in the  
16       month leading up to the tournament, your  
17       whole team was going to be forfeited.  
18       These guys pleased each other and no one  
19       has been arrested since then.

20                COUNCIL PRESIDENT CLARKE: So,  
21       again, I want to commend you on the great  
22       work that you've been doing. I have, to  
23       some degree, a perspective on the trend  
24       in the City of Philadelphia that I think  
25       that the commitment on dealing with the

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        40 percent that are at or below the  
3        poverty level has not been where it  
4        should have been, and I think that there  
5        was a stronger or had been a stronger  
6        commitment to deal with that issue over  
7        the last several years, that it would  
8        have contributed more to reducing  
9        homicides and all the other associated  
10       crimes. I just think it's a direct  
11       correlation to a person having a decent  
12       job or career or whatever, legal income  
13       and their ability to raise their family,  
14       and I think that just passed down through  
15       the generation, and I just don't think  
16       that we committed the way we should have  
17       committed to deal with that poverty  
18       level. It's one thing to have a summit  
19       and talk about it, but the fact of the  
20       matter is that out of the ten largest  
21       cities, we have overwhelmingly the most  
22       significant rate of poverty.

23                So part of our focus, from my  
24       perspective, should be dealing with the  
25       underlying problems. This issue in

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       Baltimore and they're finally getting to  
3       that conversation, but it got beyond the  
4       fact that young Mr. Gray died wherever he  
5       died, in the van -- I mean, in the  
6       hospital, but what was the root cause of  
7       that death. But there was obviously a  
8       root cause that caused that particular  
9       environment to be created in the City of  
10      Baltimore where we had several nights of  
11      rioting. And I just think here, we got  
12      to do a better job. We have to put in  
13      place a policy and a strategy to deal  
14      with it. And I say it again. I  
15      represent probably the most diverse  
16      district in the State of Pennsylvania. I  
17      represent this building right here and  
18      all of the wonderful high rises over  
19      here, and people are excited and happy  
20      and we're asking people to come. We have  
21      a couple, three, four, five million  
22      people coming here. But I also represent  
23      that area up there north of Girard Avenue  
24      where there continues to be some  
25      significant levels of despair, and we

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           have to do a better job of focusing on  
3           that. And I know the fact that you've  
4           gone out and walked those streets to see  
5           it, not just from a criminal perspective  
6           but trying to come up with a strategy to  
7           assist us in dealing with that side of  
8           the equation.

9                       I want to ask you one question.  
10          It's kind of a loaded question, no pun  
11          intended. We passed unanimously  
12          legislation -- because you referenced the  
13          fact that the front side -- or the back  
14          side of the challenge is \$40,000 a year  
15          for keeping a person incarcerated as  
16          opposed to spending \$4,000 a year in the  
17          programs that you've established. And we  
18          took a similar approach and we shifted  
19          \$500,000 from the Prison budget to a  
20          program that created a landscaping  
21          opportunity for individuals who have been  
22          in the system but exhibited the  
23          willingness to participate in a way that  
24          would be productive and going through all  
25          the programs, and for whatever reason,

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           that money was never entertained. We did  
3           it in the budget. And the challenge is  
4           in Council, we appropriate, but the  
5           Administration can always choose to just  
6           ignore. And the term I used earlier in  
7           the budget process, to blow us off. We  
8           in fact inquired about that particular  
9           bill and that appropriation and, again,  
10          no response.

11                   My question to you, if we have  
12          another hearing and another  
13          appropriation -- I know I'm putting you  
14          on the spot -- to appropriate money so we  
15          can deal with a program to ensure that  
16          the recidivism rate is reduced as a  
17          result of providing an opportunity to a  
18          person who deserves it, because some  
19          people, they may not be in a position to  
20          take advantage of it, would you be  
21          supportive of that particular transfer of  
22          revenue?

23                   DISTRICT ATTORNEY WILLIAMS:

24          Yes, Mr. President. I think it goes back  
25          to the statement you made just seconds



1        5/5/15 - WHOLE - BILL 150162, etc.  
2        ago. A cynic might think that we're not  
3        doing enough to reduce the rate of gun  
4        violence because of who is being shot and  
5        who is doing the shooting. And so I  
6        believe that we have to be smart on  
7        crime, that every life matters. I get  
8        equally upset every time my phone goes  
9        off, no matter the profession or the race  
10       of the shooter or the person that's shot.  
11       But just last week, Mr. President, I was  
12       at a press conference for Fight Crime:  
13       Invest in Kids, a national organization.  
14       I was joined by District Attorney Ferman  
15       of Montgomery County, District Attorney  
16       Hogan of Chester County, District  
17       Attorney Whelan of Delaware County, all  
18       there to talk about one thing,  
19       prosecutors and police commissioners  
20       across the nation believe that the most  
21       pressing way, the best way for us to  
22       reduce crime is to invest in early  
23       childhood education and truancy reduction  
24       programs. So I say that everywhere that  
25       I go. I would like to do all that I

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       could to put the District Attorney's  
3       Office in Philadelphia out of business,  
4       and we would do that best by investing in  
5       every child so that they are ready for  
6       school, both academically and socially  
7       and learning those conflict resolution  
8       skills that if they don't, they end up  
9       with me. And I tell people, the DA's  
10      Office is the social worker of last  
11      resort.

12                So, yes, I would be supportive.  
13      I'd be there with you, stand next to you  
14      with a bullhorn to talk about the need to  
15      invest money in preventive measures. But  
16      at the same time, we try to do that in  
17      our office, and staffing, supervising all  
18      those programs that are smart on crime  
19      actually costs us in dollars, personnel,  
20      and resources more than if I said, You  
21      know what, we're not going to have any  
22      programs like that, we'll just try all of  
23      them. That's just a much easier way to  
24      manage our office, but I think it would  
25      be the wrong way and wouldn't help the

1           5/5/15 - WHOLE - BILL 150162, etc.

2           dispense of justice and fairness in the  
3           City of Philadelphia.

4                   COUNCIL PRESIDENT CLARKE:

5           Okay. Thank you.

6                   The Chair recognizes Councilman  
7           Jones.

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

10                   I recognize that you are a  
11           different type of DA. You've been --  
12           geographic-based prosecutions I think are  
13           a part of some of the reduction. We  
14           appreciate you opening an office in our  
15           district on 60th Street that acts as a  
16           deterrent and at least a beacon that we  
17           are interested in what goes on there.  
18           That's ground zero in my district.

19                   DISTRICT ATTORNEY WILLIAMS:  
20           That's where I used to catch the 46 bus  
21           every day coming home from Central High  
22           School.

23                   COUNCILMAN JONES: Don't hold  
24           that against us.

25                   DISTRICT ATTORNEY WILLIAMS:

1 5/5/15 - WHOLE - BILL 150162, etc.

2 All right.

3 COUNCILMAN JONES: But it is  
4 the most challenged part of my district  
5 by way of crime. Every 28 days somebody  
6 is going to get shot there. Not always  
7 fatally, but within those sectors within  
8 the 19th District are my most  
9 challenging. So thank you for putting  
10 that there.

11 Focused Deterrence, which we  
12 touted in South Philly as something that  
13 we wanted to see expanded, where are we  
14 by way of a commitment for the soft side  
15 of the Focused Deterrence, meaning social  
16 work, those kinds of things that actually  
17 give people a choice? Where are we with  
18 that?

19 DISTRICT ATTORNEY WILLIAMS:  
20 All right. So there was a slight  
21 expansion with Focused Deterrence as to  
22 the Mayor's Office agreed and picked up  
23 the tab for another social worker to  
24 assist with some of those soft services  
25 you're mentioning. It would be wonderful

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           in many ways to continue the Focused  
3           Deterrence model in other parts of the  
4           City. That takes a lot of intelligence,  
5           and by "intelligence," I mean the reason  
6           why it's been so successful in South  
7           Philadelphia, we believe and  
8           criminologists believe, David Kennedy  
9           from New York, the John Jay School of  
10          Criminology has come down and has  
11          evaluated this and says it's the best  
12          example of Focused Deterrence across the  
13          nation, because of the Police  
14          Department's gathering of information,  
15          targeting individuals and groups and then  
16          us using that information to better  
17          prosecute, to better track them than ever  
18          before.

19                 So it would be great and  
20          beneficial, I believe, to expand Focused  
21          Deterrence, but it would have to be done  
22          in a very measured way, in a way in  
23          cooperation with the empirical  
24          data-gathering capabilities and expertise  
25          of the Philadelphia Police Department.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   But, Councilman, you also  
3       mentioned just the community outreach.  
4       In years past, people thought that that  
5       was just fluff. But as we see what  
6       happened in Baltimore, Ferguson, Staten  
7       Island, having someone -- it's not  
8       perfect yet. People go to that office,  
9       the office we have downtown, the office  
10      we have in North Philadelphia. It's not  
11      perfect yet, but we have to make those  
12      investments. Me going and speaking to  
13      kids in grade schools and Overbrook Town  
14      Watch, that is an investment in trying to  
15      ensure that the public understands what  
16      we do so they don't just see me when  
17      there's a crisis, but every day so we can  
18      build better relations. And, again,  
19      what's much more important than does Seth  
20      Williams show up at a community meeting,  
21      did I go to Mount Airy Day. You'd better  
22      believe I was at Mount Airy Day with you  
23      and Congressman Fattah. Am I right?

24                   COUNCILMAN JONES: Yeah.

25                   DISTRICT ATTORNEY WILLIAMS:

1           5/5/15 - WHOLE - BILL 150162, etc.

2           But more important, there was a group of  
3           Assistant District Attorneys that were  
4           there. There was a group of Assistant  
5           District Attorneys last night that played  
6           basketball in the 16th District Cops and  
7           Kids Basketball Program. That's more  
8           important than just where I am, because  
9           the public sees those young ADAs. The  
10          young ADAs also learn about what's  
11          important in the community. It makes  
12          them better champions in court. But all  
13          of this is very, very important because  
14          we're just one spark away from what  
15          happened in Baltimore if we don't do the  
16          hard work every day, and that costs  
17          money. People want us to have more  
18          people at community action centers. We  
19          don't get the money, though.

20                 COUNCILMAN JONES: So we  
21          want -- so I know in Council President  
22          Clarke's district he has some challenges  
23          up there in the 22nd. It's evidenced by  
24          loss of life. I have some challenges in  
25          the 19th, Councilwoman Blackwell

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           Southwest Detectives. So we want to see  
3           that even though empirical data suggests  
4           South Philly was a good place for it to  
5           start, it is not the place where we want  
6           it to end. We want to know how we can be  
7           helpful to see it expanded in other  
8           areas.

9                   DISTRICT ATTORNEY WILLIAMS:

10          And that requires experienced prosecutors  
11          and experienced investigators, which  
12          means we have to have people that we can  
13          keep in our office, and while they're  
14          saintly, they also have bills to pay,  
15          right? Comcast isn't just giving ADAs a  
16          pass.

17                   COUNCILMAN JONES: No?

18                   DISTRICT ATTORNEY WILLIAMS:

19          No. If you recall, I was on the front  
20          page of the Daily News two years ago  
21          because I was a month behind on my PGW  
22          bill. Remember that? So I don't even  
23          get a pass. Right? Okay.

24                   So we have to invest in these  
25          people. Just little increments would be



1 5/5/15 - WHOLE - BILL 150162, etc.

2 helpful.

3 COUNCILMAN JONES: So we  
4 support that. And let me transition and  
5 ask, so we in my next go-round, if you  
6 could get individuals that deal with the  
7 forfeiture unit up here, whoever that is.

8 DISTRICT ATTORNEY WILLIAMS:  
9 Okay.

10 COUNCILMAN JONES: And --

11 DISTRICT ATTORNEY WILLIAMS:  
12 Well, he's already here, Deputy District  
13 Attorney Mosee is ready.

14 COUNCILMAN JONES: Not Mosee.

15 DISTRICT ATTORNEY WILLIAMS:  
16 He's right here. He's right next to us.  
17 The pride of 59th and Webster.

18 COUNCILMAN JONES: Yeah, I  
19 know.

20 I didn't see you over there. I  
21 wouldn't have asked about it if I saw  
22 you.

23 I'll wait until my next round  
24 to talk about forfeiture.

25 COUNCIL PRESIDENT CLARKE:

1           5/5/15 - WHOLE - BILL 150162, etc.

2           Thank you, Councilman.

3                   The Chair recognizes Councilman  
4           O'Brien.

5                   COUNCILMAN O'BRIEN: Thank you,  
6           Mr. President.

7                   It's just surprising to me that  
8           the two agencies that I care most about,  
9           the Bureau of Autism Services and the  
10          Philadelphia District Attorney's Office,  
11          are both because they're so efficient in  
12          the way they appropriate every dime are  
13          penalized for that efficiency. So I have  
14          great sympathy for you.

15                  I'm a huge fan of the work of  
16          Focused Deterrence, and I will offer my  
17          continued support for that. And I've  
18          gone to all but one call-in. It's  
19          powerful stuff. I agree with the other  
20          Councilman that we have to expand this  
21          beyond South Philly.

22                  I also -- I know you've just  
23          spoken to this, but I want to  
24          congratulate you for your creativity on  
25          the Focused Deterrence Basketball

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           Tournament. It's just extraordinary as  
3           you build those bridges with the  
4           community. It's a wonderful example of  
5           the community and law enforcement working  
6           together to make neighborhoods better in  
7           a meaningful way and build those bridges  
8           of communication.

9                     DISTRICT ATTORNEY WILLIAMS:

10          And Councilman Squilla showed up at that  
11          tournament. I challenged him to a foul  
12          shot shooting contest, but he declined.  
13          He didn't want to show me up. So I did  
14          it against a little 12-year-old that was  
15          there.

16                    COUNCILMAN O'BRIEN: There you  
17          go, picking on that little 12-year-old,  
18          are you?

19                    But I also would like to praise  
20          you for the Choice is Yours program. I  
21          personally went over to Judge Neifield's  
22          courtroom in December and saw the  
23          meaningful work. I'm impressed with your  
24          creativity with funding. And I'll just  
25          lift something from your testimony, if

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       you don't mind, that the Choice is Yours  
3       is an evidence-based pre-entry program  
4       that helps offenders subject to state  
5       prison sentences before they are  
6       sentenced by providing important life  
7       skills and training and other skills  
8       designed to help them with the  
9       criminogenic needs.

10               I'm going to steal that word so  
11       I look smart when I'm out on the campaign  
12       trial.

13               DISTRICT ATTORNEY WILLIAMS:

14       Good.

15               COUNCILMAN O'BRIEN: But I'd  
16       like to again emphasize that this funding  
17       has not come from the City, but it came  
18       from Lenfest and the William Penn  
19       Foundations.

20               And, finally, as you and  
21       Mr. Rowe have looked on one of those  
22       sheets, one of those projections, I know  
23       that since I've been in Council we've  
24       heard about your struggles in technology  
25       and, since joining Council, your efforts

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        to improve technology using eDiscovery  
3        and other initiatives. Since OIT has  
4        gotten a 146 percent increase, what  
5        structural assistance has OIT given your  
6        office in the last couple of years? Are  
7        they meeting your needs? And is there a  
8        promise of some share of that 146 percent  
9        financial support this coming fiscal  
10       year?

11                DISTRICT ATTORNEY WILLIAMS: We  
12        had initial dialogues. They have given  
13        us some additional hardware, but it's not  
14        enough. Ms. Baraldi and this young man,  
15        Mr. Berman is here. We hired two young  
16        folks to be basically data analysts for  
17        us. Everyone wants to know statistics.  
18        Everybody wants to know, well, what  
19        percentage have you increased this, all  
20        these things, and we were originally  
21        using a computer software program to  
22        gather and analyze this data that was  
23        created to send out subpoenas in the  
24        1990s, but because of some very  
25        intelligent MacGyver-esque young folks

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           that work in my office, we were able to  
3           figure out a way to gather and compile  
4           the statistics. But we need more.

5                     Just to answer your question,  
6           just from my Communications Director to  
7           go on our District Attorney's website to  
8           show the change in my marital status, we  
9           couldn't just do it in our office. It  
10          took us about three months by sending  
11          e-mails over and over and over to OIT to  
12          get them to change something that was on  
13          our website.

14                    So we're making improvements,  
15          but it's not enough. We need more, and  
16          all these investments -- again, we're not  
17          asking to even keep up with inflation,  
18          which is what I should be doing here. I  
19          should be jumping up and screaming just  
20          to ask for what would be the inflationary  
21          increase, but I'm being, I believe,  
22          modest in trying to work with Council and  
23          the Mayor for what I think is just a  
24          necessary increase to keep us where we  
25          could do even more than what we're

1 5/5/15 - WHOLE - BILL 150162, etc.

2 already amazingly doing for the City.

3 COUNCILMAN O'BRIEN: I would  
4 just like to underscore what I believe  
5 will be Councilman Jones' concern on  
6 stolen deeds and foreclosures, that the  
7 real issue here is that that issue could  
8 be substantially addressed if you had  
9 substantially more resources.

10 DISTRICT ATTORNEY WILLIAMS:  
11 Right. See, again, it would be easy just  
12 every case that came to us, we just tried  
13 it. Whatever happens, happens. Just  
14 call the witnesses. If they're there,  
15 they're there. If they're not, they're  
16 not. But that's what got us into the  
17 trouble that led to the series Justice:  
18 Delayed, Denied, Dismissed. So now  
19 instead of having just a Municipal Court  
20 unit where you have the 30 newest  
21 attorneys with a supervisor and an  
22 assistant chief and a Felony Waivers  
23 Unit -- so we used to have just six  
24 supervisors in the three largest units in  
25 our office. Well, now through geographic

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        prosecution, we have six units. Each of  
3        those has two supervisors, so they can  
4        better evaluate the cases, better  
5        instruct the Assistant District  
6        Attorneys, to better cooperate and go out  
7        to meetings with the Police and the  
8        community to evaluate data, to better  
9        identify individuals that we should have  
10       on GunStat and track those that possess  
11       guns illegally or use firearms illegally,  
12       commit gunpoint robberies illegally.  
13       It's time intensive, but it's showing the  
14       results. Having tripled the number of  
15       people in our Charging Unit has shown  
16       significant reduction in a lot of issues  
17       across the criminal justice system, to  
18       include those that are awaiting trial,  
19       pretrial up on State Road. There's a  
20       2,000 bed reduction, I believe, is what  
21       the Prisons testified to up there on  
22       State Road. In large part that has to do  
23       with the cooperation and the vision of  
24       the District Attorney's Office. And,  
25       again, all of those things work together.



1 5/5/15 - WHOLE - BILL 150162, etc.

2 We're committed to them, but we are just  
3 asking for a modest increase so that we  
4 can do what we do so well even better.

5 COUNCILMAN O'BRIEN: Thank you,  
6 sir.

7 MS. LEWIS: Councilman Oh.

8 COUNCILMAN OH: Thank you very  
9 much.

10 Good afternoon.

11 DISTRICT ATTORNEY WILLIAMS:

12 Mr. Oh, how are you?

13 COUNCILMAN OH: Doing well.

14 I have two questions. The  
15 first is, how much money do you need,  
16 just in dollars? What are you seeking?

17 DISTRICT ATTORNEY WILLIAMS:  
18 1.25 million, which is still less than  
19 the 2.3 if we just allowed for inflation,  
20 if our budget remained just the same  
21 0.8002 it had been in Fiscal Year '08.

22 COUNCILMAN OH: Okay. Thank  
23 you for that answer. That's pretty  
24 clear.

25 The second one is just kind of

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       your thoughts and policy. So violent  
3       crime, biggest concern, you're addressing  
4       that. Could you give me your thoughts,  
5       your policy, your strategy on crimes that  
6       are commercial corridor crimes. That is,  
7       a lot of neighborhoods have commercial  
8       corridors. Police are pulled off of that  
9       area down to where there's homicides and  
10      then a lot of these commercial corridors  
11      have crimes such as prostitution,  
12      loitering, small drug dealing, types of  
13      things that really kind of negatively  
14      impact on the viability of the commercial  
15      area. It's difficult for policing  
16      because the Police are called away.

17               How can the DA's Office be  
18      effective in trying to clean up those  
19      areas so that the businesses can thrive  
20      more and, I believe as a result, the  
21      neighborhood can thrive better?

22               DISTRICT ATTORNEY WILLIAMS:  
23      All right. Well, again, thank you for  
24      that question, and members of my office  
25      go to Police District Advisory Council

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       meetings, each one of them, across all  
3       the police districts monthly. They go to  
4       business meetings, the -- you name the  
5       civic association, members of our office  
6       are going to those meetings to gather  
7       information, not just to go there and  
8       preach about what we do, but just to  
9       listen.

10                I think, though, changes that  
11       Commissioner Ramsey has made, going from  
12       a police sector-driven, 911-driven  
13       department to moving towards the PSAs  
14       that we have is really trying to address  
15       your question, Councilman Oh. And the  
16       District Attorney's Office, we try to be  
17       a part of that through geographic-based  
18       prosecution. And, again, I reorganized  
19       the office. Instead of having -- and the  
20       courts worked with us and reorganized the  
21       courthouse, which has significantly  
22       reduced the backlog of cases, the  
23       overtime pay. The police officers were  
24       just waiting around in the CJC when cases  
25       are being continued. But, again, we go

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       to those community meetings to try to see  
3       what is specifically needed in Lawncrest,  
4       what are the issues in Eastwick, which  
5       might be totally different than people in  
6       Fox Chase have issues with or problems  
7       with or University City where a problem  
8       might just be stolen bicycles. While  
9       that might seem insignificant to some  
10      people in maybe parts of North  
11      Philadelphia where we have very high  
12      homicide rate, it's real to the people in  
13      those other neighborhoods.

14               And so we try to work with them  
15      and create programs, put on training in  
16      our community action centers to address  
17      the specific needs of Philadelphians  
18      across -- from the airport all the way up  
19      to Grant and the Boulevard.

20               COUNCILMAN OH: Well, I  
21      appreciate that. I've seen the DAs at  
22      the community meetings I go to, so I  
23      appreciate their presence, and I think  
24      that is important. So I appreciate your  
25      attention to that matter. I know there's

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           a lot of issues in our city, but I think  
3           the quality of life issues, the violent  
4           crime issues, but also if these  
5           commercial corridors are not places  
6           people want to go to, walk to, drive to,  
7           you lose jobs, you lose businesses, you  
8           get a lot of abandoned shops and things  
9           like that. And I'm happy to hear that  
10          you're on top of that. So thank you very  
11          much.

12                   COUNCILMAN JONES: Thank you,  
13          Councilman.

14                   The Chair recognizes Councilman  
15          Squilla.

16                   COUNCILMAN SQUILLA: Thank you,  
17          Mr. Chair.

18                   Thank you, Mr. Williams. I  
19          appreciate you coming here today. I too  
20          since being a representative of South  
21          Philadelphia appreciate the Focused  
22          Deterrence program and the collaboration  
23          with the Police, but I understand the  
24          reason why we actually went toward South  
25          Philadelphia was because they had the

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           most intel on a lot of the gang members  
3           and the hierarchy of the gangs and how it  
4           portrayed.

5                       I was present at the basketball  
6           game, and I remember that the invitation  
7           to have the foul shooting contest was  
8           only to the members of the team, but not  
9           to me or I would have taken you up on  
10          that. We'll do that at the next one.  
11          But we understand that also takes  
12          resources and money.

13                      Has there been a budget for  
14          this year to continue the Focused  
15          Deterrence program?

16                      DISTRICT ATTORNEY WILLIAMS:  
17          Well, I mean, there is no really --  
18          unless I'm wrong, we don't have a  
19          specific budget for Focused Deterrence  
20          internally. We just have members of our  
21          Gun Violence Task Force. We have  
22          Assistant District Attorneys from our  
23          South Division that help manage those  
24          cases. We hired an individual, as I  
25          stated during my testimony, to assist

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       Mr. Reuben Jones and what he does. But  
3       really it's just us taking on this  
4       because we see how important it is for  
5       the ultimate outcome. And, again, being  
6       smart on crime isn't just a glib catch  
7       phrase. We have to show Philadelphians  
8       that the criminal justice system is fair.  
9       When people think it's not fair, that's  
10      when people burn buildings down. And I  
11      think what we've done by prosecuting  
12      Monsignor William Lynn, having an  
13      extensive grand jury investigation  
14      showing how he shielded priests from  
15      prosecution where they then reoffended;  
16      by going after Dr. Kermit Gosnell; by  
17      taking on a prosecution that the Attorney  
18      General of the Commonwealth thought was  
19      non-prosecutable and getting successful  
20      prosecutions in that case, when  
21      Philadelphians see that we're not just  
22      going after Pookie and Man-Man at the  
23      corner of 60th and Catharine, but that  
24      we're going after crimes in the suites as  
25      well as the crimes in the streets, I

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        think then they begin to feel -- and we  
3        have more diversionary programs than  
4        ever. When they see we're trying to give  
5        people a second chance and we're going  
6        after everyone with the same fervor and  
7        the same sense of justice, then I think  
8        it permeates to people that we're trying  
9        to be fair to everyone. And this is  
10       never even more clear since 2010. We,  
11       Mr. President, have prosecuted at least  
12       55 police officers for the excessive use  
13       of force or for corruption, where my  
14       predecessor just a week ago said she  
15       didn't prosecute those cases because they  
16       had no constituency. I think that's  
17       disgusting. The constituency is  
18       Philadelphia. The constituency is  
19       justice. But it takes more time to  
20       investigate those cases. And, again, the  
21       federal reports show that our office is  
22       doing it very well, but we have to double  
23       down. And, again, the status quo is  
24       unacceptable if everybody wants us to do  
25       everything they want us to do.



1 5/5/15 - WHOLE - BILL 150162, etc.

2 COUNCILMAN SQUILLA: I agree,

3 and I really -- and I see the

4 collaboration and the effort, and it's

5 not easy to collaborate with all

6 departments all across the board as

7 Focused Deterrence does. And we believe

8 that the work with the Police Department,

9 with the DA, with the FBI, with the other

10 utilities, all the things that are

11 involved, and DHS and everything else

12 that's involved with this doesn't make it

13 an easy program, and it takes a lot of

14 time and a lot of effort. So the

15 resources are needed. And this program

16 concentrates on the shoot or be shot

17 person in the community in South

18 Philadelphia, which we have a lot of, and

19 when we're in those communities, there's

20 a need to reach out to those folks,

21 because from what I understand, at least

22 out of the 200 shootings or out of the

23 whatever number shootings were in South

24 Philly, 37 percent of them were at least

25 pinpointed to these two gangs, two

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       groups, and they're the ones that they  
3       actually knew of and not -- there's  
4       probably more that we didn't correlate to  
5       those gangs. So if we get 50 percent of  
6       those shootings happen by these folks, we  
7       got to engage these folks, and I think  
8       that's what Focused Deterrence does.

9           The other issue is, how do we  
10      engage the people who didn't get to the  
11      shot or be shot stage so that they don't  
12      go there and end up spending different  
13      resources? And we're working with your  
14      staff and your office to coordinate  
15      people down in South Philadelphia to meet  
16      with those community groups to let them  
17      do that. And, again, that's over and  
18      beyond Focused Deterrence, but it just  
19      shows you the willingness of the DA's  
20      Office to step in and do not the, quote,  
21      prosecution, only prosecution type  
22      methods that we have, but actually going  
23      into there to help prevent some of these  
24      from happening. And I want to say that I  
25      appreciate that as a Councilperson. My

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       district appreciates it and the  
3       communities appreciate it. Not that we  
4       have to stop doing it. We need to do  
5       more. We need to keep the collaboration  
6       going. We need to make sure we include  
7       the Police in all the aspects of that.  
8       And do you see Focused Deterrence -- I  
9       know everybody likes to see this in other  
10      areas. Do you see that as a possibility?  
11      And obviously that would take even  
12      additional resources, so it would make it  
13      even harder for you to do.

14               DISTRICT ATTORNEY WILLIAMS:

15      Look, I'm committed to doing it. It's  
16      the right thing to do. It's showing  
17      results. But we just can't keep doing  
18      everything if we're not funded  
19      appropriately. And so don't get me  
20      wrong. It goes back to the Council  
21      President's question earlier. I know  
22      Mayor Nutter wants a safer city. I know  
23      he cares about lives of people. He  
24      doesn't want to see anyone shot. I  
25      understand that. But what I don't -- I

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           can't answer as to why it is that our  
3           percentage of the budget is less than  
4           what it was in Fiscal Year 2008. I don't  
5           know the answer for that. I don't know  
6           what more can be expected of the District  
7           Attorney's Office. I see they've sent  
8           the Press Director over to maybe try to  
9           figure this out and spin it better for  
10          them. I don't know. I don't know the  
11          answer. Okay? It just makes no sense as  
12          to why that chart showed us receiving the  
13          least. And they include -- the Mayor  
14          made in this room -- I was here during  
15          his budget address -- Five Year Plan, the  
16          DA's Office would get an additional 14  
17          percent, but that included the money that  
18          they're giving us for Traffic Court,  
19          which is like an additional job, which I  
20          get it. The public deserves a fair  
21          Traffic Court system, and we're going to  
22          give it to them. But they want us to  
23          keep doing more and more and more. And  
24          we can provide even better services, not  
25          just lip service. This isn't just lip

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       service. We have the quantifiable  
3       results. Don't penalize us for being so  
4       good at what we do. Let us continue to  
5       do and double down and make the City  
6       safer, is just my question.

7               COUNCILMAN SQUILLA: And I'll  
8       just end on this. It seems like  
9       sometimes the mentality is that if you're  
10      doing well with what you have, let's give  
11      you less. And if you're not doing good,  
12      we'll give you more money, which is sort  
13      of the process that we shouldn't be  
14      following, but hopefully in this case  
15      there will be a reconsideration and we'll  
16      be able to get more resources for the  
17      District Attorney's Office.

18             Thank you.

19             COUNCIL PRESIDENT CLARKE:  
20      Thank you, Councilman.

21             The Chair recognizes  
22      Councilwoman Blackwell.

23             COUNCILWOMAN BLACKWELL: Thank  
24      you, Mr. President.

25             We merely wanted to say thank

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       you. We appreciate the hands-on  
3       approach, all the marches through the  
4       neighborhood and all the things we let  
5       people -- that you initiate and let  
6       people know we're there and we care about  
7       them. So I wanted to just say thank you  
8       for all your efforts.

9               Thank you.

10              DISTRICT ATTORNEY WILLIAMS:

11       Thank you, Councilwoman.

12              COUNCIL PRESIDENT CLARKE:

13       Thank you, Councilwoman.

14              The Chair recognizes Councilman  
15       Jones.

16              COUNCILMAN JONES: Thank you,  
17       Mr. Chair.

18              This is one of those subjects  
19       where it's six in one hand, half dozen in  
20       the other. I remember a while back when  
21       the crack epidemic was so pervasive in  
22       our community that we wanted to do  
23       whatever it took to shut down crack  
24       houses that were operating in an open way  
25       in every part of the City. We began to

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           kick in gear the forfeiture program, but  
3           I'm beginning to wonder if indeed the  
4           pendulum has swung a little the other  
5           way. There was a class-action suit about  
6           forfeitures, about the process, and I  
7           understand based on testimony that we get  
8           about 11 million, maybe between 11 and, I  
9           think it was, 17 million out of the  
10          process. So here's my question: What do  
11          we get every year from foreclosures? How  
12          many properties do we seize? What types  
13          of properties do we seize?

14                   DISTRICT ATTORNEY WILLIAMS:

15          All right. So first let me start off by  
16          saying that you're correct. The state  
17          created the Civil Forfeiture Act as a way  
18          for law enforcement to try to take the  
19          profit out of the sale of drugs. So that  
20          if you were selling drugs out of your car  
21          or out of a house and you were arrested  
22          because of that, that that property could  
23          be seized and possibly ultimately sold.  
24          And it was very successful in some ways.  
25          Nothing is perfect, but it was just

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       another tool to deal with that. And,  
3       again, I'm sure almost every day the  
4       folks that work in our office that handle  
5       constituent services get calls from  
6       someone saying there's a crack house,  
7       there's a house of ill-repute, as my  
8       mother would say, or there's a speakeasy  
9       on this street, somebody has an  
10      after-hour whatever. You get those  
11      calls. We get those calls. The Police  
12      Department gets those calls. So it's not  
13      imaginary. It's not like it just doesn't  
14      happen. And so we have to do something  
15      about it, because your constituents, our  
16      constituents, Philadelphians want fewer  
17      crack houses. So we have to let the  
18      Police go out, try to make arrests, and  
19      we try to then do our part.

20               Now, the specific part of what  
21      amount comes in, I'm not allowed to talk  
22      about that. The Civil Forfeiture Act  
23      prohibits the District Attorney from  
24      talking about those monies, because if in  
25      fact the Finance Director for the City of



1       5/5/15 - WHOLE - BILL 150162, etc.  
2       Philadelphia knows what that amount is,  
3       then they can just say, Well, you know  
4       what, we're doing to de-fund the District  
5       Attorney's Office, and we don't want  
6       there to be a motivation for us to try to  
7       take people's houses. That would be  
8       unjust. My job is once there's been an  
9       arrest or after we've done an  
10      investigation, if we see that this  
11      property should be taken, to follow the  
12      appropriate protocol.

13               And so I think, again, the  
14      pendulum swinging was really the result  
15      of me not keeping up with the PR machine  
16      that the other side had, by me not  
17      talking about the communities that are  
18      served and saved by what we do. And so,  
19      again, we're trying to be as preventive  
20      as possible, but we're also trying to  
21      change some of our own internal protocols  
22      to assure that there's more checks and  
23      balances.

24               Some people have a problem that  
25      there's no Civil Gideon, that people who

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           might have their homes taken don't have  
3           the right to have an attorney for free.  
4           And so I, Mr. Rowe, State Senator Anthony  
5           Hardy Williams, and State Senator Folmer,  
6           we met in Harrisburg to talk what can  
7           they do in Harrisburg to try to ensure  
8           that Community Legal Services is better  
9           funded, other methods to give more checks  
10          and balances to help those that might  
11          find themselves in that way.

12                   But, again, a cynic might say  
13           that the reason why this whole PR machine  
14           went the other way was because whose home  
15           got taken that was on the front page of  
16           the Daily News on this one case, it was a  
17           little bit different than the average  
18           person who has their home taken and it  
19           was more sympathetic, a cynic might say,  
20           to some people.

21                   COUNCILMAN JONES: So my point  
22           is for every jeer I get about it, I get a  
23           lot of cheers about it. So --

24                   DISTRICT ATTORNEY WILLIAMS:  
25           I'm sorry?

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   COUNCILMAN JONES: For every  
3       jeer, I get a lot of claps. So it goes  
4       both ways, is what I'm trying to say.  
5       But I do want you to look at how people  
6       get notice.

7                   DISTRICT ATTORNEY WILLIAMS:  
8       Sure.

9                   COUNCILMAN JONES: How people  
10      can have attorneys, because there were a  
11      couple of cases, not one but at least  
12      two, that came into my office and said, I  
13      didn't know my nephew was in the basement  
14      doing what he was doing. Maybe they  
15      should have. They should check down the  
16      basement a little more often. But they  
17      were in jeopardy -- it was a couple -- of  
18      losing their home. And to the credit of  
19      those around the corner that did it, they  
20      looked into it and they spared them that  
21      and told them that if Pookie comes back  
22      here --

23                   DISTRICT ATTORNEY WILLIAMS: Or  
24      Ray-Ray.

25                   COUNCILMAN JONES: -- or

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           Ray-Ray -- you know Ray-Ray and Pookie  
3           hang together -- that they would be then  
4           forfeit to their home. And I get that.  
5           So we need to kind of take a look at the  
6           process a bit so that that pendulum  
7           doesn't hit people that otherwise would  
8           not run afoul of the law but for them  
9           trying to do a solid to a nephew, a  
10          niece, a son or a daughter.

11                   DISTRICT ATTORNEY WILLIAMS:

12          Correct. And I don't disagree with you,  
13          Councilman, and I'm going to let Deputy  
14          District Attorney Mosee talk to that a  
15          little bit greater, because he knows more  
16          of the details than I about some of the  
17          checks that we're making with -- the  
18          Chief of my Civil Litigation Unit, the  
19          Deputy of our Law Division are all  
20          working together to make sure that we are  
21          ensuring those protections, but at the  
22          same time, again, to that grandmother,  
23          we're not trying to take the homes of  
24          innocent people, but when that  
25          grandmother -- and let's be a call to

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           her. If in fact your grandson has lots  
3           of people coming in the basement and he's  
4           14, has no means of income and he's  
5           getting you the flat screen TV --

6                   COUNCILMAN JONES: That  
7           happened --

8                   DISTRICT ATTORNEY WILLIAMS: --  
9           and the Police are coming in, let's just  
10          be on notice that it might be that we  
11          might have to seize that property. But  
12          I'll let Mr. Mosee talk a little bit  
13          about some of the protocols we're putting  
14          in to ensure better process, due process.

15                  COUNCILMAN JONES: So, again, I  
16          just want you to know, I get the other  
17          calls like, How is this 14-year-old  
18          paying the gas bill, electric bill with  
19          no visible -- it's not newspaper money  
20          he's doing it with. So we have to have  
21          some responsibility for those who live in  
22          our homes.

23                  DEPUTY DISTRICT ATTORNEY MOSEE:  
24          So what's really important about what it  
25          is that you identified as the way that

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        the case that you were talking about  
3        worked was that even though there was the  
4        threat of the property being forfeited,  
5        it didn't happen. And so it's that  
6        impending threat that acts as the  
7        deterrence that stops activity that would  
8        otherwise persist. If the house wasn't  
9        threatened, then even if we did make the  
10       arrest, three or four new people would  
11       come and take their place. The fact is  
12       that they should have known. Okay.  
13       We'll give them the benefit of the doubt  
14       the first time and say, Okay, you tell us  
15       you didn't know. We'll act upon it as if  
16       you didn't know, but now you do. And  
17       because they do and because they know  
18       that their house is in jeopardy, they go  
19       into action. And I think what we all  
20       recognize to be the fact of the matter,  
21       those of us who have worked in law  
22       enforcement for the number of years that  
23       we've worked in law enforcement, that we  
24       can't do it alone. We need the support  
25       of the people in the community. And with

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           that impending threat, people who  
3           otherwise would continue to play dumb,  
4           keep their head in the sand, they're more  
5           conscious of what's going on, and that  
6           certainly helps.

7                   COUNCILMAN JONES: Well, I'd  
8           like you to focus a little bit on  
9           commercial establishments as well. In  
10          some cases folk are harboring those  
11          people who distribute illegal narcotics.  
12          In some cases they are offering stash  
13          locations for people who are in that kind  
14          of business, and we need to look at them,  
15          because they constitute more of a  
16          nuisance to me than sometimes grand-mom,  
17          and both should be held accountable. In  
18          a lot of cases some of these small  
19          commercial establishments have struck a  
20          deal with them, Don't harm me; you  
21          provide me security, I'll provide you  
22          safe haven when you need to, and that  
23          can't be tolerated either.

24                   DISTRICT ATTORNEY WILLIAMS:  
25          Councilman, one thing I'd like to add,

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       you asked me about these numbers. One  
3       thing I can say, unlike any of the other  
4       67 counties in the Commonwealth of  
5       Pennsylvania, and those counties are like  
6       Montgomery County, with the forfeiture  
7       funds, the various police departments  
8       make application to fund the K-9 team,  
9       the bulletproof vests, new equipment, new  
10      technologies. In Philadelphia we have an  
11      MOU; 60 percent, once we take care of the  
12      administrative costs that we share, 60  
13      percent of all of the funds that come  
14      through actual forfeiture go directly to  
15      the Philadelphia Police Department.

16                COUNCILMAN JONES: Final  
17      question, since I'm not rung up -- oh,  
18      there he goes. I like this. Go ahead,  
19      take your time.

20                So one last question. We  
21      decriminalized marijuana. What has been  
22      your -- and I'll just say some of the  
23      unintended consequences I've seen, 7  
24      o'clock every Monday we do a conference  
25      call with all of the schools in my



1       5/5/15 - WHOLE - BILL 150162, etc.  
2       targeted area. I have 30 schools in my  
3       district. Some of them are more involved  
4       than others, but there's about half a  
5       dozen of them that are in the same kind  
6       of geographic area I mentioned, high  
7       crime. And one of the things that one of  
8       the school principals had said to me is  
9       that young people have misinterpreted  
10      this and are starting to boldly come into  
11      school with marijuana, saying, Well, it's  
12      legal, and they don't understand it's  
13      decriminalized. They don't understand  
14      that does not apply to possession in a  
15      school.

16                So have you seen any unintended  
17      consequences based on decriminalization?

18                DISTRICT ATTORNEY WILLIAMS:

19      First, I just want to say as a result of  
20      the hard work of the men and women of our  
21      Juvenile Division, we have reduced the  
22      number of petitions that we filed from  
23      about 10,000 to about 3,000 last year,  
24      10,000 years past, even I think about six  
25      years ago, to about 3,000 last year.

1           5/5/15 - WHOLE - BILL 150162, etc.

2           And, again, a lot of our work in Juvenile  
3           remains on crime prevention.

4                     But I'll let Deputy District  
5           Attorney Mosee explain the aspect of what  
6           you just asked.

7                     DEPUTY DISTRICT ATTORNEY MOSEE:

8           So the fact that the ordinance also  
9           applied to juveniles I think created  
10          unintended consequences. In the juvenile  
11          system in Philadelphia, juveniles weren't  
12          being hurt because they were found to be  
13          in possession of a small amount of  
14          marijuana. Primarily what we wanted to  
15          do in those cases was to evaluate the  
16          juvenile to make sure that they didn't  
17          have a real problem. The marijuana often  
18          was an indicator of other problems. What  
19          we've lost as a result of the ordinance  
20          being in place is the ability to do that.

21                    Now when kids come into school,  
22          not only is there no provision for making  
23          sure that they are evaluated, that we can  
24          check to make sure that this isn't a  
25          young person who has other problems,

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       we've also lost the opportunity to make  
3       sure that they get the help that they  
4       might otherwise need.

5               One of the things about the  
6       ordinance is that there's no step-up  
7       provision. So if you do it on Monday,  
8       you get the penalty. If you do it on  
9       Tuesday, it's the same penalty. Do it on  
10      Wednesday and Thursday, same thing. So  
11      young people can bring marijuana into  
12      school with almost impunity, especially  
13      with regard to juvenile justice  
14      consequences. Now, they may still get  
15      kicked out of school. That's up to the  
16      School District. But the fact is that  
17      all of the help -- and you heard Judge  
18      Dougherty's testimony earlier, the  
19      juvenile system is designed to treat, to  
20      rehabilitate, and to supervise. We lose  
21      that opportunity vis-a-vis the ordinance.

22              COUNCILMAN JONES: So, listen,  
23      we've done things to -- everything has  
24      its up and its down and its unintended  
25      and intended consequences. I think

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       decriminalization was a good thing. I do  
3       not believe that young people interpreted  
4       that in the proper way, like we'll give  
5       you a chance not to be stigmatized, not  
6       to be for all of your life excluded from  
7       certain opportunities. Some of them have  
8       misconstrued this as an opportunity, look  
9       what I got, and bringing it into school  
10      like show and tell. And so we have to  
11      figure this out on the back end on how we  
12      step up, as you said, the measures so  
13      that they understand this is not a free  
14      pass. So thank you for that.

15                Councilman Squilla. The Chair  
16      recognizes Councilman Squilla.

17                COUNCILMAN SQUILLA: Thank you,  
18      Mr. Chair.

19                On that note, during the  
20      process, I know -- obviously I voted for  
21      support of that bill. Was the DA  
22      involved at all with the conversations  
23      during the time of that bill?

24                DISTRICT ATTORNEY WILLIAMS:  
25      Yes. So my first assistant, I believe

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        even Deputy District Attorney George  
3        Mosee, we and Greg Rowe, the Chief of my  
4        Legislation Unit, worked with then  
5        Councilman Kenney on his legislation  
6        under -- our rubric is that we really  
7        believe that -- the District Attorney  
8        Association of Pennsylvania believe that  
9        it's really the laws of the Commonwealth  
10       are preeminent when it comes to drugs and  
11       guns. We recognized and understood what  
12       Council's intentions were and tried to  
13       work to mold what we thought was the best  
14       legislation of all the possible outcomes,  
15       but still did not believe that -- we saw  
16       it in some ways just as a continuation of  
17       the Small Amounts of Marijuana Program  
18       that we had created, which took  
19       defendants that were charged with  
20       possessing a de minimis amount. And by  
21       Pennsylvania, less than 30 grams is a de  
22       minimis amount. We took those people and  
23       instead of giving them a criminal record,  
24       allowed them to pay a fine, to take a  
25       class that you kind of took like in 7th

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       grade about the evils of reefer madness,  
3       don't do that, the long-term effects.  
4       And it, again, showed a savings to the  
5       City. About 10 percent of all of our  
6       misdemeanor cases were these small  
7       amounts of marijuana cases. So it made  
8       us smarter, it made us leaner and meaner,  
9       if you will. It got those people out of  
10      the system and paid a fine. And so it  
11      had some benefit. But we really thought  
12      that it's a far cry from legalization,  
13      which is a different discussion that has  
14      to be made in Harrisburg.

15               COUNCILMAN SQUILLA: Agree. So  
16      now that you guys were involved in the  
17      process and maybe -- because we do a lot  
18      of things sometimes. There's always  
19      unintended consequences to a bill that  
20      sometimes we didn't foresee. Now that  
21      you see maybe some of the other things  
22      that may help, your recommendations for  
23      maybe amending that bill or to allow it  
24      to do some of the things that you want to  
25      do, because even though you were

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       involved, maybe you didn't see this  
3       happening. So now that you're still  
4       involved and you see maybe an  
5       opportunity, is it possible to amend it  
6       in a way that would make it easier for  
7       you to do what you want to do with some  
8       of the younger folks?

9                   DISTRICT ATTORNEY WILLIAMS:

10       I'm going to let Mr. Rowe and Mr. Mosee  
11       answer that, because I think they're much  
12       more directly associated with it.

13                 MR. ROWE: Councilman, I would  
14       just say this issue, as Councilman Jones  
15       says, not only involves the criminal  
16       justice system, it involves schools and  
17       social services. So any discussion on a  
18       possible amendment would necessarily need  
19       to include not just sort of the usual  
20       criminal justice players, but the folks  
21       who run the schools, who work at the  
22       schools, as well as DHS, Dr. Evans and  
23       others to make sure that if there's going  
24       to be any tinkering along the edges, that  
25       it's done right and it's done in an

1           5/5/15 - WHOLE - BILL 150162, etc.  
2       evidence-based way. But if that's a  
3       discussion that people want us to  
4       participate in, absolutely we'll be  
5       there, and our recommendation, again,  
6       would be to make sure that all the  
7       appropriate stakeholders in the different  
8       avenues are there to make sure that the  
9       improvements work as intended.

10               COUNCILMAN SQUILLA: And I  
11       think that's great. I think the DA  
12       should take the lead on that. We  
13       appreciate you being able to do that in  
14       the future. I would look forward to  
15       working with you with your  
16       recommendations when you put that task  
17       force together to let us know. I think  
18       that's a great idea, and we look forward  
19       to your recommendations on how we could  
20       do that.

21               Is there any other thing that  
22       you would add?

23               DEPUTY DISTRICT ATTORNEY MOSEE:  
24       I think it's important for you to know  
25       that the fact that juveniles were



1       5/5/15 - WHOLE - BILL 150162, etc.  
2       included in the ordinance came as a  
3       surprise to me, because throughout the  
4       discussions, it was my understanding that  
5       they would not be included. As I  
6       indicated, in Philadelphia's juvenile  
7       justice system, juveniles weren't hurt  
8       from a legal perspective when they were  
9       caught with a small amount of marijuana.

10               COUNCILMAN SQUILLA: Excuse me.  
11       Say that again. They were not what?

12               DEPUTY DISTRICT ATTORNEY MOSEE:  
13       They were not hurt. The stigma that we  
14       talk about, it didn't happen because --

15               COUNCILMAN SQUILLA: There  
16       would be no record for juveniles.

17               DEPUTY DISTRICT ATTORNEY MOSEE:  
18       They would get a consent decree. We  
19       would do any number of things. The case  
20       could be adjusted, but we would have the  
21       opportunity to evaluate to make sure that  
22       we weren't missing of a kid who really  
23       needed substance abuse treatment.

24               COUNCILMAN SQUILLA: So then  
25       you would be willing to do that for us

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           and give us some information on how you  
3           think we could tweak that in a way that  
4           would work? And I think for the Chair  
5           and for the Council President, if you  
6           could do that and we could actually  
7           introduce something to amend that to make  
8           it better. Because I know, like I said  
9           earlier, we introduce legislation all the  
10          time, and sometimes there's one thing  
11          that we miss that maybe affects something  
12          that we didn't see. So in this case, it  
13          seems like it did that, and with your  
14          input, I think we could fix it.

15                    So thank you very much.

16                    DISTRICT ATTORNEY WILLIAMS:

17          Thank you, Councilman.

18                    COUNCILMAN SQUILLA: Well,  
19          thank you so much for your testimony.

20                    DISTRICT ATTORNEY WILLIAMS:

21          Thank you, Councilman.

22                    COUNCILMAN SQUILLA: Here he  
23          comes. He's coming back. Could the next  
24          panel please come to the table, the Law  
25          Department.

1 5/5/15 - WHOLE - BILL 150162, etc.

2 DISTRICT ATTORNEY WILLIAMS:

3 Thank you, President Clarke.

4 (Witnesses approached witness  
5 table.)

6 SOLICITOR SMITH: Good morning.

7 COUNCIL PRESIDENT CLARKE: Good  
8 afternoon.

9 SOLICITOR SMITH: I'm sorry.

10 Good afternoon. Good afternoon, Council  
11 President Clarke and members of City  
12 Council. I am City Solicitor Shelley  
13 Smith and with me today are Donna  
14 Mouzayck, First Deputy City Solicitor;  
15 Jan Istvan, the Chair of Litigation; Dan  
16 Cantu-Hertzler, the Chair of the  
17 Corporate and Tax Units -- Division,  
18 sorry; Frank Paiva, Revenue Chief  
19 Counsel; John Houlon, Chief of our Child  
20 Welfare Unit; Lynda Moore, Chief of  
21 Health and Adult Services; and Suki  
22 Kazahaya, Director of Administration. We  
23 also have a couple of other people here  
24 whose issues may come up. I am pleased  
25 to have this opportunity to testify in

1       5/5/15 - WHOLE - BILL 150162, etc.  
2       support of the Law Department's FY16  
3       budget request.

4               The FY16 General Fund proposed  
5       budget for the Law Department is lower  
6       than the FY15 current projection, mainly  
7       due to adjustments and contractual and  
8       appraisal fees that were made in FY15.  
9       Aside from these expenses, the proposed  
10      FY16 General Fund proposed budget remains  
11      relatively flat.

12             As outlined in the testimony  
13      previously submitted, the Law Department  
14      achieved several of its target goals in  
15      FY15. I would like to take this  
16      opportunity to make note of two of the  
17      most significant accomplishments of the  
18      past year.

19             First, the Law Department  
20      significantly stepped up its efforts to  
21      increase real estate tax collection for  
22      the City and the School District.  
23      Filings of real estate tax foreclosures  
24      increased from an average of 106 filings  
25      per month during the first six months of

1           5/5/15 - WHOLE - BILL 150162, etc.  
2           2009 to an average of 1,075 foreclosures  
3           filed per month during the first seven  
4           months of FY15, an increase of over 900  
5           percent.

6                     Additionally, the Law  
7           Department worked with the Revenue  
8           Department to establish two new  
9           innovative tax collection efforts - the  
10          Commercial Activity License Revocation  
11          Program, or CAL Rev, and the  
12          Sequestration Program. These tools  
13          enabled the City to collect delinquent  
14          taxes faster and with lower resource  
15          expenditures than traditional collection  
16          litigation. CAL Rev provides incentives  
17          for businesses to pay their delinquency  
18          to avoid revocation of their business  
19          license. The CAL Rev program started in  
20          Fiscal '14 and, through January 31st of  
21          2015, has collected approximately \$26  
22          million.

23                     Sequestration is a strategy by  
24          which the City petitions the courts to  
25          appoint a receiver to collect rents from

1        5/5/15 - WHOLE - BILL 150162, etc.  
2        tenants to pay the taxes of delinquent  
3        rental property owners. The  
4        Sequestration Program was also started in  
5        Fiscal '14 and, through March 31st of  
6        2015, has collected almost \$14 million.

7                Second, the Law Department's  
8        Child Welfare Unit assisted the  
9        Department of Human Services in the  
10       implementation of over 20 new amendments  
11       to the Child Protective Services Law  
12       designed to protect children from abuse.  
13       In addition, the Unit worked with DHS on  
14       the implementation of Improving Outcomes  
15       for Children. The premise of this  
16       program is to keep children in the  
17       community from which they came. Under  
18       the Improving Outcomes for Children,  
19       cases are assigned by police district,  
20       and case management is performed by  
21       Community Umbrella Agencies that are  
22       based in neighborhoods. To further  
23       support IOC, Law Department attorneys  
24       have been very involved in training the  
25       agencies on court procedures and best

1           5/5/15 - WHOLE - BILL 150162, etc.  
2 practices for Dependency Court.

3           In addition to being consistent  
4 with the missions of the Law, Revenue,  
5 and Department of Human Services  
6 departments respectively, these efforts  
7 address Council's desire that we deploy  
8 services to support our city's children.

9           I thank you for the opportunity  
10 to testify today on the Law Department's  
11 Fiscal '16 budget request, and I look  
12 forward to continuing to work with  
13 members of City Council in the  
14 performance of my duties as City  
15 Solicitor. Should any Councilmember wish  
16 to engage in any further discussion on  
17 any of these matters, my staff and I are  
18 happy to meet at your convenience.

19           Thank you.

20           COUNCIL PRESIDENT CLARKE:

21 Thank you for your testimony. There  
22 appears to be no questions. I want to  
23 thank you very much for your testimony.

24           Hold on.

25           Councilman Squilla.

1           5/5/15 - WHOLE - BILL 150162, etc.

2                   COUNCILMAN SQUILLA: Thank you,  
3           Mr. President.

4                   Sorry. Thank you for your  
5           testimony. I have one question. I know  
6           we've been trying to work this out  
7           through Law and with the School District  
8           on using capital dollars for buildings  
9           that are School District-owned buildings,  
10          how we could get around to do that.

11                   Are you familiar with any of  
12          that?

13                   SOLICITOR SMITH: I'm not sure  
14          I know exactly what you're talking about,  
15          so I don't know if -- the way you've  
16          described it doesn't sound familiar, but  
17          I'm not sure.

18                   COUNCILMAN SQUILLA: All right.  
19          There's schoolyards that are looking to  
20          get some work done within the  
21          Philadelphia School District, and the  
22          City had come to us to try to use some of  
23          our capital dollars to make improvements  
24          in those school districts, and it seems  
25          like there's some snag within Law that



1           5/5/15 - WHOLE - BILL 150162, etc.

2           doesn't allow us to use capital dollars  
3           within the School District properties.

4                   SOLICITOR SMITH: I'm told that  
5           the Budget Office has been presented with  
6           this issue before, and the issue is that  
7           City capital dollars cannot be used to  
8           fund those improvements because the  
9           School District buildings are not owned  
10          by the City. They're not our buildings.  
11          They're not our facilities.

12                   COUNCILMAN SQUILLA: Correct.  
13          But is there a way? I mean, we have  
14          plenty of smart people there within the  
15          Law Department to find a way where if we  
16          have a long-term lease of that area, to  
17          be able to use capital improvements to  
18          use the resources that we have to help  
19          work with the schools to make this  
20          happen.

21                   SOLICITOR SMITH: I'm not sure  
22          whether that question -- I'm not sure  
23          whether that specific question has been  
24          presented, but what I'm being told --  
25          we'll have somebody look into it, if they

1           5/5/15 - WHOLE - BILL 150162, etc.

2           have not already.

3                   COUNCILMAN SQUILLA: If you can  
4           for the Chair, if we could find a way. I  
5           mean, we have a lot of really good people  
6           there in the Law Department and with the  
7           School District. I'm sure we could come  
8           up with a way to help each other use  
9           resources to make it better for not only  
10          our students, but for the communities  
11          surrounding that area.

12                   SOLICITOR SMITH: I'm certainly  
13          happy to look into it, yes.

14                   COUNCILMAN SQUILLA: Thank you.

15                   COUNCIL PRESIDENT CLARKE:

16          Thank you, Councilman.

17                   Thank you for your testimony.

18                   SOLICITOR SMITH: Thank you.

19                   COUNCIL PRESIDENT CLARKE: The  
20          Committee will stand in recess until  
21          Tuesday, May 12th, 2015, 10:00 a.m. in  
22          Room 400.

23                   Thank you.

24                   (Committee of the Whole  
25          adjourned at 1:30 p.m.)

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CERTIFICATE

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

-----  
MICHELE L. MURPHY  
RPR-Notary Public

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