

COUNCIL OF THE CITY OF PHILADELPHIA
JOINT COMMITTEE ON CHILDREN & YOUTH AND
TECHNOLOGY & INFORMATION SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 29, 2025
10:05 a.m.

PRESENT:

COUNCILMAN ANTHONY PHILLIPS, CHAIR
COUNCILWOMAN RUE LANDAU, CHAIR
COUNCILWOMAN KENDRA BROOKS
COUNCILMAN MIKE DRISCOLL
COUNCILWOMAN JAMIE GAUTHIER
COUNCILMAN JIM HARRITY
COUNCILMAN NICOLAS O'ROURKE
COUNCILMAN MARK SQUILLA
COUNCILMAN ISAIAH THOMAS

RESOLUTION: 240828

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2 COUNCILMAN PHILLIPS:

3 Good morning, everyone. I now note
4 that the hour has come.

5 Ms. Walton, will you
6 please call the roll to take
7 attendance. Members that are in
8 attendance will please indicate
9 that you are present when your name
10 is called.

11 THE CLERK: Chair
12 Dr. Phillips.

13 COUNCILMAN PHILLIPS:
14 Present.

15 THE CLERK: Chair
16 Landau.

17 COUNCILWOMAN LANDAU:
18 Present.

19 THE CLERK: Vice-Chair
20 Thomas.

21 (No response.)

22 THE CLERK: Member
23 Brooks.

24 (No response.)

1 THE CLERK: Member
2 Gauthier.
3 (No response.)
4 THE CLERK: Member
5 Harrity.
6 COUNCILMAN HARRITY:
7 Here.
8 THE CLERK: Vice-Chair
9 Squilla.
10 (No response.)
11 THE CLERK: Member
12 Driscoll.
13 COUNCILMAN DRISCOLL:
14 Present.
15 THE CLERK: Member
16 O'Rourke.
17 COUNCILMAN O'ROURKE:
18 Present.
19 COUNCILMAN PHILLIPS:
20 Thank you. A quorum of the
21 Committee of Children and Youth and
22 Technology and Information Services
23 is present and this hearing is now
24 called to order. So before we

1 begin, I just want to open up with
2 some brief remarks.

3 Today's hearing is more
4 than about children and youth.
5 It's about how we as a city respond
6 when a young person loses their
7 way. Do we help them find a new
8 path or do we simply monitor them
9 when they're struggling to walk.
10 As someone who has spent my career
11 working in youth development and
12 mentorship, I know firsthand what
13 many of our young people need.

14 And so, what I want to
15 say is that young people need a
16 village of support, from our
17 grandparents, our neighbors, our
18 teachers. They need guidance and
19 they also need as much support as
20 possible. What we're trying to do
21 is find a way to balance
22 accountability with compassion,
23 structure and understanding. And
24 the use of GPS monitoring, there

1 are some questions that have been
2 raised about how it's being used.

3 We do understand that in
4 many cases it could be something
5 that could be effective, but how
6 are we using it properly. So we're
7 joined today by professionals who
8 see these young people every day in
9 courts, our schools and
10 neighborhoods, in our homes. And I
11 want to thank each of you for your
12 work.

13 At the end of the day,
14 our goal is simple to ensure that
15 accountability never replaces
16 empathy and that every young person
17 knows the city still believes in
18 their potential. Thank you.

19 I would like to pass it
20 over to my colleague, the Chair of
21 Technology and Information
22 Services, Rue Landau, Councilwoman
23 Rue Landau.

24 COUNCILWOMAN LANDAU:

1 Thank you. Good morning,
2 everybody. Thank you so much for
3 being here. I'd like to say thank
4 you to Councilmember Phillips for
5 your collaboration on today's
6 hearing. I want to also thank
7 everyone here today for
8 participating in this very, very
9 important discussion.

10 As we know, involvement
11 in the criminal justice system has
12 long-lasting impacts on
13 Philadelphians and their families.
14 This is especially true for our
15 youth, who represent some of our
16 most vulnerable members of our
17 community.

18 As Chair of the
19 Committee on Technology and
20 Information Services, I'm proud to
21 co-chair this joint hearing with
22 Councilmember Phillips, Chair of
23 the Committee on Children and
24 Youth. Together we're here to take

1 a closer look at the use of
2 electronic monitoring and GPS
3 tracking for youth involvement in
4 the Philadelphia's juvenile justice
5 system.

6 We know that
7 Philadelphia has made some
8 important strides in recent years.
9 The number of youth placed in
10 secured detention has fallen from
11 nearly 2500 in 2019 to about 1700,
12 and the number of youth served by
13 juvenile probation has also
14 declined.

15 Despite these overall
16 reductions, racial disparities
17 persist and these disparities
18 remind us that while the system has
19 evolved, equity remains an urgent
20 challenge. Electronic monitoring
21 has been one of the tools used to
22 supervise youth in the justice
23 system, often described as an
24 alternative to secure detention.

1 During the pandemic, its
2 use expanded as a way to reduce
3 exposure to the virus in congested
4 settings over time. However, GPS
5 surveillance has become more
6 common, contributing to what some
7 have called a GPS culture where
8 surveillance is now a prevalent
9 method for managing youth.

10 While the intent of
11 electronic monitoring is to provide
12 an alternate to incarceration, we
13 must also recognize the serious
14 concerns it raises for many young
15 people. GPS monitoring can limit
16 access to essential activities like
17 mental health services, workforce
18 training and other social programs.
19 And we've also heard that it can
20 even limit kids from going to the
21 corner store just to buy something
22 that they need from the house.

23 We've heard from
24 families and advocates that GPS

1 restrictions sometimes prevent
2 youth from participating fully in
3 the very supports designed to help
4 them succeed. That's why today's
5 hearing is so important. We're
6 here to get the full picture, to
7 evaluate both the benefits and
8 limitations of electronic
9 monitoring.

10 We want to understand
11 the impact on re-arrest rates,
12 incarceration rates and overall
13 outcomes for our youth. We must
14 also examine ethical and privacy
15 concerns and ensure that technology
16 is being implemented in a way that
17 is both effective and equitable.

18 As Chair of the Tech
19 Committee, my goal is to ensure
20 that technology serves the public
21 good and not the other way around.
22 That includes ensuring that our
23 city's use of technology does not
24 harm or further marginalize our

1 children. Thank you very much.

2 COUNCILMAN PHILLIPS:

3 Thank you, Chair Landau.

4 Are there any other
5 opening remarks from members of the
6 committee?

7 I would like to also
8 acknowledge the presence of
9 Councilwoman Jamie Gauthier, who is
10 also a member of the Children and
11 Youth Committee. We're happy to
12 have her.

13 Any other remarks from
14 members of the committee?

15 (No response.)

16 COUNCILMAN PHILLIPS:

17 Okay. Seeing none, this is the
18 public hearing of the Joint
19 Committee on Children and Youth and
20 the Committee on Technology and
21 Information Services regarding
22 Resolution No. 240828.

23 Ms. Walton, will you
24 please read the title of the

1 resolution.

2 THE CLERK: Resolution

3 No. 240828, authorizing a Joint

4 Hearing of the City Council

5 Committee on Children and Youth and

6 the Committee on Technology and

7 Information Services on the use of

8 electronic monitoring or Global

9 Positioning Systems, GPS, for youth

10 involved with Philadelphia's

11 Juvenile Justice System.

12 COUNCILMAN PHILLIPS:

13 Thank you, Ms. Walton. Will you

14 please call the first panel we have

15 to testify this morning on

16 Resolution 240828.

17 THE CLERK: Yes. Panel

18 No. 1, Youth and Community Voices,

19 Joshua Levin, Rodney Gardner,

20 Denaisa Hansberry, Kendra

21 Van de Water, the CEO of YEAH

22 Philly; and Paris Bright, Court

23 Advocate from YEAH Philly.

24 UNIDENTIFIED SPEAKER:

1 (Inaudible).

2 COUNCILMAN PHILLIPS:

3 We're going to go to the next
4 panel. I was really hoping they
5 would be here because I like to
6 have our advocates start first
7 because I think it's important to
8 hear their voice before.

9 Unfortunately, they may not get the
10 opportunity to really speak before
11 the Administration -- hopefully,
12 the Administration remains.

13 What I will say for our
14 Administration that's about to come
15 forward, please keep your testimony
16 hopefully to about three minutes so
17 we can ask questions and have more
18 give-and-take and so forth.

19 Next, can we please call
20 the next panel? Ms. Walton, can
21 you please call the next panel that
22 was supposed to be second.

23 THE CLERK: Yes. The
24 next panel will be Matthew Swando,

1 the Chief Revenue Officer from
2 Track Group.

3 (Witness approached
4 witness table.)

5 COUNCILMAN PHILLIPS:
6 Thank you. Can you please state
7 your name for the record and
8 proceed with your testimony.

9 MR. SWANDO: Yes, sir.
10 My name is Matthew James Swando.
11 I'm the Chief Revenue Officer of
12 Track Group, Inc. based out of
13 Naperville, Illinois. I want to
14 begin my testimony --

15 COUNCILWOMAN LANDAU:
16 Sorry. Can you speak directly into
17 the microphone? Thank you.

18 MR. SWANDO: Oh, I'm
19 sorry. Is that better?

20 COUNCILWOMAN LANDAU:
21 Yes.

22 MR. SWANDO: Okay.
23 Sorry about that.

24 COUNCILMAN PHILLIPS:

1 Wait, wait, hold on. Are we
2 supposed to have the whole panel?

3 THE CLERK: He has
4 posters, large posters so it may
5 block the rest of the panel.

6 COUNCILMAN PHILLIPS:
7 Okay. All right. Please state
8 your name and then we'll call the
9 rest of the panel up.

10 MR. SWANDO: Sure.
11 Again, my name is Matthew Swando.
12 I'm the Chief Revenue Officer of
13 Track Group, Inc., operated and
14 based in Naperville, Illinois.

15 COUNCILMAN PHILLIPS:
16 Thank you. Please proceed with
17 your testimony.

18 MR. SWANDO: I want to
19 first and foremost say good morning
20 and thank you to the Committee
21 members and esteemed members of
22 Council who have been so gracious
23 to allow me a little bit of time to
24 meet with you today and to testify

1 a bit on this important topic. I'm
2 here to provide testimony today
3 speaking to how the GPS systems
4 operate and answer any questions
5 obviously that you all have.

6 A little bit of my
7 background, if you don't mind. To
8 begin, I've spent the last 25 years
9 in the criminal justice and
10 corrections industry. First
11 started as a pretrial investigator
12 and supervisor in Detroit,
13 Michigan, working for the courts in
14 Detroit with the responsibility of
15 supervising pretrial detainees as
16 they were awaiting court hearings.

17 I then moved into the
18 private sector, working with
19 technology companies that produce,
20 manufacture and service supervision
21 systems and tools for corrections
22 agencies such as probation, parole,
23 et cetera. So that's really been
24 kind of the bulk of my career

1 working in these arenas.

2 A little bit of an
3 overview on Track Group. We are an
4 original equipment manufacturer, a
5 U.S.-based company out of
6 Naperville, Illinois that
7 manufactures the GPS tracking
8 devices, the actual ankle monitors
9 that go on the individuals.
10 Obviously, this example being
11 juvenile probationers here in the
12 city.

13 That is our sole mission
14 as a company. That is all that we
15 do, is provide these types of
16 systems to government agencies at
17 the state, local and federal level.
18 We work in all 50 states in the
19 U.S. and 10 countries outside of
20 the U.S. We deliver essentially
21 three aspects or three items, if
22 you will, as a contractor for the
23 government agencies that we work
24 with.

1 We work with probation,
2 parole, pretrial, sheriff's
3 offices, work release departments,
4 any type of criminal justice or
5 corrections entity at the state,
6 local or federal level charged with
7 supervising individuals in the
8 community in a non-incarcerated
9 setting. So everything we do is
10 focused on community supervision
11 and obviously, we don't do anything
12 relative to jail, prisons or any
13 types of incarceration settings.

14 We don't track trucks.
15 I can't help you if you lose your
16 pet. We don't make systems for
17 monitoring or tracking anything
18 else. We focus solely on the
19 criminal justice market and that
20 business, if you will. We're a
21 publicly-traded company, again as I
22 mentioned outside of Chicago in
23 Naperville, Illinois.

24 Circling back to my

1 prior point, we provide essentially
2 three items to the agencies we work
3 with. We provide the physical
4 hardware or the GPS ankle monitors
5 that incorporate the tracking
6 systems, the antennas, the cellular
7 modems to communicate, tamper
8 detection, certain sized straps,
9 you know, to fit on the ankles,
10 et cetera.

11 Then the second kind of
12 item that we provide as a company
13 is the monitoring software or the
14 platform that enables officers to
15 see on a map where these
16 individuals going, are they going
17 to school, are they attending
18 treatment, are they abiding by the
19 conditions of their supervision.

20 And then finally, we
21 offer a monitoring service. So in
22 the background, if you will, we
23 have a 24/7 monitoring center in
24 Illinois where our staff are kind

1 of keeping an eye on what's
2 happening with the alarms and the
3 alerts and answering any questions
4 that officers may have.

5 So periodically,
6 officers might see something in the
7 system or receive an alert or an
8 alarm that an individual is maybe
9 tampering with the device or the
10 battery is dying or whatnot, and
11 they'll call our monitoring center
12 asking questions about what's going
13 on. So those are really the crux
14 of the three things that we provide
15 as a contractor with First
16 Judicial.

17 I wanted to give you a
18 little bit of an overview on how
19 GPS works, and I appreciate my
20 colleague here helping me with some
21 slides. I brought along some
22 visual representation for the
23 Committee and the Councilmember so
24 you have a quick understanding.

1 And that's really what I'm going to
2 focus on, kind of walking through
3 how these systems work and again,
4 for the purposes of giving you all
5 an understanding of it in kind of a
6 pictorial format and of course
7 answering any questions that you
8 might have about its function.

9 The GPS system -- if you
10 could go to the next slide, if you
11 don't mind. Thank you. Everyone
12 has the GPS systems in their pocket
13 these days. Well, I know some
14 we're not supposed to have cell
15 phones in here, but your cell
16 phone, my cell phone, everyone's
17 device, pretty much everyone's
18 vehicle has GPS antenna in it and
19 the ability to locate that device,
20 provide mapping for, provide an
21 Uber right to where you're standing
22 outside of your restaurant or
23 hotel. The GPS system, the
24 commercial system, has been in use

1 since 1996 when then President Bill
2 Clinton opened it up for commercial
3 use. Prior to '96, it was only
4 used exclusively by the military.

5 The GPS constellation
6 consists of 32 satellites
7 constantly orbiting the Earth that
8 are sending down radio frequency
9 signals to the surface of the
10 earth. Essentially, the GPS
11 antennas and the receivers inside
12 those devices, our devices and
13 inside your cell phones,
14 triangulate a position using
15 latitude and longitude based on the
16 rate, time and distance it takes
17 for the signals that come down from
18 the satellites. So it provides
19 worldwide tracking. It provides
20 the ability to locate a device, a
21 person, a car, whatever it might
22 be, based on those satellites
23 orbiting the Earth throughout 24/7.

24 If you go to the next

1 slide. Thank you. The device we
2 manufacture, we'll start with it.
3 It is an ankle-worn GPS monitor.
4 It has of course a GPS antenna, a
5 cellular modem and a number of
6 other features and functions that
7 allow it to operate in pretty much
8 a continuous basis. Our challenge
9 is providing something as discreet
10 as we can, as comfortable as we can
11 and as secure as we can to ensure
12 that the agencies that we work with
13 have the ability to supervise these
14 individuals as ordered by the
15 courts.

16 The hardware, as I
17 mentioned, primarily consists of
18 the GPS capability, which receives
19 those signals from the satellites
20 we just talked about and then
21 secondarily, probably more the
22 secondary main function
23 incorporated in the device is a
24 cellular modem, essentially the

1 ability to report out where that
2 device is, its latitude and
3 longitude, its battery status,
4 overall health and whatnot.

5 So we've got two kinds
6 of primary communication functions
7 occurring in that device 24/7.
8 Number one, it's receiving signals
9 from the satellite and calculating
10 the latitude and longitude. And
11 number two, it's using the cellular
12 networks, Verizon, AT&T, et cetera,
13 to report out to our systems in the
14 software where these individuals
15 are and what they're doing.

16 So I'll pause there for
17 a second. That's kind of the
18 primary function of how these ankle
19 monitors work in terms of the GPS
20 supervision they provide.

21 COUNCILMAN PHILLIPS:
22 Thank you so much for your
23 testimony.

24 Is there anything else

1 you have to share?

2 MR. SWANDO: I was going
3 to go through a couple of other
4 items, if you could flip to the
5 next.

6 COUNCILMAN PHILLIPS:
7 Okay. All right.

8 MR. SWANDO: This just
9 gives you a representation of the
10 mapping functionality. So the
11 devices record a GPS location or
12 they attempt to calculate a
13 location every two seconds and
14 every one minute throughout the day
15 on a 24/7 basis. The devices,
16 again over the cellular network,
17 are reporting those GPS locations
18 back to our proprietary software
19 system.

20 Our software is securely
21 housed in a FedRAMP-approved or
22 federal-approved CJIS data center
23 provided by IBM out of Dallas and a
24 backup center out of Washington,

1 D.C. So the software gives our
2 supervising agencies the ability to
3 see on the map where these
4 individuals have been. They can
5 look back where they were
6 yesterday, last week, et cetera.

7 And then with that -- if
8 you could flip to the next one, my
9 friend -- you have the ability to
10 set up zones, inclusion zones and
11 exclusion zones. We can draw those
12 however large or small we need
13 them. They're primarily used to
14 ensure that youth are attending
15 treatment programs. For example,
16 youth are attending school or
17 wherever they might be ordered by
18 the courts as part of their
19 treatment and supervision in the
20 community to attend, the
21 supervising agencies and officers
22 can create zones and associate
23 schedules with those.

24 So for example, if the

1 youth is ordered to attend a
2 treatment class on Tuesday
3 afternoons after school, we can
4 draw an inclusion zone around that
5 location for treatment, put the
6 schedule at 3 o'clock to 5 o'clock
7 or whatever it might be, and as
8 long as the individual is attending
9 it and in that location, no alarms
10 are going to be generated. If the
11 individual decides not to attend
12 it, we can notify again through
13 geolocation that the person is not
14 at their treatment class as they're
15 supposed to be.

16 The next one. Thank
17 you. Alternatively, we can provide
18 the ability for exclusion zones.
19 This is helpful in potential cases
20 of where the supervising agency is
21 seeking to keep individuals away
22 from particular areas of the city,
23 particular residences, particular
24 locations. This has been helpful

1 in the past with instances of
2 potential retaliatory crimes where
3 the agencies or the officers have a
4 concern that individuals might be
5 seeking to go to areas and
6 potentially commit retaliatory
7 crimes or that they might be in
8 harm's way, given the nature of
9 some of the criminal activity.

10 So we have the ability
11 to create -- whether it's an
12 apartment building, we can create a
13 zone around a section of the city.
14 We can create a zone around a park,
15 a school, a church, whatever it
16 might be and essentially instruct
17 the individual to please stay away
18 from that particular area for their
19 own safety and for the safety of
20 the community.

21 Next slide, please.

22 This is just an example of an
23 individual traversing from their
24 inclusion zone, which is down on

1 the bottom, represented by the
2 green, traveling up towards an
3 exclusion zone. So just to give
4 you a sense of how the software
5 works. This is what the officers
6 see. So they're getting an
7 address, a time and location every
8 minute throughout the day where the
9 individual is.

10 You can go to the next
11 one, buddy. Couple of other things
12 I wanted to cover real quick. The
13 devices have some unique features
14 that give the supervising agency
15 and the youth the ability to
16 communicate. The devices have an
17 ability for an emergency call to be
18 generated.

19 So if the youth is in a
20 potentially dangerous situation,
21 they can simply hit a button on the
22 top of the device on their ankle
23 and it will immediately contact our
24 monitoring center. We can put them

1 in touch with the officers or local
2 law enforcement. And that happens
3 quite a bit, where individuals are
4 placing emergency calls into us and
5 seeking assistance.

6 It also gives the agency
7 the ability to communicate with
8 youth who potentially don't have a
9 mobile phone or don't have a cell
10 phone. So I know that many of the
11 juvenile agencies we work with,
12 including First Judicial here in
13 Philadelphia, utilize that feature
14 quite a bit to communicate with and
15 talk with individuals on the
16 program that don't happen to have a
17 mobile phone.

18 It's a pretty robust
19 device. Again, I won't bore you
20 with too much of this, but a lot
21 goes into our design to ensure that
22 it can be used in a shower every
23 single day. It has a battery life
24 of three days. It only requires

1 you to charge it about 20 minutes
2 each day and you should be fine.
3 It'll go three minutes -- or sorry,
4 three days if you don't charge it
5 at all. So it's a pretty robust
6 device. It's been in the
7 marketplace about 12 years now.

8 And really in
9 conclusion, that's our role. Our
10 role is to provide these systems to
11 the agencies that we work with.
12 Our role is to assist these
13 agencies with these types of tools
14 in their challenging task of
15 supervising individuals in the
16 community. And again, I'm very
17 pleased and humbled to have an
18 opportunity to meet with you all
19 today and to present on our systems
20 and happy to answer any questions
21 that the committee may have. Thank
22 you very much.

23 COUNCILMAN PHILLIPS:

24 Thank you. So we recognize the

1 presence of Councilwoman Minority
2 Leader Kendra Brooks is here today
3 as well. We're going to have you
4 stay for questions once the rest of
5 the panel finishes.

6 MR. SWANDO: Yes, sir.

7 COUNCILMAN PHILLIPS:

8 But we actually have the young
9 people up. I'd like to hear their
10 testimony first while everyone's
11 still here. We're going to have
12 them come and speak.

13 Ms. Walton, will you
14 please call what should have been
15 our first panel to testify this
16 morning on Resolution 240828.

17 THE CLERK: Yes. Panel
18 No. 1, Youth and Community Voices.
19 We have Josh Levan, Rodney Gardner,
20 Denaisa Hansberry, Kendra Van de
21 Water, Co-CEO of YEAH Philly as
22 well as Paris Bright, Core Advocate
23 of YEAH Philly.

24 (Witnesses approached

1 witness table.)

2 COUNCILMAN PHILLIPS:

3 Thank you. These are the
4 individuals of why we're here today
5 and I wanted to at least get their
6 information on the record, get what
7 they want to say on the record that
8 will help us inform our questions
9 for the rest of the day.

10 So we have Joshua Levin
11 first. Josh, can you please state
12 your name for the record. Welcome.
13 And you could then proceed with
14 your testimony. Welcome, Josh.

15 MR. LEVIN: My name is
16 Joshua. I'll start by saying I'm
17 19 years old. I'm from West
18 Philadelphia. I'm here to tell you
19 my experiences with GPS. I was on
20 and off GPS for almost two years
21 before I was ever found delinquent.
22 I just got off of GPS not too long
23 ago. For a long time it took a
24 toll on my life because I was

1 confined to the house. I couldn't
2 go anywhere.

3 I was very depressed and
4 anxious. I would -- my fault. I
5 would have important opportunities
6 and not be able to attend because
7 of GPS. My PO never wanted me to
8 go anywhere, even if it was for
9 jobs or programming. Also being on
10 GPS, I didn't really have a place
11 that I could be at for more than
12 four months because of housing
13 issues. I would get kicked out,
14 then locked up, which made people
15 think the worst of me before they
16 even knew me.

17 This made it worse being
18 on GPS. Really I needed housing,
19 but they locked me up because there
20 were no housing opportunities.
21 Even my family was looking at me in
22 a different way because they had a
23 lot of doubts of me ever changing
24 my life around.

1 Being a kid with GPS is
2 not -- I'm sorry, being a kid when
3 GPS is not treatment for me, it is
4 embarrassing being outside with a
5 block on your ankle. People are
6 supposed to care about kids in the
7 system, but the city does not care.
8 I'm asking you to do better for
9 kids like me who GPS is not helpful
10 for. Thank you.

11 COUNCILMAN PHILLIPS:
12 Thank you, Josh.

13 And, Rodney Gardner,
14 please state your name for the
15 record. Thank you. Thank you.
16 State your name for the record.

17 MR. GARDNER: Hello. My
18 name is Rodney Gardner. I am a
19 community organizer, advocate and
20 formerly incarcerated youth. I
21 have witnessed many individuals
22 dealing with the effects of
23 electronic monitoring, including
24 the youth I have advocated for and

1 my brother.

2 I have seen them

3 struggle mentally with increased

4 anxiety, depression and stress.

5 I've observed young people living

6 in fear that someone is constantly

7 listening to them, which results in

8 a loss of privacy. Youth and young

9 adults often face embarrassment and

10 difficulties finding jobs due to

11 the visible monitor on their

12 ankles. Being involved in their

13 lives has deeply affected me,

14 especially watching my brother

15 confront these challenges every

16 day. It often left me feeling

17 helpless because I didn't know how

18 I could support him.

19 Additionally,

20 individuals under electronic

21 monitoring and the criminal legal

22 system face numerous daily

23 challenges. These include

24 warrantless searches on their homes

1 and electronic devices, the
2 collection of sensitive materials
3 and the restrictions on where they
4 can work and whom they can marry
5 and among other limitations. It is
6 important to put it into electronic
7 monitoring because it has been
8 proven that it is more harmful than
9 helpful and it is not a form of
10 rehabilitation. Thank you.

11 COUNCILMAN PHILLIPS:

12 Thank you, Rodney.

13 Denaisa or -- okay.

14 Please state your name for the
15 record.

16 MR. SIRLEAF: My name is
17 Levi Sirleaf. My name is Levi
18 Sirleaf. I'm 16 years old. I am
19 from Southwest Philly. I was on
20 house arrest and GPS before it was
21 proven that I committed a crime.
22 In late 2024, I got arrested and
23 served seven months in the Juvenile
24 Detention Center for my first

1 offense. That's when I came home
2 to house arrest and GPS, where I
3 had to fight to get support from
4 YEAH Philly.

5 Being on house arrest
6 and GPS for several months meant
7 that I wasn't able to work, play
8 sports or step foot out of my
9 house. As a teenager, I wasn't
10 able to do anything I wanted to do.
11 I even had to get permission to
12 step outside my front door and that
13 takes days to get permission.

14 One time they mistakenly
15 said I violated when I didn't. I
16 had a curfew, but they lied and
17 said I was out in the middle of the
18 night when I wasn't. In the end,
19 YEAH Philly proved that I was where
20 I was supposed to be and he didn't
21 even say sorry. As kids, we should
22 be able to get support to do things
23 even when we have legal cases. I
24 deserve freedom and proper

1 treatment from the people who say
2 they care about kids. Thank you
3 for listening to my story.

4 COUNCILMAN PHILLIPS:

5 Thank you. It was Leroy --

6 MR. SIRLEAF: Levi
7 Sirleaf.

8 COUNCILMAN PHILLIPS:

9 Okay. Awesome. And then do we
10 have Ms. -- is it Kendra and Paris
11 Bright? Okay. So you two can
12 go -- excuse me. You two can go
13 right after each other.

14 MS. BRIGHT: Good
15 morning. My name is Paris Bright
16 and I serve as a youth advocate for
17 YEAH Philly. I come to you this
18 morning with a question, are we
19 lifting our young people up or just
20 weighing them down. GPS monitoring
21 is not about guidance nor growth.
22 Its primary focus is controlling
23 youth before exiting the courtroom.

24 Many young people -- I

1 watch many young people hear these
2 words: If you even take a step
3 outside even on your front porch,
4 you're back in front of me in my
5 courtroom. Because when I say
6 jump, you say how high. This is
7 the control that we see every day.
8 This human behavior is created into
9 an offense. And by doing this, we
10 create fear, not discipline within
11 our young people.

12 A young person under
13 constant surveillance starts to
14 believe that they're already guilty
15 before they've even had a trial.
16 They stop trusting adults and they
17 stop believing in second chances.
18 In Philadelphia, the number of
19 young people being monitored by GPS
20 is higher than ever.

21 According to research
22 completed by the Juvenile Law
23 Center and the Philadelphia
24 Inquirer, the city's juvenile

1 justice system has rapidly expanded
2 its use of GPS-equipped ankle
3 monitors to enforce curfews and
4 house arrests. Furthermore,
5 Philadelphia is tracking teens at a
6 scale unmatched by any other U.S.
7 city, per the Inquirer.

8 GPS monitoring piles on
9 stress and confusion. How can one
10 understand the nuances of what
11 violating means. They don't know
12 where the invisible lines are until
13 they've crossed them. And when
14 they do, the system is right there
15 waiting, ready to hand out its
16 punishment senselessly and without
17 discrimination. Studies have shown
18 us that electronic monitoring
19 represents another way that every
20 aspect of use, daily lives is
21 subject to surveillance and
22 control. This is not
23 rehabilitation. This is
24 criminalization.

1 I'll share a brief story
2 of one of the young people that I
3 work with. They were dealing with
4 immense grief. While in placement,
5 they had lost five family members,
6 some to violence, some to
7 illnesses. To cope with these
8 losses back-to-back upon their
9 release, they began to smoke weed
10 at an intense rate.

11 For many young people,
12 therapy isn't always the best
13 solution because the dynamic is
14 lacking in trust. Again, a theme
15 we've seen time and time again.
16 The court placed them in a
17 treatment school, one partnered
18 with probation and house arrest to
19 ensure they attended the school's
20 mandatory group therapy and the
21 random urine testing. For three
22 months, they complied and they
23 stayed sober.

24 Another family member

1 fell ill of theirs and began to
2 transition into death and the
3 anxiety for the young person once
4 again became unbearable. Late one
5 night they snuck out to smoke.
6 This pattern is continuing. The
7 court saw their actions as defiance
8 and direct insubordination. What
9 the actions from the courts and
10 probation tells us is that their
11 freedom, their dignity does not
12 matter. In our world they call it
13 justice. I call it oppression.
14 Another way to say I don't care
15 about your pain, my authority
16 reigns supreme always.

17 However, I see an
18 inexperienced young person
19 navigating feelings so dreadful,
20 feelings that even I may struggle
21 with or you, being called a
22 technical violation. This creates
23 an impending doom that follows them
24 to class, their community and into

1 their futures. If they step out of
2 line, someone is lying in wait to
3 put them back in a cage.

4 We cannot expect them to
5 focus on hope when they're trapped
6 in the house and being seen as a
7 problem. Our prerogative must be
8 to build systems that uplift our
9 young people, not ones that track
10 their stagnancy. We cannot create
11 punishments for being human, for
12 coping, for grieving, for
13 surviving. We have to create a
14 space for them to grow, learn,
15 without fear, without surveillance,
16 that same fear that had led them to
17 being involved in the system in the
18 first place.

19 I leave you with this:
20 When we put a GPS on a young person
21 and label it as guidance, that is
22 an illusion. We are not helping
23 them find their way. We are
24 keeping them from ever moving

1 forward. Thank you.

2 COUNCILMAN PHILLIPS:

3 Thank you. Thank you so much.

4 MS. VAN DE WATER: Good
5 morning. My name is Kendra Van de
6 Water and I'm the co-founder and
7 co-CEO of Youth Empowerment for
8 Advancement Hangout, better known
9 as YEAH Philly across the city.
10 We're an organization that works
11 with young people who've been
12 harmed and who have also caused
13 harm. We create alternatives to
14 incarceration and we center care,
15 community accountability instead of
16 surveillance.

17 I'm here today to urge
18 the Councilmembers' body to look
19 into the harmful practices and end
20 the use of GPS electronic
21 monitoring for young people in
22 Philadelphia. I'm here today to
23 demand transparency and oversight
24 in a system that currently operates

1 in complete darkness. GPS monitors
2 are marked as less harsh
3 alternatives to incarceration, but
4 in practice they expand the
5 system's control and keep young
6 people under 24-hour watch and
7 surveillance.

8 A UC Davis Law Review
9 analysis found that electronic
10 monitoring actually widens the net
11 of punishment where young people
12 are punished for technical
13 violations like low batteries or
14 missed curfews or missed check-ins
15 instead of serious misconduct.
16 National reviews, including those
17 by the Marshall Project and
18 Juvenile Law Center, show no
19 empirical evidence that GPS
20 actually reduces recidivism among
21 youth, instead GPS monitoring
22 causes harm.

23 Young people report
24 stigma, humiliation, anxiety and

1 depression. Families often face
2 hundreds of dollars in monitoring
3 fees and this adds financial
4 strain. This is punishment and
5 it's not rehabilitation, and the
6 juvenile system says that its main
7 goal is to rehabilitate young
8 people. There is no public data on
9 how many young people are actually
10 on GPS, how long they're monitored
11 for or what companies actually
12 profit from these contracts that we
13 have.

14 Families can't appeal
15 GPS orders and there's no
16 independent oversight. This lack
17 of transparency is unacceptable and
18 City Council must demand data from
19 the courts, from probation and any
20 contracted vendors. It's the
21 Council's responsibility to ask
22 who's being monitored, who's
23 profiting and whether any of this
24 actually makes our city safer.

1 Across the country, failures are
2 abound.

3 In Washington D.C., a
4 Washington Post investigation found
5 that teens under GPS supervision
6 were repeatedly lost by the system
7 and some were even killed while
8 being monitored. This is also
9 happening in Philadelphia. That is
10 not safety. This is negligence.

11 Adolescent brain science
12 shows that young people are still
13 developing impulse control and need
14 structure and opportunity and not
15 surveillance. Evidence-based
16 programs like multi-systemic
17 therapy and functional family
18 therapy reduce reoffending by up to
19 50% and cost way less than
20 incarceration or GPS.

21 Other proven models
22 include restorative justice,
23 credible messenger mentoring and
24 evening reporting centers that

1 combine supervision with care.

2 These community-based approaches
3 actually make young people safer
4 and more successful and they also
5 make our city safer.

6 City Council must probe
7 this system and hold the courts,
8 probation departments and vendors
9 accountable because the public
10 cannot fix what it cannot see. I
11 urge Council today to require
12 public reporting on GPS use, costs,
13 vendors and outcomes. We would
14 also like you to ban or sharply
15 limit GPS monitoring for youth
16 because research shows that it does
17 not decrease recidivism.

18 We want you to eliminate
19 all fees associated with monitoring
20 as well and we want you to redirect
21 those funds to community-based
22 supports like therapy, jobs,
23 mentorship and education. I've sat
24 with young people every day who

1 have cried because they can't go to
2 a sibling's birthday, they can't go
3 to a job interview because of their
4 GPS monitor. When we put these
5 devices on kids, we tell them that
6 we don't trust them or see their
7 potential to thrive and be
8 productive citizens.

9 Often times they have
10 not been adjudicated delinquent and
11 they are still on probation and GPS
12 monitoring. Philadelphia can do
13 better. We don't need any more
14 chains. We need more
15 accountability. We need more truth
16 and we need more support for young
17 people that actually work and is
18 based on science and research.
19 Thank you.

20 COUNCILMAN PHILLIPS: I
21 want to thank all of you for your
22 testimony. The reason why we, you
23 know, normally a lot of committee
24 hearings we start off with the

1 Administration, but I wanted to
2 start off with you all because that
3 way we can get a context of why
4 we're here, what the problem is and
5 then go to the Administration and
6 other experts, per se.

7 So we have questions
8 from the committee. I just want to
9 ask one quick question. Then I'm
10 going to turn it over to the
11 committee. Are youth and families
12 adequately informed about their
13 rights regarding GPS? And that's
14 coupled with this similar question
15 around what do you -- I heard you
16 mention recommendations for changes
17 in terms of reducing the fees,
18 redirecting some money to the
19 community. I just want to hear
20 from you all. Is there something
21 else better in the event of a
22 consequence that you believe could
23 replace GPS altogether?

24 Brother over here, he

1 knows exactly -- he's ready. Thank
2 you, Joshua. And also, want to
3 thank you all for your testimony.
4 It was very informative. And then
5 I'm going to turn it over to the
6 committee.

7 MR. LEVIN: Can you ask
8 your question one more time?

9 COUNCILMAN PHILLIPS: No
10 problem. So I just want to hear
11 from you. Are you adequate --
12 being on GPS, do they adequately
13 inform you of your rights regarding
14 GPS, like all the regulations and
15 rights that you have regarding GPS?
16 And then also, do you have any
17 recommendations of something else
18 that could be better than GPS?

19 MR. LEVIN: Yeah. I
20 feel like if a person case was not,
21 like, at the extreme, I feel like
22 if a kid came in and it was, like,
23 something petty, there's something,
24 like, he could come back from or,

1 like, evolve from then -- yeah, I
2 feel like it should be, like, a
3 program he should be sent to for,
4 like, amount of time. He do that
5 program for that amount of time and
6 then you go back in front of the
7 judge and then see what the judge
8 say.

9 I feel like that would
10 be better than GPS, because the GPS
11 really has stopped, like, kids'
12 life though, like because we
13 growing up, we out here trying to
14 figure out what we doing with our
15 life. I'm pretty sure y'all had
16 mistakes in your life where y'all
17 like I'm not doing this again. We
18 just need somebody to just be,
19 like, I see where they coming from.

20 We just need -- I feel
21 like if there's more programs out
22 here, then it's going to be better.
23 But some of the programs out here
24 now they not really helping us --

1 they help us, but it's, like, help
2 us to keep us in the system.

3 I'm currently housed at
4 like -- I don't know how to say it.
5 I'm housed at supportive
6 independent living. And I came
7 home to, like, they told you, you
8 got to stay on probation and you
9 can get this housing, but then when
10 you get off probation you got to
11 start, like, paying all that
12 yourself. So like, it's all a trap
13 to keep you in the system and all
14 that. So now, I'm doing extra time
15 on probation when I could have been
16 off probably a week ago.

17 COUNCILMAN PHILLIPS:
18 Thank you so much for that. That
19 was the response I was looking to
20 hear.

21 The Chair recognizes
22 Chair Landau, and then after that
23 Councilwoman Jamie Gauthier.

24 COUNCILWOMAN LANDAU:

1 Thank you so much. Thank you for
2 all your testimony. I particularly
3 want to thank Joshua and Levi for
4 your courage to come here and speak
5 to us. I know it's not easy to
6 tell your stories.

7 This is something I've
8 heard, Joshua, before that at this
9 point some people say I'd rather go
10 spend time in a program than to be
11 on GPS monitoring at my home. But
12 let me try to follow up. I want to
13 ask while you're here, just try to
14 ask this question in a different
15 way: When you originally got your
16 monitor on your ankle, did you
17 fully understand the rules? And do
18 they continually talk to you about
19 the rules? And also, when they
20 talk to just you, are they also
21 talking to a parent or somebody
22 else so you know the parameters?

23 MR. LEVIN: Me
24 personally when I first got it on,

1 I was 16. So I probably didn't
2 know, like, what it really was
3 like. I ain't never been locked up
4 before. That was the first time so
5 I didn't know. But my parents and
6 them knew, like, people that was my
7 guardians they knew.

8 But they was, like, even
9 hard -- they was even harder than
10 the GPS was. I probably couldn't
11 go outside and all that. But they
12 used to push me to do -- like, I
13 couldn't do nothing at all because
14 they felt like I see this on your
15 ankle, you not about to be around
16 the kids basically. So it was
17 basically, like, you got to be
18 confined to this one area.

19 Because if your little
20 brother see that you got an ankle
21 monitor on he's going to ask what
22 it is and he going to think what
23 you're doing is okay.

24 MS. VAN DE WATER: When

1 you got your ankle --

2 COUNCILWOMAN LANDAU:

3 Yeah. Please, Kendra.

4 MS. VAN DE WATER: --

5 monitor on, did probation explain
6 (inaudible)?

7 MR. LEVIN: Oh, no, they
8 didn't explain. They gave me a
9 paper. And it had three things on
10 there. It just told me I couldn't
11 go outside. It told me to charge
12 it for two hours and then it told
13 me to report to my PO.

14 COUNCILWOMAN LANDAU:
15 All right. This question is for
16 any of you and I do have a question
17 for the manufacturer, a few
18 questions for the manufacturers as
19 well. But when you do violate, if
20 you did violate this by going to a
21 place where you weren't allowed to
22 go to, does it tell you
23 immediately?

24 MR. LEVIN: No, it

1 like -- it'd be sometimes. Like,
2 if you not where you supposed to
3 be, then it'll ring and it'll say
4 you out of your zone. They will
5 probably be, like, an hour late
6 after you already been gone. You
7 get what I'm saying. Like, you
8 already been doing what you doing.
9 You probably been back to the crib.
10 It's going to ring while you
11 walking back to the crib. Yeah,
12 you was out of your zone, why was
13 you -- and then that's when they
14 ask all them questions. But it
15 don't be accurate. It be, like, an
16 hour after, 30 minutes after.

17 COUNCILWOMAN LANDAU:

18 It's not consistent --

19 MS. VAN DE WATER: It's
20 iffy. So it could ring and a
21 person will come on the monitor and
22 say why are you out. But we have
23 people who are in the program who
24 are approved to be out where it'll

1 ring and they'll still ask why are
2 you out. So it just depends on --

3 COUNCILWOMAN LANDAU: So
4 it's inconsistent.

5 MS. VAN DE WATER:
6 Right.

7 COUNCILWOMAN LANDAU: I
8 think I have -- I do have more
9 questions for the manufacturer
10 which I would love to -- although I
11 see Levi here, unless you want to
12 chime in.

13 MR. SIRLEAF: (Shaking
14 head).

15 COUNCILWOMAN LANDAU:
16 No, okay. Can I ask the
17 manufacturer to come back up,
18 Matthew?

19 COUNCILMAN PHILLIPS:
20 (Inaudible).

21 COUNCILWOMAN LANDAU:
22 No, he was on the first panel. He
23 just had to sit back because they
24 came up.

1 COUNCILMAN PHILLIPS:

2 (Inaudible).

3 COUNCILWOMAN LANDAU: I

4 see. He went first but was on

5 Panel 2. Okay.

6 COUNCILMAN PHILLIPS: So

7 I'm going to acknowledge other

8 members of the committee and make

9 sure you get your questions for the

10 next one.

11 COUNCILWOMAN LANDAU:

12 Okay.

13 COUNCILMAN PHILLIPS:

14 The Chair recognizes Councilwoman

15 Gauthier.

16 COUNCILWOMAN GAUTHIER:

17 Thank you, Mr. Chair.

18 I wanted to start by

19 commending all of you for your

20 testimony and talking about things

21 that were traumatic for you but

22 doing something important that

23 could help other young people. I

24 wanted to commend Rodney,

1 especially whom I've gotten to see
2 over the past several days, not
3 just in this chamber, but I was
4 recently at the ribbon-cutting for
5 YEAH Philly Solar Installation and
6 Rodney led that project. He led a
7 solar installation that will save
8 YEAH Philly \$90,000 that they can
9 reinvest in the community. So
10 kudos to all of you. Kudos to YEAH
11 Philly.

12 (Applause.)

13 COUNCILWOMAN GAUTHIER:
14 I wanted to understand a little bit
15 more of what was in the testimony
16 for Joshua and Levi when the GPS
17 system went wrong. So, Joshua, if
18 you can, can you just talk a little
19 bit more about how the GPS
20 endangered your housing situation?
21 I just wanted to understand that
22 more.

23 And then, Levi, you
24 mentioned that the system said you

1 were out at midnight somewhere
2 where you were not actually. I
3 wanted to understand that a little
4 bit better.

5 MR. LEVIN: So GPS, it
6 messed up my living situation due
7 to, because like, I haven't, like,
8 lived with my real biological
9 parents since I was like 14, 13 so
10 I was with my godparents or aunties
11 or uncles. But it was, like,
12 hopping, like switch or I can't
13 take care of you right now, you
14 have to go -- like, I would just be
15 switching.

16 So when I got 16, that
17 little stuff happened. And when I
18 was 16, I was with my god-dad at
19 the time, but I wasn't staying with
20 him. I had just moved there for a
21 little bit. It was probably gonna
22 be like for the summer. And then I
23 was supposed to go to my godmom or
24 somewhere else. But I ended up

1 getting arrested.

2 They put me on GPS for
3 the three days -- I mean, I was in
4 the youth for three days and then
5 they put me on the GPS and that was
6 my first time on GPS. I never got
7 locked up or none of that. And
8 then I went to his house, and then
9 that's when he just started looking
10 at me different. Like, he was
11 basically threatening, like I could
12 kick you out, you ain't got
13 nowhere -- like they basically use
14 that against you. You ain't got
15 nowhere to go. All you got is me.
16 You can't do nothing or people got
17 to pay their bills and stuff.
18 Sometimes people don't have the
19 right money. So they'd be like,
20 you get a job and all that. I
21 couldn't really get a job because I
22 was on GPS.

23 So at 16, that's when I
24 had violated and then they put me

1 on again. And he said I couldn't
2 go there so they didn't let me go
3 home. I had to go back to the
4 Youth and then I had to do the rest
5 of my time there, and then they let
6 me out again. It was the same
7 thing. People kept saying, well,
8 he could come, he could stay here
9 and they was changing their mind
10 when I got to court. So that's
11 when the judge finally said, well,
12 he's 17 now, you mind as well wait.
13 And then that's when I had the
14 independent living and they came to
15 me with that, like, I could do it
16 when I was 18.

17 That was already like
18 three years ago though. I was
19 fighting for this for three years
20 where I could say, you can't kick
21 me out because I'm in my own house.
22 I actually got finished GPS at my
23 house. I got off like two months
24 ago, three months ago.

1 MS. VAN DE WATER: And
2 can I add that in the juvenile
3 system --

4 COUNCILMAN PHILLIPS:
5 Before that, he just wants to
6 clarify a question. Vice-Chair
7 Thomas.

8 COUNCILMAN THOMAS: So
9 look, and I'm not trying to jump in
10 front of anybody, but we're
11 listening to everything you're
12 saying and you're saying words like
13 they and them. When you say they
14 tried to hold this against you or
15 like -- is this your probation
16 officer? Is it the juvenile
17 center? So if you could just go
18 back, give us the story but also
19 let us know who, and that's for
20 everybody that's talking who is
21 they.

22 Be specific of who
23 you're talking about because we're
24 listening to you, and what you're

1 going through we don't want other
2 people to go through this. But we
3 need to know exactly in detail
4 who's they, who's them and who's
5 telling you things like you don't
6 have family and they hold that
7 against you.

8 MR. LEVIN: Yeah. All
9 right. So for me, it was, like, it
10 was more than just one they. It
11 was family, it was the court
12 systems. It was just a lot. And
13 then I was crashing down. And
14 then, like, when I was in, like, my
15 little, like, we got a little room
16 in the Youth, when I was in there,
17 I really thinking dang, every time
18 I go to court, like I know what --
19 I ain't got nobody, I don't got
20 nowhere to live.

21 They telling me, like,
22 you can't go home because you don't
23 have nowhere to live. The POs and
24 the DAS, they was sitting across

1 from me and the judge would be
2 like, do you want him home or do
3 you think he should go home. The
4 DAs would be like, no, we don't
5 think that he changed or nothing
6 like that.

7 And I used to be feeling
8 bad, like dang, they not even
9 trying to hear what I got to say no
10 more. Like, I couldn't go in the
11 courtroom and not be able to talk
12 at all. Like, I thought we could
13 go in the courtroom and, like,
14 advocate for ourselves sometimes,
15 even when you get older it's tight.

16 Like, when you go in
17 juvenile court, you can't talk.
18 It's only your lawyer or your PD,
19 the DA and then the judge. The
20 kids really don't be saying nothing
21 at all, that they really listen to.

22 COUNCILWOMAN GAUTHIER:
23 I think I understand. So you're
24 saying you already had a tough

1 housing situation. But instead of
2 helping you, everyone, the they,
3 the probation officer, the judge,
4 the DA made it worse?

5 MR. LEVIN: Yeah.

6 COUNCILWOMAN GAUTHIER:
7 I think I understand.

8 MS. VAN DE WATER: Can I
9 add one thing? Can I add that
10 often times in juvenile court they
11 don't bring up housing issues
12 because in delinquency court, they
13 as in the POs and the judges and
14 the hearing officers will use that
15 against you and they will detain
16 you. So you will be put on GPS for
17 housing issues. You will be
18 detained at the Juvenile Detention
19 Center for housing issues because
20 there's limited housing
21 opportunities.

22 COUNCILWOMAN GAUTHIER:
23 That's horrible. Thank you.

24 Levi.

1 MR. SIRLEAF: Can you

2 repeat your question again too?

3 COUNCILWOMAN GAUTHIER:

4 You spoke in your testimony if I'm

5 remembering correctly about the GPS

6 saying you violated the terms of

7 your probation by being out at

8 midnight, but you said that didn't

9 actually happen. I just wanted to

10 understand that a little bit

11 better.

12 MR. SIRLEAF: My PO had

13 reached out to my family member and

14 my mom. He had told her, yeah,

15 your son violated this and the

16 third. And once my folks hear

17 something like that, they already

18 on go. So she called me, I'm in

19 the house. She's telling me about

20 the situation.

21 She like, yeah, they

22 said you violated. You know how

23 parents be, they like you don't

24 listen. But then I had checked

1 back with my case advocate and
2 stuff. I called and I'm like,
3 yeah, Mr. So-and-so, like, they
4 saying I violated but I didn't
5 violate, I was in the house all
6 night. And they saying, like, I
7 violated overnight.

8 So he had reached out to
9 my PO and asked about the
10 situation. And he's saying,
11 like -- it wasn't like overnight.
12 They said I was out past like
13 9:00-something and my curfew was at
14 9:00. My case advocate had told
15 him, yeah, his curfew was at
16 9 o'clock and he was in the house
17 before that, because I made sure I
18 texted him when I got in the house.
19 So they found out about it. They
20 checked, did a little review, found
21 out I really didn't violate.

22 Then the most they said
23 to me was, like, all right, cool,
24 make sure he don't violate. See

1 me, I had a lot of questions for
2 that because you came out your day
3 and say I violated. And then when
4 we proved you wrong, it's like most
5 you say is, yeah, just make sure
6 you do what you do, this, that and
7 the third, duh, duh, duh.

8 MR. LEVIN: He could
9 have went to jail just off that
10 little thing, you feel me. But a
11 PO could go home off of that.
12 Like, yeah, he violated, send him
13 to jail and then I go home. You
14 enjoy your time with your wife and
15 all that, and you just messed up
16 this kid life all over an accident.

17 COUNCILWOMAN GAUTHIER:

18 Thank you.

19 COUNCILMAN PHILLIPS:

20 Thank you. Thank you so much.

21 The Chair now recognizes
22 the presence of Mark Squilla,
23 Councilman Mark Squilla.

24 And then also, Chair

1 recognizes Minority Leader Kendra
2 Brooks for questions.

3 COUNCILWOMAN BROOKS: So
4 I have a few ques -- I'm just
5 trying to get clarity. And I'm a
6 mom first, so I'm coming with my
7 mom hat and Councilmember hat. So
8 I'm hearing housing insecurity with
9 your issue with -- can you give me
10 your name again?

11 MR. LEVIN: Joshua.

12 COUNCILWOMAN BROOKS:
13 And your Levi, right?

14 MR. SIRLEAF: Yeah.

15 COUNCILWOMAN BROOKS:
16 Housing insecurity, so were there
17 any other systems involved? You
18 said you kind of been couch-surfing
19 at 16. Were you involved in any
20 other systems, whether it was DHS?
21 Were these placements through DHS
22 or another system or it was just
23 family, for lack of better words,
24 just passing you off to the next

1 person?

2 MR. LEVIN: No, it was
3 mostly DHS. It was like -- it
4 didn't get to be that deep only
5 because my family was just like,
6 alright, we could take him for some
7 time. So it was not like where
8 somebody was like, yo, they really
9 can't take me for that time and I
10 had to go down to, you know, you go
11 down to the place and they try to
12 get you in and all that with the
13 DHS. But I was in DHS.

14 And then the court, it
15 was just like a stack of problems.
16 It was just like problems keep
17 stacking. My problems just started
18 fading away. I told you I'm 18.
19 That was four years ago.

20 COUNCILWOMAN BROOKS:
21 Wow. Okay. And my other question
22 was around -- like I said, I'm
23 hearing housing insecurity seems
24 like a reason why they end up on

1 GPS which doesn't make sense. And
2 that's why I was wondering what was
3 your prior history, not legal but
4 who failed you?

5 That's what I'm trying
6 to get to. Who failed you before
7 all of these systems were dropping
8 balls to get you to GPS? And I'm
9 hearing that -- to Councilmember
10 Thomas' point, we're just trying to
11 figure out who are all the who's
12 and where the balls were dropped to
13 prevent some of these situations
14 from happening?

15 I'm sorry all of these
16 systems failed you, because that's
17 what it sounds like before, when
18 people should have been responsible
19 for you while you're developing.
20 People kind of left you to your own
21 devices to figure it out and I
22 apologize for that. So I just
23 needed that piece of clarity.

24 And to you, Levi, you

1 were saying your violation at 9:05,
2 whether you were home or not
3 home -- what's the question -- once
4 they decided that they were wrong
5 and you deserved an apology because
6 it could have caused much more
7 serious damage, what has been your
8 relationship or your ability to
9 navigate the system since then?

10 Once you realize they're
11 assuming you're guilty before
12 innocent, and that's not how our
13 system is designed, how does it
14 affect how you navigate the system
15 moving forward?

16 MR. SIRLEAF: Like, what
17 did I start doing after the
18 situation?

19 COUNCILWOMAN BROOKS:
20 Yeah. Like, your relationship with
21 your PO, the relationship with
22 everyone involved, how has that
23 been affected as you move forward
24 after that situation?

1 MR. SIRLEAF: After that
2 situation, I made sure it wasn't
3 going to repeat itself again or
4 come close to happening again. So
5 I had a PO, like, he don't answer
6 the call. But I sent a message
7 through like, you know, your little
8 voice message or whatever. So if
9 somebody don't answer the phone,
10 then a little message you send
11 after that, yeah, like I made sure
12 I contacted him saying what I had
13 to say. And he used to read all of
14 them or listen to all of them. So
15 he knows I'm out. And when I come
16 back in the house, I do the same
17 exact thing.

18 COUNCILWOMAN BROOKS:
19 Also, another thing I'm hearing is
20 the inability to be able to look
21 for a job or have any outside
22 activities. When you were put on
23 this device, was there a plan in
24 place for you to be able to secure

1 employment, be able to go to
2 whatever programs?

3 Because I came in on the
4 first presenter, and I had this
5 conversation with the organization,
6 the company that creates these
7 devices and talked about these
8 parameters. But I'm hearing that
9 you guys had no parameters in
10 place, like you can't go look for a
11 job, you can't do certain things,
12 so that's my concern.

13 If the functionality of
14 these systems allow for
15 programming, why are you guys being
16 put on these devices without any
17 programs being in place and who is
18 your support system to make sure
19 that you're navigating this
20 completely? And I'm hearing you're
21 not really having a support system
22 because you're floating from family
23 member to family member and systems
24 have violated (inaudible) you, so

1 was there a treatment plan or
2 placement plan in place in
3 conjunction with the system that
4 you understood and your guardians
5 understood when they put you on
6 this?

7 MR. SIRLEAF: It was no
8 type situation -- like, I ain't
9 gonna say -- it was no type problem
10 when they put me on GPS. Like, we
11 understood everything. But one
12 thing, like, alright. So mind you,
13 like, we juveniles or whatever.
14 But if we already on house arrest,
15 right, and then the papers they
16 give us, they say, no backyard, no
17 basement, no nothing. Like, how
18 can we not go in our own backyard,
19 basement or our little front porch
20 step.

21 COUNCILWOMAN BROOKS:
22 Wait, wait. So the paperwork says
23 you can't go in your backyard?

24 MR. SIRLEAF: Yeah, they

1 say I can't --

2 MR. LEVIN: Yeah, it
3 says you can't touch your backyard,
4 basement or front porch. As soon
5 as you step outside your gate, it
6 start ringing. That's how accurate
7 it be if you don't got curfew. But
8 if you got curfew, it take a little
9 while if you start violating. But
10 if you don't got curfew at all,
11 pretrial (inaudible) you can't even
12 step outside your gate.

13 MR. SIRLEAF: But it's a
14 house restriction, but you still on
15 your house property so why is that
16 an issue. I'm still on my house
17 property, but according to y'all I
18 can't go in my backyard or my
19 basement.

20 MR. LEVIN: I think my
21 friend got locked up like that,
22 matter of fact. Matter of fact,
23 Arion. He not here right now. But
24 he on house arrest right now. He

1 told me a story how he was on
2 probation, he was on house arrest.
3 He was about to get off, like a
4 week, and his block had got raided.
5 So another crib had got raided but
6 he wasn't supposed to go on his
7 porch. And he went on his porch to
8 let his aunt in the house and then
9 they locked him up --

10 MR. SIRLEAF: The
11 ques --

12 MR. LEVIN: -- and he
13 violated.

14 MR. SIRLEAF: My fault.
15 The question you had asked, once
16 they put you on their GPS they
17 don't tell you -- the only thing
18 they tell you before you leave is
19 when your next court date is and
20 the stuff you got to do on GPS.
21 They don't try to tell you, like,
22 yeah, do this program, go find this
23 job. You got to do everything
24 yourself and your folks.

1 COUNCILWOMAN BROOKS:

2 And to that point, if you have to
3 figure this out on your own, then
4 you have to reach out to your
5 probation officer, get permission
6 to go fill out a job application --

7 MR. SIRLEAF: Mm-hmm.

8 MR. LEVIN: Yeah.

9 COUNCILWOMAN BROOKS: So
10 it's not like a part of the plan?

11 MR. SIRLEAF: Yeah. But
12 then there's also some strict POS
13 out here. So even if you do tell
14 them what you got going on, it's
15 like, they look at you as a
16 delinquent, a criminal, all that.
17 So it's like, yeah, bro, they think
18 if we let him out, he probably
19 gonna go to the little interview
20 and do something crazy after and
21 get back in the crib like we don't
22 know nothing. And it's just like,
23 yeah, they criminals, they got
24 placed on GPS and we're just going

1 to leave them there.

2 COUNCILWOMAN BROOKS:

3 And, Kendra, this is for you. Do
4 you have young people that are
5 assigned to your program or other
6 programs that you know of and is it
7 assigned to the courts for them to
8 be on GPS and attend your programs?
9 Because I know you guys have
10 amazing programming. I've seen it,
11 I've been a part of it and a couple
12 other programs that work with young
13 people.

14 So I'm trying to
15 understand, like there are programs
16 in place for young people to go
17 through restorative justice and
18 anger management and skills,
19 understand their case, identify the
20 system in place. Why aren't -- if
21 we're releasing young people with
22 GPS because of housing insecurity
23 and we want to know where they are,
24 why is it not a treatment plan that

1 includes programs like yours to
2 allow young people to fix or undo
3 the harm or threaten of harm,
4 because I'm hearing some people
5 haven't even went through the trial
6 so they're not even proven guilty
7 and they're on house arrest? So
8 I'm just trying to understand how
9 the system is working.

10 MS. VAN DE WATER: So we
11 are advocates in the courtroom and
12 we are not a court-contracted
13 program. So there are maybe three
14 or four court-mandated programs
15 that contract with Juvenile Court,
16 which they will mandate young
17 people to go to. And because we're
18 not court-contracted, we are not
19 always on the court order. But
20 because of our program, if a person
21 is referred to our program and
22 wants to be a part of our
23 organization for our Violent Crime
24 Initiative, we have attorneys and

1 court advocates that go to court
2 and then they are in our program,
3 but the Juvenile Court does not
4 like our advocacy because they do
5 not want people in the courtroom to
6 ask these types of questions that
7 you're asking. And so, all of
8 these people here are in our
9 program. They have not been off of
10 GPS or off of probation or all of
11 these things until they were in our
12 program.

13 So Joshua has been on
14 GPS for years. But when he got to
15 YEAH Philly, he was able to get
16 housing, he was able to get
17 therapy, he was able to get back
18 into school and he was able to get
19 those supports, but they don't want
20 that.

21 So they don't like when
22 even young people go and advocate
23 to get off of GPS --

24 COUNCILMAN THOMAS:

1 Who's they?

2 MS. VAN DE WATER: POs
3 and judges and probation officers
4 and hearing officers.

5 COUNCILMAN PHILLIPS:
6 They don't want them to have
7 housing and so forth?

8 MS. VAN DE WATER: They
9 don't want you off of probation.
10 You get paid for more people who
11 are on probation. You get paid to
12 go to court-mandated programs
13 because it's a per-diem program.
14 And even for context, I want to add
15 that young people who are on
16 probation and GPS have two POs.
17 They have one regular probation
18 officer and one GPS probation
19 officer.

20 COUNCILMAN PHILLIPS:
21 Just to be clear, you're saying
22 judges as well would not like for
23 these individuals to have housing?

24 MS. VAN DE WATER: Yes.

1 There's no housing options that are
2 available often times if you're
3 under 18.

4 COUNCILMAN PHILLIPS:
5 For the sake of time, I'm going to
6 keep this going. Councilwoman, was
7 that a good --

8 COUNCILWOMAN BROOKS:
9 Yes. Thank you so much.

10 COUNCILMAN PHILLIPS:
11 Yeah, we have another panel.

12 MS. BRIGHT: Just to go
13 off of what Levi was saying, for
14 all of my caseload I create
15 community plans. So for things
16 with employment therapy, any
17 extracurricular activities that can
18 keep them engaged, I create those
19 each and every time I'm meeting a
20 young person at the JJSC.

21 And after talking with
22 their lawyers, I give it to the
23 lawyers and often times it is not
24 accepted by the judges. It's not

1 even acknowledged most of the time.
2 And they don't even try to build
3 off of the letters that I write and
4 the structure that I try to
5 implement into the young people's
6 lives. So a lot of it is just on
7 appointment.

8 So for Levi in
9 particular, a lot of times I had to
10 just contact them the day before if
11 we had appointments that we needed
12 to make and then move like that.
13 So I just wanted to add that.

14 COUNCILMAN PHILLIPS:

15 Thank you so much.

16 The Chair recognizes
17 Councilmember Jim Harrity and then
18 Councilman Nicolas O'Rourke for our
19 final questions.

20 COUNCILMAN HARRITY:

21 Thank you. Ms. Van de Water, I
22 heard in your testimony you talked
23 about the monitoring fees. What's
24 the charge for the monitoring fee,

1 do you know?

2 MS. VAN DE WATER: So a
3 lot of times there will be fees and
4 fines that end up being waived if
5 you advocate for them to be waived.
6 And there are waivers that people
7 can complete if you cannot pay.
8 But often times they're around \$69,
9 and it depends on what types of
10 fines that judges are hearing
11 officers impose. But if you don't
12 work, you can't pay them.

13 COUNCILMAN HARRITY:
14 Right, that's just a monitoring.
15 That's what I'm just trying to get
16 at. Now, if they can't pay and
17 they get behind, right, what
18 happens at that point? Do they get
19 violated? How about if they're at
20 the end of their thing but their
21 fees aren't paid, would that hold
22 them on the monitor?

23 MS. VAN DE WATER: You
24 will remain on probation. So a lot

1 of times even the public defender's
2 office will refer young people who
3 are only on probation because they
4 cannot pay their fines and fees,
5 and we pay a lot of people's fines
6 and fees, but you will remain on
7 probation if you cannot pay.

8 COUNCILMAN HARRITY: I
9 guess in the case of a juvenile
10 that would go until they turn 18.
11 And then what happens then?

12 MR. SIRLEAF: I also
13 wanted to add they did put me in a
14 little program called PYAP. I
15 think it was my PO, they put me in
16 a program called PYAP. But I got
17 picked up one time only throughout
18 my whole experience on being house
19 arrest. But those were the people
20 that -- the program they put me in
21 they were supposed to help me pay
22 my tuition fee, but they only
23 picked me up one time throughout
24 the whole time I was on the GPS.

1 And then it's like, we had to
2 present that at court and let them
3 know, yeah, y'all put me in a
4 program and the person y'all got as
5 my whatsoever he was, like, the
6 person y'all got that's supposed to
7 be picking me up, taking me to a
8 little building or whatever, we
9 supposed to be learning stuff,
10 doing stuff together and stuff, he
11 only picked me up one time.

12 And he would constantly
13 text me and tell me, yeah, he'll
14 come pick me up Thursday. He'll
15 never come pick me up. Then it's
16 like, I got to make a phone call
17 every time at nighttime and tell
18 him, yeah -- I check in like
19 9 o'clock before I go to sleep. I
20 make sure I call him, do my little
21 check-in call. Then he keys that
22 in.

23 I had to get dropped out
24 of that program because if it would

1 have kept going on and I never
2 would have said nothing in court,
3 they probably would have kept me on
4 probation to this day because of
5 that little situation. So I feel
6 like if y'all going to put us in --
7 if the judges, POs or whatever gone
8 put us in a program, they got to
9 make sure it's a solid, legit
10 program, make sure whoever they
11 have assigned to us or whoever we
12 assigned to, make sure they do
13 their job and we do what we
14 supposed to do.

15 COUNCILMAN PHILLIPS:
16 You all have provided very valuable
17 information. Because we have to
18 get to the next panel, if we could
19 just be brief. Councilman, is
20 there any other question you have?

21 COUNCILMAN HARRITY: No.
22 Just were you in the juvenile
23 justice system? Did you guys
24 actually go to the detention

1 center?

2 MR. LEVIN: I was in the
3 detention center, yeah.

4 MR. SIRLEAF: Yeah.

5 COUNCILMAN HARRITY:

6 They didn't have any programs there
7 either? Don't they have PTTI there
8 or something like that? But that
9 only goes for while you're there.

10 MR. LEVIN: What's crazy
11 is it's a lot of programs in there,
12 but it's not by the court, you
13 understand what I'm seeing. Like,
14 people come -- the Youth is built
15 off like community. So anybody
16 that work there, probably your
17 neighborhood auntie or your
18 neighborhood mom or something, they
19 bring their own resources in and
20 then they try to help the kids out.
21 That's somebody if they really
22 care. But everybody in there not
23 like that, so it's barely
24 resources.

1 You supposed to see a
2 social worker in there two times
3 one week. I only was seeing a
4 social worker probably one time
5 every month. It get like that.
6 It's so picked in there, they can't
7 even get to every kid. So it was
8 like if they had resources, every
9 kid not getting them.

10 COUNCILMAN HARRITY:

11 Thank you.

12 COUNCILMAN PHILLIPS:

13 Thank you. Thank you, Councilman
14 Harrity.

15 The Chair recognizes
16 Councilman Nicolas O'Rourke for our
17 final question.

18 COUNCILMAN O'ROURKE:

19 Thank you, Mr. Chair.

20 Thank you all for your
21 testimony, for being here today.
22 This is a joint hearing. There are
23 two different committees that are
24 here. There's Youth and Children

1 and there's also the Tech
2 Committee. I'm part of the Tech
3 Committee. And so, a lot of my
4 questions are kind of geared
5 towards understanding the tech.
6 And so, if some of this sounds a
7 bit repetitive or clarifying, it's
8 because I'm trying to make sure
9 that I got and heard correctly what
10 I thought I heard in your
11 testimonies.

12 Joshua, I think I
13 understood you saying that at some
14 point you were kicked out of your
15 house and as a result of that, you
16 ended up I guess maybe entering an
17 exclusionary zone, violated and
18 then re-arrested as a result of
19 having been kicked out of your
20 house; is that accurate?

21 MR. LEVIN: Yes.

22 COUNCILMAN O'ROURKE:
23 Okay. Levi, you said that you
24 couldn't step outside your house --

1 you couldn't step in your

2 basement --

3 MR. SIRLEAF: Yeah.

4 COUNCILMAN O'ROURKE: --

5 without setting off an alarm or

6 somehow some violation?

7 MR. SIRLEAF: Yes.

8 COUNCILMAN O'ROURKE:

9 And this is a common thing that

10 people can go into their basements

11 and that be some sort of flag as it

12 relates to --

13 MR. LEVIN: I would go

14 in my basement, like, I'm going to

15 be honest. I'll go in my basement

16 and probably, like, spark

17 something. They'll ring it and

18 they'll be like, it say that you in

19 the zone, like, where a shooting

20 could be happening or something,

21 ambulance could be around,

22 anything, and they just be like

23 gave you (inaudible) the whole time

24 in the house. They'll know I'm in

1 the crib, but they know that it's
2 malfunctioning.

3 So I used to be paranoid
4 because I didn't know, like, maybe
5 it might malfunction and whole time
6 I'm not doing nothing. What if
7 they don't believe me one time. So
8 I just used to be paranoid.

9 COUNCILMAN O'ROURKE:
10 This is a common thing that happens
11 sometimes when you go in the
12 basement?

13 MR. LEVIN: Yeah.

14 MR. SIRLEAF: Yeah,
15 because it'd be a situation
16 like for me when I first came home,
17 like when I first walk in the
18 house, it's a door, it's a porch
19 and a screen door and then you just
20 walk in the living room. Like, on
21 the paper, they were saying front
22 porch, backyard and basement. So
23 it made me think, like, I couldn't
24 even go close my front door without

1 my thing going on.

2 So I did that for
3 like -- I ain't go close to my
4 front door for like two weeks until
5 I start realizing, all right, I'm
6 still on my property. They can't,
7 like -- if they do come and arrest
8 me, I could still stand up for
9 myself and say, yeah, but I was
10 still at home.

11 COUNCILMAN O'ROURKE: I
12 got you.

13 Kendra, you said low
14 batteries can actually cause some
15 sort of infraction. Can you speak
16 to that for a second?

17 MS. VAN DE WATER: If
18 your battery dies -- so you really
19 should be charging your GPS for two
20 hours a day. They said that you
21 have to be sitting up charging it
22 for two hours a day to keep your
23 battery powered on. If your
24 battery becomes low or powers off,

1 that is a violation of your
2 probation.

3 COUNCILMAN O'ROURKE:

4 This is helpful for me because I
5 think Paris mentioned that folks
6 couldn't step out on their front
7 porch with some of the stuff,
8 without it ended up you going back
9 to court; that's true?

10 MS. BRIGHT: Yes. So
11 this particular young person, they
12 had an enclosed front porch so it
13 wasn't even out in the open. It
14 was enclosed. They couldn't even
15 step into that front porch that you
16 can't even see outside because it's
17 windows and stuff.

18 COUNCILMAN O'ROURKE: It
19 is important -- I'll wrap,
20 Dr. Phillips. It's really
21 important that I think we
22 emphasize -- thank you for your
23 testimony -- that we emphasize the
24 distinction or we clarify the

1 distinction between rehabilitation
2 and reform versus penalty and
3 criminalization.

4 As a Tech Committee
5 person listening to you it's
6 striking to me that anyone might
7 have more understanding for systems
8 than we have for developing humans,
9 clearly faulty systems that are not
10 always working that somehow there
11 needs to be grace given for systems
12 because they're systems or what
13 have you as opposed to grace that
14 should be extended towards
15 developing humans where the goal is
16 supposed to be rehabilitation, not
17 just further criminalization. So I
18 thank you for lifting those points
19 up because I do think that that
20 matters, particularly when cases
21 will be made about the systems,
22 like maybe they're perfect or
23 they're good and we should respect
24 them, and if they fail in some way,

1 should reform in any way and then
2 somehow there should be
3 understanding for that. And I
4 don't know that that's the way that
5 our justice system should be
6 operating. So thank you for
7 sharing that intel.

8 COUNCILMAN PHILLIPS:

9 Thank you so much, Councilmember
10 Nicolas O'Rourke.

11 There's a quick question
12 from our Vice-Chair Isaiah Thomas
13 and then we're going to turn to our
14 next panel.

15 COUNCILMAN THOMAS:

16 Very, very quick. First of all,
17 thank you young people for making
18 yourself vulnerable. Paris, thank
19 you for the great work that you and
20 your team are doing. I'm sitting
21 here listening. I apologize for
22 being late. I have a lot of
23 questions. I'm not going to do
24 that. Dr. Phillips has a strict

1 schedule. We're trying to get
2 through this stuff.

3 But, Paris, off the
4 record, not now, at some point we
5 would love to hear some of the
6 probation officers and judges that
7 are problematic at some point.
8 Definitely not here, definitely not
9 on this platform. But what I would
10 like you to do --

11 COUNCILMAN PHILLIPS:

12 That is good. That's good to know.

13 COUNCILMAN THOMAS:

14 Yeah. What I would like you to do
15 on this platform today, who are the
16 judges and probation officers
17 that's doing a good job, right?
18 Because we need to weed out a lot
19 of the problems and a lot of the
20 issues that you're facing but I
21 can't talk too much about
22 everything, but I think it's
23 important for us on this side to
24 know again off the record who is

1 always -- we don't want to say
2 names. Thank you.

3 MR. VAN DE WATER: And
4 you know I'm Kendra, right, not
5 Paris. I'm Kendra, not Paris. So
6 are you asking Paris?

7 COUNCILMAN THOMAS: No,
8 I was talking to you, Kendra. I'm
9 sorry. I apologize.

10 MS. VAN DE WATER: Okay.
11 So first, I want to quickly just
12 say that there is a
13 misunderstanding when it comes to
14 probation, that probation is
15 supposed to be providing services
16 that they do not. So there needs
17 to be a distinction of what
18 probation does. We have tried to
19 get public documents about what
20 probation is supposed to do for
21 kids, but they do not provide those
22 documents. So I think there needs
23 to be clarification.

24 I, in my mind, cannot

1 tell you a good probation officer.
2 I can tell you some that are nicer
3 than others, but they are not
4 helpful. So I think it goes back
5 to what is their role and what are
6 they supposed to be doing. So if
7 you want to even at another time, I
8 can give you a whole list of all
9 the probation officers we work
10 with. I can give you specifically
11 what they do, what they don't do,
12 but what judges say that they do
13 that they do not do. Because if
14 they did what they were supposed to
15 do, it would be a duplication of
16 services of YEAH Philly, and YEAH
17 Philly has done all the connection
18 related to the community support
19 and the work.

20 COUNCILMAN THOMAS:

21 Thank you, Kendra. Sorry about the
22 mix-up. Thank you.

23 COUNCILMAN PHILLIPS:

24 And quick comment from

1 Councilmember Kendra Brooks.

2 COUNCILWOMAN BROOKS: I

3 just want to be fully transparent.

4 I know you guys see me over here

5 talking and telling people things.

6 I just want to let you know I hear

7 what you're saying and I was just

8 verifying what you're saying,

9 because it happened to me and my

10 stepson. So I just want you to

11 know I hear you, and what I'm

12 talking about is clearly related to

13 the information that you're sharing

14 and verifying that I too have

15 experienced some of the same things

16 that you're talking about up here.

17 So I just want you to

18 know that we're not talking about

19 you. I just want you to know that

20 we're here trying to verify your

21 story, to give it a solid claim as

22 we move forward with this. So I

23 just -- to your point, Levi, I

24 don't want you to feel that what

1 you're saying is hitting on closed
2 ears. So that's why I wanted to
3 clarify.

4 COUNCILMAN PHILLIPS:
5 Wow. Well, you all have made an
6 impact on all of us today. We are
7 literally huddling about our next
8 steps in follow-up. You don't get
9 this many City Councilmembers in
10 one room often so we had the
11 opportunity to listen to you all
12 today. So thank you all so much.

13 All right. There being
14 no further questions, Ms. Walton,
15 will you please call the next panel
16 to testify.

17 COUNCILWOMAN LANDAU:
18 (Inaudible).

19 COUNCILMAN PHILLIPS:
20 Yes. Panel No. 2.

21 THE CLERK: Thank you.
22 We'll call Matthew Swando back,
23 Chief Revenue Officer from Track
24 Group; Faustino Castro Jimenez,

1 Chief of Probation, Juvenile
2 Branch; Commissioner Kimberly Ali,
3 Department of Human Services;
4 Francis Healy, Deputy Commissioner,
5 Chief of Staff and Legal Affairs
6 for the Philadelphia Police
7 Department.

8 (Witnesses approached
9 witness table.)

10 COUNCILMAN PHILLIPS:

11 Thank you. And because we want to
12 make sure we get questions from our
13 members, if you can summarize your
14 testimonies. Basically, if you all
15 can find a way to get to the point,
16 right, keep it within three
17 minutes, that'd be nice.

18 All right. Good
19 morning. Please state your name
20 for the record and proceed with
21 your testimony. Starting with the
22 Commissioner.

23 COMMISSIONER ALI: So
24 good morning. Good morning,

1 Chairperson Dr. Anthony Phillips
2 and Vice-Chair Isaiah Thomas of the
3 Children and Youth Committee,
4 Chairperson Rue Landau and Vice-
5 Chairperson Mark Squilla of the
6 Technology and Information Services
7 Committee as well as other members
8 of City Council.

9 My name is Kimberly Ali
10 and I have the honor of serving as
11 Commissioner for the Philadelphia
12 Department of Human Services, DHS.
13 Joining me today is Gary D.
14 Williams, Deputy Commissioner for
15 Juvenile Justice Services, Nadine
16 Perese, Chief Financial Officer as
17 well as other members of my team.
18 Today we are here to provide
19 testimony on Resolution No. 240828,
20 regarding the use of electronic
21 monitoring or Global Positioning
22 Systems, GPS, for youth involved in
23 the juvenile justice system.

24 The Department of Human

1 Services works in very close
2 partnership with the Philadelphia
3 Family Court and juvenile probation
4 to ensure that there is a wide
5 array of services for you to divert
6 or prevent further involvement in
7 the juvenile justice system. DHS
8 funds the services that are
9 provided to youth at all stages of
10 the delinquency processes, from
11 community-based prevention such as
12 Intensive Prevention Services or
13 IPS, to detention at the
14 Philadelphia Juvenile Justice
15 Services Center to longer-term
16 residential placement for youth in
17 need of treatment, rehabilitation
18 and supervision.

19 The FY26 budget for DHS
20 Division of Juvenile Justice
21 Services is \$113 million. This
22 funding is critical to support two
23 essential areas of JJS, the
24 Philadelphia Juvenile Justice

1 Services Center and more than 50
2 professional services contracts
3 that provide services to children,
4 youth and families.

5 As part of our continuum
6 of services, DHS supports the use
7 of approximately 350 GPS units for
8 a total cost of \$1.3 million for
9 FY26. GPS units allow youth who
10 might otherwise be detained at the
11 PJJSC or placed in a longer-term
12 residential setting to live at
13 home, attend school or vocational
14 opportunities and participate in
15 community-based services offered
16 through DHS.

17 The Department of Human
18 Services considers the use of GPS
19 to be one of the many tools that we
20 provide to help you stay on a
21 positive path and avoid deeper
22 involvement in the juvenile justice
23 system. Our goal is to provide
24 youth with the least restrictive

1 environment while still supporting
2 their safety and allowing them to
3 receive services to assist with
4 rehabilitation. We will continue
5 to work closely with our juvenile
6 justice system partners to ensure
7 that we are responding to the
8 everchanging needs of the youth,
9 families and communities that we
10 serve. Thank you for allowing DHS
11 to testify today. My team and I
12 are available to answer any
13 questions.

14 COUNCILMAN PHILLIPS:
15 Thank you, Commissioner. Can we
16 now -- yes. Thank you.

17 MR. CASTRO-JIMINEZ: So
18 good morning, Chairperson Phillips,
19 Chairperson Landau and all esteemed
20 Councilmembers of the Children,
21 Youth and Technology Committees.
22 My name is Faustino Castro and I
23 humbly serve as Chief Probation
24 Officer in the juvenile branch of

1 Philadelphia Family Court, which is
2 under the leadership of our
3 administrative judge, the Honorable
4 Walter Olszewski.

5 Joining me today are
6 Deputy Chief Bennie Price and
7 Director Sharla Swint, who lead
8 many of the department's efforts
9 and initiatives regarding GPS
10 technologies. Both are members of
11 my management team who, along with
12 other directors, lead a dynamic
13 group of juvenile probation
14 officers that work daily to address
15 the complex needs of our youth who
16 have been arrested, charged and
17 placed under some form of
18 supervision by the court.

19 I am pleased to testify
20 on Resolution No. 240828, in which
21 the Joint Committee seeks to gain
22 additional insight with respect to
23 the use of GPS technologies for
24 youth in the juvenile justice

1 system. The Probation Department
2 is tasked with supervising youth at
3 the pre-trial and post-disposition
4 phases of delinquency proceedings.
5 Once a judge places a youth under
6 our supervision, our strategic
7 mission stays anchored on our
8 statutory mandate to provide
9 balanced and restorative justice,
10 which promotes to achieve
11 restoration of victims, youth
12 accountability and protecting the
13 community from further delinquency
14 and juvenile crime when duly
15 ordered by the judiciary, juvenile
16 probation officers provide direct
17 supervision of youth in communities
18 around the city.

19 Our fundamental approach
20 to change youth behavior centers on
21 the use of promising practices and
22 evidence-based programs that are
23 offered in communities such as CBT,
24 ART, FFT, MST, those types of

1 programs. One of the investments
2 in technology that also helps to
3 respond to behaviors, enforce
4 curfews, reduce criminality and
5 prevent youth from becoming
6 shooters or victims of shootings,
7 is the utilization of the GPS
8 platform. The technology is used
9 as an alternative to secure
10 detention and helps to reduce
11 overcrowding at the Juvenile
12 Justice Services Center.

13 Moreover, it gives the
14 judiciary options to placement when
15 they determine that it is in the
16 best interest of youth to remain in
17 the community, albeit with
18 heightened supervision. Having
19 youth remain in their communities
20 helps preserve important family
21 bonds and is essential for
22 emotional development.

23 Having youth remain at
24 home also saves city taxpayer

1 dollars due to lower per diem costs
2 to have youth in community GPS
3 supervision as opposed to placement
4 at the JJC. Currently, our
5 inventory consists of 300 GPS
6 devices which are used throughout
7 the year. In other words, on any
8 given day there may be up to 350
9 kids on GPS. Today's count, for
10 instance, is 306.

11 Our records show that on
12 average youth are on GPS for 68
13 days, on average 68 days.
14 Depending on what is presented in
15 court by the District Attorney's
16 Office, the Public Defenders or
17 private counsel and the
18 recommendations by our juvenile
19 probation officers, youth may
20 exceed or shorten the average
21 length of stay based on risk and
22 responsivity factors or if they
23 have incurred a new arrest.

24 Careful consideration is

1 always given not to be punitive.
2 And I'll emphasize that. We are
3 not to be punitive when responding
4 to behaviors. Rather it is
5 important to use a tool as a means
6 to intervene and deter youth from
7 negative behaviors.

8 Throughout 2024, we had
9 369 youth placed on GPS who had
10 firearm-related charges. We have
11 young people on GPs who have been
12 victims of gang-related shootings.
13 We also have youth who are in
14 neighborhood feuds that may be
15 gang-related who we try to keep
16 alive, by restricting their access
17 to neighborhoods that can get them
18 shot or can get them killed.

19 We also have youth
20 charged with sexual assault cases
21 who are ordered by the court to
22 stay away from their victims and
23 youth involved in crimes against
24 citizens within the SEPTA

1 transportation system. I want to
2 add for clarity purposes that
3 unless a safety concern exists or
4 other mitigating factors that
5 judges take into consideration at a
6 court hearing, youth are not denied
7 the opportunity to participate in
8 pro-social activities, mental
9 health or medical appointments or
10 inperson academic instruction. In
11 fact, the court typically orders it
12 so because it helps our young
13 people transition successfully out
14 of supervision.

15 To provide you quick
16 examples, a group of youth were
17 placed on GPS, had traveled to
18 Baltimore Harbor and museum last
19 year, Poconos Mountain camping
20 trips and Clementon Park this
21 summer, and six youth had been
22 approved just this weekend coming
23 up to Six Flags Great Adventure.

24 So in closing, GPS

1 technologies helps us address
2 public safety concerns while
3 ensuring youth participate in
4 pro-social activities that
5 ultimately will help them become
6 productive members in the City of
7 Philadelphia. So thank you for
8 allowing me to testify. And
9 certainly, my staff and I are
10 available for any questions that
11 you may have. Thank you.

12 COUNCILMAN PHILLIPS: Is
13 anyone -- okay. I think that's it.
14 All right. Thank you so much for
15 your testimony.

16 Are there questions or
17 comments from members of the
18 committee?

19 Okay. So the Chair
20 recognizes Councilwoman Landau and
21 then we have Councilmember Driscoll
22 and Councilmember Gauthier.

23 COUNCILWOMAN LANDAU:
24 Thank you so much for being here,

1 for your testimony. I want to ask
2 you some questions, but I also want
3 to just make sure that the Defender
4 Association is going to listen to
5 the questions in case they can
6 weigh in and also maybe YEAH
7 Philly, in case they can weigh in
8 on any discrepancies they might see
9 in this.

10 But I want to just make
11 sure we break down first how
12 somebody gets on a GPS monitor and
13 I have a lot of questions about the
14 GPS monitoring system itself. So
15 it has to be court ordered; is that
16 correct, to start?

17 MR. CASTRO-JIMINEZ:
18 That is -- well, at the beginning
19 when youth are arrested, youth
20 sometimes are listed for a
21 detention hearing and at that
22 specific juncture the hearing
23 officer, not a judge, a hearing
24 officer can place a youth on GPS

1 until such time the matter is heard
2 before a judge.

3 A judge subsequently
4 either adds conditions -- by the
5 way, GPS is just a tool. It's not
6 the only thing that a youth may be
7 placed on. There may be other
8 factors, mitigating factors that
9 the court hears, that the judge
10 then decides, well, let's put the
11 youth in a different program or an
12 additional program, so the youth on
13 GPS. But because of the egregious
14 nature of the charge or because the
15 youth may present some factors that
16 is safety-related or community-
17 related, then the judge says we'll
18 add GPS as part of the supervision
19 until the matter goes for an
20 adjudicatory hearing. And at that
21 specific juncture, then another
22 determination is again made.

23 COUNCILWOMAN LANDAU:

24 And how long would it take to have

1 a hearing in front of a judge?

2 MR. CASTRO-JIMINEZ: So

3 normally, if a youth is -- for

4 instance, if a youth is held at the

5 JJC Security Detention Center, by

6 law a youth has to have a hearing

7 within 10 days or within 20 days if

8 a youth is coming up for review.

9 If it's for an adjudicatory hearing

10 and the youth is out in the

11 community, usually it's between 30

12 days and 45 days.

13 COUNCILWOMAN LANDAU:

14 And that's before a judge could

15 even look at the matter to see

16 whether or not the child should be

17 held to begin with and you already

18 have a GPS monitor on them?

19 MR. CASTRO-JIMINEZ: So,

20 Councilmember, at the beginning

21 determination is made at the JJC

22 Courtroom 1, if a child is to be

23 released or if the child is to be

24 detained. And that is based upon

1 arguments provided by the DA's
2 office, the PD's office or private
3 counsel. And we are not involved
4 at that specific stage because it's
5 still at the pretrial stage.

6 Probation is only
7 involved after disposition is made
8 by the judge to place a child under
9 consent decree, deferred
10 adjudication, interim probation,
11 probation or any other type of
12 disposition that the judge may
13 place a youth under supervision.

14 COUNCILWOMAN LANDAU:

15 Okay. This is great. This is
16 going to help me understand this.
17 So in front of a hear -- you go in
18 front of a hearing officer who
19 might order that you have a GPS
20 monitor on, but you don't have a
21 probation officer yet. You have to
22 wait until you go in front of a
23 judge, which could be 10, 20 or 30
24 days later?

1 MR. CASTRO-JIMINEZ:

2 That is correct. Unless of course,
3 and I will just add a caveat, for
4 instance, if a youth get
5 re-arrested, youth gets held at the
6 JJC for that new arrest, it's heard
7 before a hearing officer. The
8 hearing officer -- by the way if,
9 in fact, there's another matter
10 that the youth is on probation,
11 yes, we have a probation officer
12 because now you're talking about
13 two distinct matters. One is a new
14 arrest and one is a probation
15 matter that the youth is on
16 probation for.

17 COUNCILWOMAN LANDAU:

18 Who is monitoring the GPS at the
19 time that the youth does not yet
20 have a probation officer?

21 MR. CASTRO-JIMINEZ: So
22 we have a GPS officer that monitors
23 all youth that are placed on GPS.
24 But if a youth is on probation

1 supervision, we also have a
2 probation officer that monitors the
3 case. That is the case manager of
4 the case that actually reports in
5 court in terms of the adjustment of
6 the youth, whether the child needs
7 additional services or whether the
8 child is adjusting or not adjusting
9 well to probation supervision.

10 COUNCILWOMAN LANDAU:

11 These will be simple questions. I
12 did civil law, not criminal. So I
13 do have to get a handle on this
14 probation. Do you only have one
15 probation officer who works 24
16 hours a day or do they work in
17 teams?

18 MR. CASTRO-JIMINEZ: So,
19 Councilmember, we have 11 probation
20 officers, probably 10 or 11
21 probation officers that actually
22 have the responsibility of
23 monitoring GPS youth, used on GPS.
24 So their caseload is between 30 and

1 45 cases sometimes. It depends.

2 COUNCILWOMAN LANDAU: 30

3 or 45 cases for each probation

4 officer 24 hours a day?

5 MR. CASTRO-JIMINEZ: So

6 we also have the assistance of

7 Track Group that actually monitors

8 when the GPS probation officers are

9 not working. So they also provide

10 assistance in terms of alarms and

11 responding to some of those alarms

12 for us.

13 COUNCILWOMAN LANDAU:

14 And the supervision structure, who

15 oversees the probation officers?

16 MR. CASTRO-JIMINEZ: So

17 the probation officers are overseen

18 by assistant supervisors and

19 supervisors, and they are overseen

20 by directors which are overseen by

21 the Deputy Chief who is here today,

22 and then I oversee the Probation

23 Department.

24 COUNCILWOMAN LANDAU: So

1 only the courts are overseeing all
2 of the probation officers?

3 MR. CASTRO-JIMINEZ: So
4 the Probation Department is under
5 Philadelphia Family Court, which is
6 led by the Honorable Judge
7 Olszewski.

8 COUNCILWOMAN LANDAU:
9 Okay. I want to get to some of the
10 functionality of the GPS monitor
11 itself. I guess I'll back up one
12 more second. Who enters into the
13 contract between the GPS company?
14 Is it the First Judicial District?

15 MR. CASTRO-JIMINEZ:
16 That is correct.

17 COUNCILWOMAN LANDAU:
18 Okay. Do we contract by each
19 monitor? So for right now 350
20 monitors or is the contract for
21 some amount that is greater than
22 that?

23 MR. CASTRO-JIMINEZ:
24 Councilmember, we contract for 350

1 monitors.

2 COUNCILWOMAN LANDAU:

3 Okay. And is there in terms of the
4 contract a reporting mechanism from
5 the company to the First Judicial
6 District?

7 MR. CASTRO-JIMINEZ: Not
8 having the contract before me, I
9 believe there is in terms of
10 agreements between Track Group and
11 the First Judicial District, Family
12 Court, Probation Department.

13 COUNCILMAN PHILLIPS:
14 Just a quick point for
15 clarification. You said 350, but I
16 have testimony here from Children
17 First that says 1900 young people
18 get this every single year. So is
19 350 young people or is it -- but
20 keep going.

21 MR. CASTRO-JIMINEZ: So,
22 Councilmember, for clarification we
23 have 350 monitors. At any given
24 point throughout the year, 350

1 youth may be on supervision GPS.
2 1700 is in aggregate throughout the
3 year. Youth may be placed on,
4 discharged. One youth, for
5 instance, may be discharged from
6 GPS during the year three times and
7 then placed back on GPS again,
8 because the judges recognize that
9 youth are going to commit mistakes.
10 And so, they're offering them
11 another opportunity to be on GPS.

12 COUNCILWOMAN LANDAU:

13 Thank you for that. I think you
14 saw it was heartbreaking for us to
15 hear the testimony of the young
16 people. We're actually holding
17 this hearing today because this was
18 not new to us. We had heard these
19 stories consistently. And so, I
20 think it is really important that
21 we talk about the world of young
22 people who are affected by this,
23 not as 350 unique individuals but
24 up to 1900 unique individuals

1 within a year.

2 It's really important
3 that we at least think about that
4 and talk about that as the folks
5 who could be affected by this. We
6 saw two young people today, which
7 is just a tiny, tiny subsection
8 then of that larger amount.

9 I want to get back to
10 monitoring. And to just be super
11 clear, do you enter into one
12 contract per year with the company
13 for the 350 monitors or are you
14 entering into individual contracts
15 every time somebody is going to be
16 placed on a monitor?

17 MR. CASTRO-JIMINEZ:
18 Councilmember, it's 350 that we
19 entered -- you can correct me if
20 I'm wrong please. But 350 devices,
21 that is the contract with Track
22 Group.

23 COUNCILWOMAN LANDAU:
24 One contract per year. And I'm

1 going to get back to monitoring and
2 reporting from the city side. Are
3 there reports in that contract that
4 are expected from the company to
5 you based on performance measures
6 that have been set out by the City
7 of Philadelphia -- by the First
8 Judicial District?

9 MR. CASTRO-JIMINEZ: So
10 Track Group does provide us when
11 asked, they provide us reports
12 based upon certain criteria and
13 requirements that we ask of them
14 depending upon the case and
15 depending upon what is that we're
16 looking for. They do provide us
17 detailed reports and detailed
18 statistics with regard to GPS and
19 Track Group.

20 COUNCILWOMAN LANDAU: Do
21 you have in the contract any
22 criteria for how long the data will
23 be held in the facility in Texas, I
24 believe you said it was?

1 MR. SWANDO: I can
2 answer that, Councilmember. Yes,
3 the contracts they vary. The
4 federal government requires certain
5 lengths. States and counties
6 require others. But typically the
7 contract states that we have to
8 hold the data for seven years and
9 make it available immediately. And
10 then the data is then archived
11 indefinitely.

12 And I want to be clear
13 that the contracts specify, as does
14 the First Judicial's contract with
15 Track Group, that the City and the
16 First Judicial Department own the
17 data. We have no rights over that
18 data whatsoever and are bound by
19 strict confidentiality rules of
20 what can and can't be done with it.
21 We can't touch it.

22 COUNCILWOMAN LANDAU: So
23 I will ask the clearest question
24 now that we need to know. Is there

1 anything in the contract that
2 explicitly states that you will not
3 share the data -- the company or
4 the First Judicial District will
5 not share this data with any other
6 government entity, including any
7 federal government entity such as
8 DHS or ICE?

9 MR. CASTRO-JIMINEZ:

10 Councilmember, I would have to take
11 a look at the actual language of
12 that contract before answering that
13 question. Certainly, I can get
14 back to you on that. Because
15 you're looking for specific
16 contract language and I don't want
17 to misspeak.

18 COUNCILWOMAN LANDAU:

19 How about this, is it your
20 understanding that the First
21 Judicial District and the GPS
22 company hold this data solely for
23 your purposes, for the First
24 Judicial District, and that you do

1 not share this data with any other
2 entity?

3 MR. CASTRO-JIMINEZ:

4 Councilmember, we do share
5 sometimes the data based upon
6 request from law enforcement, from
7 the District Attorney's Office.
8 And so, we have to for public
9 safety reasons and when there's a
10 crime afoot, in order to protect
11 the citizens of Philadelphia and in
12 order to also protect children of
13 Philadelphia that we have under our
14 supervision, it is important for us
15 for investigative purposes to share
16 data with our law enforcement
17 partners.

18 COUNCILWOMAN LANDAU:

19 And that includes federal law
20 enforcement partners?

21 MR. CASTRO-JIMINEZ:

22 That may include federal law
23 enforcement -- we are peace
24 officers. Our statutory mandate

1 sometimes compels us to ensure that
2 children remain safe in their own
3 homes in the communities. And
4 sometimes, because we are peace
5 officers, right, and we have to
6 share our investigative information
7 with other law enforcement when
8 there is a need and when we receive
9 a request.

10 COUNCILWOMAN LANDAU:

11 Let me be clear that the children
12 will not be safe in their own homes
13 if the First Judicial District
14 shares this information with ICE.
15 You are doing exactly the opposite.

16 MR. CASTRO-JIMINEZ: So,
17 Councilmember, just for
18 clarification we have not shared
19 information with ICE nor I don't
20 believe that there has ever been an
21 opportunity for us to actually
22 share information, if that is what
23 you're referencing.

24 COUNCILWOMAN LANDAU:

1 You could and you also said that
2 you needed to go back to check on
3 that, so we're very concerned that
4 we don't have the clearest answer.
5 And to make sure that all levels,
6 all the way down, from the very top
7 to the probation officers as well,
8 we want to make sure that everyone
9 is under strict rules that their
10 job is not to share this
11 information with any other entity.
12 We're already so concerned about
13 the validity of the information.
14 Whether or not somebody going into
15 their basement means they've
16 disappeared, whether or not
17 somebody who actually went outside
18 to go help grandmom in with
19 groceries have violated your
20 orders, it is really, really
21 outrageous to think that we would
22 put people under these strict of
23 guidelines, these young people.
24 I have a teenager. I

1 know what they think. Frontal
2 lobes are not fully formed and
3 there's something wacky and
4 beautiful about that as well. And
5 I understand kids make mistakes and
6 kids do things wrong, but also to
7 keep them under very, very strict
8 guidelines to the extent that they
9 can't step outside of their houses
10 is absolutely cruel. It's
11 unreasonable and it's just wrong.
12 And I promise you all of us up here
13 are going to do something about it.

14 COUNCILMAN PHILLIPS:

15 Thank you so much, Chairwoman
16 Landau. I'm going to come back to
17 you, Vice-Chair.

18 Councilman Mike
19 Driscoll.

20 COUNCILMAN DRISCOLL:

21 Thank you. Thank you, Mr. Chair,
22 and thank you, Madam Chair.

23 I think this is a very
24 important hearing. There's a lot

1 of good dialogue and I do want to
2 thank those young testifiers. But
3 I also want to point out, I heard
4 one of the testifiers, I think it
5 was the young lady from YEAH Philly
6 say that she's never dealt with a
7 good probation officer in the City
8 of Philadelphia.

9 Well, I've been in the
10 city for a long time. I've been a
11 State Representative, I'm a City
12 Councilman, I'm a committee man,
13 I'm a community organizer, I'm a
14 community leader. I want to thank
15 the Probation and Parole
16 Department. I want to thank the
17 Police Department. I want to thank
18 you, Commissioner, because we need
19 you doing your jobs.

20 Look, some of our youth
21 are going astray and there's lots
22 of reasons for that. But when a
23 court orders a device like this,
24 it's for a reason, right. Some of

1 these youth are violating gun
2 safety rules or they have firearms.
3 I mean, these are serious, serious
4 things that are coming before our
5 courts.

6 So I really don't want
7 to ask questions. I know the panel
8 has more questions for you. But as
9 a member of the Technology
10 Committee, and the company I guess
11 Track Group, some of the young
12 folks were testifying, maybe there
13 are some glitches in the system --
14 I don't know, I'm no expert in that
15 area -- but it's on the record now.

16 And if we can look into
17 that, to the extent that we can
18 improve the system because we want
19 to minimize any psychological
20 damage we can do to these youth
21 that are already going through
22 tough times as it is. So to the
23 extent that we can improve upon
24 that, thank you. And to the rest

1 of you, I just want to say thank
2 you.

3 COUNCILMAN PHILLIPS:

4 Thank you, Councilman Driscoll.

5 The Chair recognizes
6 Councilwoman Jamie Gauthier and
7 then Vice-Chair Thomas.

8 COUNCILWOMAN GAUTHIER:

9 Thank you, Mr. Chair.

10 When YEAH Philly and the
11 young people testified, they spoke
12 about a number of technical
13 violations of the GPS monitoring
14 that could lead to a young person
15 being detained. I wanted to hear
16 more about that. Can you tell us
17 how many children are detained per
18 year due to technical violations of
19 GPS? And what are the most
20 prevalent reasons for those
21 technical violations?

22 MR. CASTRO-JIMINEZ: So
23 thank you, Councilmember, for that
24 question. First, I want to

1 clarify, youth that go into their
2 basements or their front porch or
3 their backyard are not violated in
4 terms of GPS. We don't bring them
5 back to court for that. What we do
6 is we inquire in terms of why,
7 maybe the inclusion zone needs to
8 be adjusted and modified, and we
9 contact the company and we make
10 certain adjustments. But
11 certainly, Councilmember, we do not
12 bring youth back to court because
13 they're in their basements. We do
14 not. With regard to --

15 COUNCILWOMAN GAUTHIER:
16 Thank you. I'm glad to hear that
17 young people are not going back to
18 court for going to their porches.
19 But I would argue that there's a
20 certain amount of anxiety and
21 emotional stress from having a
22 monitor go off because you're in
23 the perimeters of your home. That
24 is very damaging to somebody's

1 psyche. And if that's happening,
2 then we need to fix it asap,
3 whether they're going to court or
4 not. If you could answer my
5 questions.

6 MR. CASTRO-JIMINEZ: And
7 I would agree with you,
8 Councilmember, in terms of your
9 comments. Year-to-date 40% of
10 youth that are placed on GPS and
11 violate remain on GPS and about 27%
12 are held, and then the rest are
13 different scenarios in terms of
14 what we do with these GPS
15 violations.

16 Certainly, what we try
17 to do is we try to give youth
18 opportunities. If, in fact,
19 they're violating, we find out why
20 they're violating. Normally, when
21 a judge orders youth to attend GPS
22 or to be placed on GPS, the judge
23 usually attaches other conditions
24 to attend a specific program, make

1 sure that the youth is in school,
2 make sure that the youth is home by
3 an 8:00 p.m. curfew, make sure that
4 the youth is not in other
5 neighborhoods where that youth
6 shouldn't be because we're looking
7 out for their safety.

8 So certainly, we then
9 communicate with the families,
10 communicate with the youth and then
11 we communicate with Track Group
12 ensuring, hey, listen, is this a
13 real violation or is it something
14 that there's a technical glitch and
15 we should kind of take a look at
16 that.

17 Certainly, we try to do
18 our best to do an investigation
19 before we bring any matters before
20 a judge so the judge again could
21 address the GPS placement.

22 COUNCILWOMAN GAUTHIER:

23 Sorry. Can you slow down a bit?
24 Did you say that 40% of the young

1 people on GPS monitoring are
2 detained for technical violations?

3 I missed those stats. Could you
4 give that to me again, please?

5 MR. CASTRO-JIMINEZ: So
6 I have Sharla Swint, Director of
7 GPS Programs, and she'll be able to
8 kind of explain a little bit more
9 of that.

10 COUNCILWOMAN GAUTHIER:
11 Thank you.

12 MS. SWINT: Good
13 morning.

14 COUNCILWOMAN GAUTHIER:
15 Good morning.

16 MS. SWINT: Good
17 morning. So year-to-date we do
18 have about 663 youth that we have
19 filed motions on. And I would just
20 like everyone to just be mindful
21 that when a youth is placed on GPS,
22 it's an agreement with their
23 attorney, the district attorney,
24 their judge and/or hearing officer.

1 Once they're placed on GPS, they
2 are then ordered GPS stipulations.

3 So it may be regular
4 GPS, it could be house
5 restrictions, first violation,
6 (inaudible) curfew. Whatever their
7 order is, we then, meaning the GPS
8 probation officer, they then
9 supervise that youth in accordance
10 with the court order. So the GPS
11 probation officer, they now have an
12 obligation to supervise solely for
13 that reason. What does a violation
14 look like, it is an investigation.
15 It does include speaking with the
16 youth, speaking with the parent or
17 the agency, speaking with the
18 assigned probation officer.

19 And if I can just also
20 be mindful, another misconception
21 if I could just add that in, we
22 have two sets of youth. We have
23 youth who are on GPS that are not
24 on supervision, they're awaiting

1 trial. And then we have the other
2 set of youth, which we call -- so
3 we call one set alternative to
4 detention. You're awaiting your
5 trial. So opposed to being in
6 detention at JJSC or CBDS, you're
7 placed on GPS.

8 Then we have the second
9 set of youth, which are alternative
10 placement. That youth, they are on
11 some type of supervision, meaning a
12 deferred adjudication or probation.
13 There has been an admission of
14 charges or a finding of guilt. So
15 we have two different youth that
16 we're providing the supervision to.

17 So back to the motions.
18 40% of the motions -- because
19 again, they are supervised in
20 accordance with court order. They
21 come to court. 40% the judge or
22 the hearing officer ask that they
23 remain on GPS, and we do have about
24 27% that are held and usually they

1 still come back. But that's what
2 the number reflects.

3 COUNCILWOMAN GAUTHIER:

4 I'm still not understanding the
5 straightforward answer.

6 MS. SWINT: Sure.

7 COUNCILWOMAN GAUTHIER:

8 How many children are detained per
9 year due to technical violations of
10 GPS? So out of the universe of
11 young people that are on GPS, how
12 many of them are being detained for
13 technical violations? And what are
14 the most prevalent reasons involved
15 with those violations?

16 MS. SWINT: So for GPS
17 violations, we have 181 youth that
18 have been held out of the 663
19 motions.

20 COUNCILWOMAN GAUTHIER:

21 So that would be -- help me with
22 some math. You said 180?

23 MS. SWINT: 181, the 27%
24 out of 663 motions.

1 COUNCILWOMAN GAUTHIER:

2 So almost 30% of the young people
3 who are on GPS monitoring are being
4 detained for technical violations;
5 is that what you're saying?

6 MS. SWINT: For a GPS
7 violation.

8 COUNCILWOMAN GAUTHIER:
9 GPS violations.

10 MS. SWINT: Yes.

11 COUNCILWOMAN GAUTHIER:
12 What do you think that is
13 problematic and what are the most
14 prevalent reasons involved with
15 those technical violations?

16 MS. SWINT: Sure. Well,
17 because we are abiding by a court
18 order, the GPS probation officer,
19 we are not ordering youth on GPS.
20 When they come to us, it's already
21 an agreement. So again, we are
22 just supervising in accordance with
23 the order and we don't make a
24 recommendation unless they are

1 coming to court. So we may have
2 youth that come to court for
3 motions. It may be for residency.
4 We're not always asking that the
5 youth is held. Sometimes we are
6 asking for a review terms of GPS.

7 We're not always asking
8 that each youth that may have a
9 violation is held. We are just
10 following the court order of the
11 judicial staff.

12 COUNCILWOMAN GAUTHIER:
13 You're asking that 30% of the
14 youth --

15 MS. SWINT: It's always
16 our recommendation.

17 COUNCILWOMAN GAUTHIER:
18 Whose recommendation is it?

19 MS. SWINT: It could be
20 the judicial staff or it could be
21 the district attorney or it could
22 be the assigned probation officer.
23 It's not always the GPS -- you
24 know, it could be anyone within the

1 courtroom, but it's not always our
2 recommendation for a hold.

3 COUNCILWOMAN GAUTHIER:

4 Can you talk about the most
5 prevalent reasons associated with
6 those technical violations please?

7 MS. SWINT: Sure. The
8 GPS violations is simply being out
9 of the home. We have a significant
10 amount of youth who are repeated
11 offenders. Meaning, they are
12 repeatedly violating. So is it our
13 normal practice to say like, oh,
14 you went to the corner store, we're
15 going to violate? No, that really
16 is not our preference.

17 We'll say, what
18 happened. Oh, I had to go get
19 something. Okay, I understand. So
20 depending on the court order, we'll
21 just give them a warning and say,
22 look, just don't go back to the
23 corner store. Because reality is
24 anything can happen. Reality is we

1 had a young man who a PO would
2 allow him to go to the corner store
3 and he became a victim, he became a
4 fatal victim, and now we're going
5 over to the medical examiner's
6 office to remove a device from them
7 because of going to the corner
8 store.

9 So it becomes a safety
10 concern. It's not always that we
11 just want to violate them because,
12 oh, my gosh, he went outside real
13 quick. It's just that it is a
14 safety concern and we're not always
15 privy to conversations when the
16 youth are placed on GPS in the
17 courtroom. So it's back to our
18 obligation of abiding by the
19 judge's court order because we
20 don't know.

21 COUNCILWOMAN GAUTHIER:
22 Last question.

23 MS. SWINT: Sure.

24 COUNCILWOMAN GAUTHIER:

1 Do we think a system where 30% of
2 the young people on GPS monitoring
3 are being detained for things like
4 going to the corner store is a good
5 system?

6 MS. SWINT: They don't.
7 They will fall more in the remain.

8 COUNCILWOMAN GAUTHIER:
9 Excuse me?

10 MS. SWINT: They will
11 fall within the percentage of the
12 remained on GPS. Very rarely will
13 we see a youth that is held simply
14 for going to a corner store. Even
15 with the front porch, you know, I
16 heard testimony about the front
17 porch.

18 Once again, a safety
19 concern about the front porch. We
20 had another young man who became a
21 fatal victim on his front porch.
22 So for us, you know, they're under
23 our care, they're under our
24 supervision. So for the safety of

1 the youth and for safety of the
2 community, it's important that we
3 stress just to stay in the home per
4 the judge's or hearing officer's
5 court order.

6 COUNCILWOMAN GAUTHIER:

7 Thank you.

8 MS. SWINT: You're
9 welcome.

10 COUNCILMAN PHILLIPS:

11 Thank you so much, Councilmember
12 Jamie Gauthier.

13 I'm now recognizing
14 Vice-Chair Councilmember Isaiah
15 Thomas.

16 COUNCILMAN THOMAS: Good
17 morning.

18 MR. CASTRO-JIMINEZ:
19 Good morning.

20 COUNCILMAN THOMAS: I'm
21 listening to everything that's
22 being said. And for me, this is
23 all new information for me. So I
24 didn't come in with any

1 predetermined notions. I know that
2 this is an important topic. I'm on
3 both committees. So I came here
4 because I was curious. And I'm
5 going to be honest with you, just
6 sitting here listening I'm not
7 getting more information. I'm
8 becoming more confused.

9 So I just want you to
10 have empathy for a second and put
11 yourself in my shoes. I'm hearing
12 all of this information for the
13 first time. I'm listening to young
14 people tell one story and I'm
15 listening to adults tell a totally
16 different story. What we're
17 hearing is two different,
18 contradicting messages.

19 I listened to
20 Councilmember Gauthier's line of
21 questioning, and it sounds like
22 100-and-some change out of
23 600-and-some change young people
24 are being held for a technical

1 violation from the seat that I'm
2 sitting in. You're saying this
3 technical violation by 1 out of 6
4 is because of their own safety.
5 You don't think they should be on
6 porches and in places that can
7 create other problems. But we just
8 listened to young people tell us
9 that these technical violations are
10 putting them in a position where
11 they're becoming repeat offenders
12 and that's not their intent.
13 They're trying to do things the
14 right way.

15 So I'm going to try to
16 be a good mediator here.
17 Everything you've heard so far,
18 putting yourself in our shoes what
19 can you do different so that the
20 young people who are communicating
21 what they're communicating right
22 now, we don't want to look at them
23 and say they're lying, right, just
24 like you wouldn't want us to look

1 at you and say you're lying. So if
2 we're all going to not be
3 judgmental throughout the course of
4 this process, I think one thing
5 that we can all agree is that there
6 are some flaws in the system.

7 So after listening to
8 everything that you've heard thus
9 far this morning, you are the
10 people in charge. As we listen to
11 what was going on, we've already
12 began to huddle and talk and figure
13 out what can we do and where should
14 we visit and how we could be
15 supportive. That's what we're
16 doing on our end. But technically
17 we're not in charge of any of this
18 stuff, but you all are.

19 What can we do different
20 to put us in a position whereas
21 though their lived experiences that
22 they just communicated to us are
23 parallel to the dialogue and the
24 questions that you're answering?

1 Because right now that's not what's
2 happening.

3 MR. CASTRO-JIMINEZ: So,
4 Councilmember, I think from our
5 perspective we need to be a little
6 bit more transparent perhaps with
7 the families. I'm empathetic to
8 children that are going through so
9 many experiences while they're -- I
10 mean, one of the children just said
11 that he was homeless. House
12 insecurity, food instability, our
13 youth are living in very -- some of
14 them, impoverished neighborhoods.

15 As we know, 1 in 5
16 families in Philadelphia walk in
17 poverty. One of the things that I
18 always say is how can we help, how
19 can we assist. Because the fact of
20 the matter is our kids, even the
21 pandemic, resulted in multiple
22 issues such as mental health. Our
23 youth are traumatized. Our youth
24 are going through so many

1 experiences that they shouldn't go
2 through as young adults.

3 And so, how is it that
4 we can help. And if, in fact, we
5 can provide more information at the
6 front end while they're still on
7 supervision and even before
8 discharge, it is my responsibility
9 to assure my officers do that and
10 I'll make sure that I continue to
11 send that message.

12 Because the fact is
13 every time I get an arrest or any
14 time one of our kids gets shot or
15 they get killed, the first thing I
16 think about is what could I have
17 done better. What tools in our
18 toolbox can I use in order to
19 assure that our youth and families
20 are supported. Because the fact of
21 the matter is that we're humble
22 servants for them. We work for our
23 families in Philadelphia.

24 And so, to your

1 question, Councilmember, what can
2 we do better, perhaps we can be a
3 little bit more transparent at the
4 beginning. We do provide contracts
5 to the youth when they're placed on
6 GPS. But maybe we need to be a
7 little bit more transparent in
8 terms of, hey, listen, this is what
9 can result if you are not abiding
10 by the court conditions that the
11 judge has imposed on you.

12 We're not imposing these
13 things because we want to but
14 because we have to, because we want
15 to keep you safe and we want to
16 keep the City of Philadelphia safe.
17 And then I want to go a step
18 further. What else can we put in
19 place to help you succeed. The
20 fact is that most of the kids that
21 are on probation supervision are on
22 supervision for anywhere from six
23 to nine months, no more than that.
24 Some are more, some are less. But

1 that all depends upon what happens
2 in the court hearing.

3 Each case is individual.
4 Some kids are DHS dependents. They
5 come in with DHS and delinquent
6 matters. Some kids are argued by
7 the DA's Office that they shouldn't
8 be in the Juvenile Division. They
9 should be in the Criminal Division.
10 They should be certified. Some
11 youth are coming from the Criminal
12 Division coming back to us with
13 very egregious charges, charges
14 such as homicides.

15 Homicides, we are
16 having -- this is different for us
17 because historically the Juvenile
18 Division never used to get homicide
19 cases. Now, we see more of that
20 because the philosophy of the
21 Juvenile Justice Reform Act is to
22 treat kids like kids. And so, the
23 Juvenile Justice Services Center,
24 for instance, has kids that are Act

1 96. Act 96 of those specific youth
2 that are waiting for their adult
3 matters, adult trials. And they
4 have youth that are waiting for
5 their juvenile matters.

6 And so, we have to
7 change our way of thinking in terms
8 of how we handle youth. So in
9 closing, Councilmember, is we can
10 always get better.

11 COUNCILMAN THOMAS: So
12 this is what I'm going to commit to
13 because I heard you make a number
14 of commitments, I'm going to
15 Juvenile Court. I want to go. I
16 want to watch myself. I want to
17 see how it goes. I'm then going to
18 go and find about a dozen young
19 people on probation and I'm going
20 to shadow them. I want to see what
21 their experiences are. I want to
22 listen to how their parole
23 officers, probation officers are
24 communicating to them.

1 I have about three
2 months where I'm going to commit to
3 really doing a deep dive into the
4 system. I'm still going to follow
5 the lead of my colleagues who's
6 been running point on this because
7 they clearly know a lot more than I
8 do. But I'm no Dr. Phillips, I'm
9 no Lawyer Rue, but I'm also no
10 idiot.

11 And when we come back to
12 budget, because I'm very good at
13 math and I know how to count, I
14 will have a lot more information
15 than I have. And I'm assuming that
16 you're going to do the things that
17 you said, hopefully talk to some of
18 the folks at YEAH Philly and some
19 of the other people that go through
20 this stuff. And hopefully, when we
21 come back for budget to have
22 another conversation, our tone will
23 be totally different. And
24 hopefully, you all don't leave

1 Commissioner Ali up here by herself
2 to answer all these questions,
3 because clearly the scope of what
4 we're dealing with is much bigger
5 and much more than DHS.

6 So I'm glad that you
7 committed to a couple things. I
8 wanted to commit to a couple things
9 on the record myself. This isn't
10 necessarily an issue that I've done
11 a deep dive in before this moment,
12 but I'm committing to the young
13 people back there as well as all of
14 the folks who are listening right
15 now.

16 I'm going to take about
17 three months to do a deep dive to
18 understand exactly what's going on.
19 I've listened to both sides of the
20 coin and I'm going to put myself in
21 a position to be able to make my
22 own conclusion. And hopefully
23 again, when we come back to have a
24 conversation around budget, we've

1 all learned, we've seen some
2 progress and young people can tell
3 us that their lived experiences are
4 a little different than what was
5 communicated today.

6 One last question to
7 both of my Chairs. Again, I'm no
8 lawyer, but listening to
9 Councilmember Landau's line of
10 questioning around the electronic
11 devices, it seems like we're
12 violating young people's rights.
13 I'm not sure.

14 But when I think about
15 the level of uncertainty around the
16 MOU with whoever it is that's doing
17 the monitoring, the fact that we're
18 not able to decisively communicate
19 exactly what can and can't happen
20 with that data, it ain't me. But
21 if I was somebody else, I'd be
22 suing the city right now. I'd be
23 pulling up litigation right now.

24 I would be saying, okay,

1 hold on, time out. Let me go find
2 that young person who was 1 of 6,
3 whose rights was violated because
4 of a technical issue and maybe lost
5 three years of their life because
6 of something that happened. Maybe
7 their data was shared with somebody
8 that it wasn't and I would be
9 looking to sue.

10 So I don't know how we
11 can sit here and say that we have
12 contracts with private
13 organizations who collect
14 information from people who are
15 presumed to be innocent, because
16 everybody's not guilty listening to
17 some of the information I've
18 learned sitting here today, how can
19 we collect information from a
20 citizen who is essentially innocent
21 and then allow their information to
22 be shared with the private sector,
23 for that private sector or for that
24 entity to essentially do anything

1 they want with it? That's the
2 first part.

3 But then the other part
4 that's confusing just sitting here
5 listening to all of this, crime is
6 down significantly in the city of
7 Philadelphia. We have
8 significantly less juvenile
9 offenders. And if crime is down,
10 how is monitoring going up? So
11 again, I'm not judging anybody but
12 you have to understand the level of
13 confusion that this has created
14 from listening to one panel to
15 another, understanding what we
16 understand about the law and
17 listening to some of the responses
18 around people's personal privacy
19 and their rights, especially people
20 who are innocent until proven
21 guilty.

22 So help us understand
23 the dichotomy that we're dealing
24 with between this melting pot of

1 information that we've essentially
2 had to absorb over the last hour?

3 MR. CASTRO-JIMINEZ: So
4 thank you, Councilman. So maybe I
5 need to clarify my comments a
6 little bit more. Track Group does
7 not share information with any
8 other entity or private
9 organizations. Track Group only
10 shares the data with the First
11 Judicial District of Philadelphia,
12 which means that -- and because it
13 is confidential data, they only
14 share the data with us. That's the
15 first thing.

16 The second thing is with
17 regard to juvenile crime, you know,
18 this year thus far we've
19 confiscated via probation searches,
20 via bench warrant operations with
21 our law enforcement partners, the
22 police, the sheriffs, adult
23 probation, we've gone out on
24 warrant operations and confiscated

1 around 55 firearms and over 330,000
2 worth of illegal narcotics when we
3 do searches in the homes.

4 It is important to
5 recognize that, yes, crime is down.
6 Thankfully, homicides are down.
7 Thankfully, we are working with the
8 police department each and every
9 day to assure that our youth are
10 not in possession of weapons that
11 can kill others or that can put
12 them in a compromising position to
13 be killed as well.

14 So, yes, we are in terms
15 of crime is down, but we still have
16 to better work to do. Our
17 juveniles -- for instance, you
18 probably, Councilmember, have seen
19 it on social media. They post
20 weapons and they post, you know, in
21 terms of AR-15s. And I'm thinking
22 where are these kids getting these
23 guns from. And as soon as we get a
24 gun off the street, we see another

1 kid posting on the internet, on
2 social media, you know, gang-
3 related signals and pointing
4 information at other groups in the
5 neighborhoods of Philadelphia.

6 Councilmember, we're
7 trying to avoid that. We're trying
8 to reduce crime. We're trying to
9 save kids' lives. Youth shouldn't
10 have access to this. They
11 shouldn't have access to this. So,
12 yes, crime is down, but for our
13 population, the juvenile
14 population, it needs to be zero in
15 terms of the number of youth.

16 I can't recall when I
17 was 15, 16, years old being next to
18 a weapon. Now, it's customary.

19 COUNCILMAN PHILLIPS:
20 Thank you.

21 MR. CASTRO-JIMINEZ: We
22 need to do better. I need to do
23 better and we're --

24 COUNCILMAN THOMAS: But

1 just to be clear, right, you said
2 55 firearms confiscated. Crime is
3 down, but monitoring is going up.
4 So two things: Number one, are you
5 saying that crime is not
6 necessarily down with juveniles in
7 the city? That's the first part of
8 question. And the second part --
9 and this is my last one,
10 Mr. Chairman, so we can move on
11 it -- if 55 firearms were
12 confiscated, how many searches led
13 to those? How many houses did we
14 search total?

15 MR. CASTRO-JIMINEZ: I
16 would have to get that information
17 for you, Councilmember, but we do
18 have the --

19 COUNCILMAN THOMAS: You
20 understand, right? Like if you
21 search 350 houses to get 55
22 firearms, the ratios aren't that
23 bad. But if you search 5000 houses
24 to get 55 firearms, that's a

1 different conversation.

2 MR. CASTRO-JIMINEZ: So

3 that's why I agreed with you,

4 Councilmember, when you said that

5 crime is down in the city of

6 Philadelphia which we are thankful

7 for. Juvenile crime is also down.

8 In 2003, the courts filed about

9 10,000 petitions. Last year we

10 filed less than 2000 petitions. So

11 the number of youth being arrested

12 is significantly lower than years

13 past. But for some reason, guns

14 are still out there for our kids to

15 access.

16 COUNCILMAN THOMAS:

17 Thank you.

18 MR. CASTRO-JIMINEZ:

19 That's how we need to stop that.

20 Thank you, Councilman.

21 COUNCILMAN THOMAS:

22 Sorry, Mr. Chairman. Thank you for

23 the lead.

24 COUNCILMAN PHILLIPS:

1 Thank you. Vice-Chair Thomas, I
2 just want to note that there is a
3 way that we actually can, you know,
4 work through this as you mentioned
5 through the budget. You know,
6 funding. We don't necessarily have
7 to support some things through our
8 budget, especially if this is being
9 funded through the city.

10 And then the other part
11 is that one of the things when you
12 mentioned, I think it's really
13 important you to note that things
14 that could change. Transparency is
15 really important. I don't think
16 they -- did you get an assigned
17 agreement that they had to sign?
18 Is that something they need to do?

19 MR. CASTRO-JIMINEZ: So,
20 Chairperson, we do at the beginning
21 when they're placed on GPS, we
22 provide them a form that they have
23 to sign. It actually states all
24 the rules, conditions and

1 requirements of GPS, including the
2 fact that they have to charge their
3 monitors. So we provide them some
4 paperwork.

5 But what I said is that
6 perhaps maybe we need to sit down
7 with them a little bit more, spend
8 a little bit more time --

9 COUNCILMAN PHILLIPS:

10 Yeah. And --

11 MR. CASTRO-JIMINEZ: --

12 to explain the conditions and the
13 rules. Maybe we need to be a
14 little bit more forthcoming with
15 them.

16 COUNCILMAN PHILLIPS: I
17 think with the parole officers, you
18 have to spend time with helping
19 them. A lot of these folks
20 probably they get excited. I know
21 how that goes, but you probably
22 have to do some training with them
23 to help them understand why, why
24 they can't go on the porch, like

1 what are some of the reasons. Not
2 because it's just a technicality.

3 It's like, you know,
4 some of these folks they just want
5 to understand the why. And I think
6 that's -- the stories may be
7 helpful, right. I'm not sure that
8 often happens, but that type of
9 level -- but also, I heard also
10 programming, you know, is going to
11 be really important as well. So
12 all this needs to be incorporated
13 into the GPS work as well.

14 But I'm going to turn
15 over to Councilmember Nicolas
16 O'Rourke for our final questions.

17 COUNCILMAN O'ROURKE:

18 Thank you, Dr. Phillips.

19 That's really, Chief
20 Castro, was where I was going to go
21 to start with, was to get clarity
22 on the record what are the rules
23 and the conditions that are
24 attached to wearing the GPS

1 tracking devices that children must
2 follow? And after explaining that,
3 how are you all going about
4 explaining it to the children, to
5 the young folks that are having to
6 wear these. Because I actually
7 appreciate your response to Member
8 Thomas about the need to perhaps be
9 more transparent. It seems from
10 what I'm hearing that there is
11 minimal, I'll use that term,
12 explanation on the front end, which
13 if we're dealing with young folks,
14 as Member Landau said, whose
15 frontal lobes and cortex are not
16 quite developed, they're not maybe
17 comprehending, all the prudence and
18 wisdom that's being employed for
19 why they're within a particular
20 inclusionary zone and why they have
21 to stay out of a particular
22 exclusionary zone.

23 So I think aside from my
24 issue, which is the issue for me is

1 really vendor accountability and
2 the quality of the technology that
3 we're using, but before we get to
4 that, what are the conditions and
5 the rules and, yes, can we actually
6 get a commitment to shifting to
7 explaining the why for a particular
8 parameter and making sure that they
9 understand that for whatever it is
10 that they're signing off on.

11 MR. CASTRO-JIMINEZ: So
12 thank you, Councilmember, for that
13 question. So I'd first like to say
14 that when youth gets arrested,
15 sometimes they last six hours in a
16 police district. Then it in itself
17 is very traumatizing, right, to be
18 at a police district, to be
19 arrested. When youth get sent to
20 the JJC and you're in custody, that
21 in itself is traumatizing. And
22 then when you go to court in front
23 of a judge and getting all this
24 information, sometimes they are not

1 able to process.

2 And to your point,
3 Councilmembers, the youth frontal
4 lobes develop up to age 25. And
5 so, we must understand that they're
6 still trying to get all that
7 information and comprehend, digest,
8 compartmentalize it and then say,
9 all right, this is what's happening
10 to me. And so, that's why I said
11 at the front end maybe we need to
12 spend a little bit more time.

13 Because when they come back from
14 court, they're still thinking about
15 all the things that just happened
16 in court, what did the DA say, what
17 did the public defender say, what
18 did the judge say in order for me
19 to do, all these things are
20 happening. And all of sudden, my
21 probation officer is trying to
22 explain the rules of GPS and the
23 rules of probation.

24 Maybe we need to kind of

1 tone it down a little bit and say,
2 listen, I know you just went
3 through a traumatic experience in
4 itself, it is right being in front
5 of a judge, person that determine
6 your custody or whether or not will
7 be sending you away for placement,
8 not incarceration, placement for
9 the purposes of rehabilitation,
10 treatment and supervision.

11 Certainly, we need to spend --
12 based upon what I hear from our
13 young folk, and I appreciate their
14 comments by the way, we need to
15 spend more time with them.

16 So I'll have Ms. Sharla
17 Swint present in terms of what do
18 we explain to them.

19 COUNCILMAN O'ROURKE:

20 Okay. I hear that your actions
21 will be taken to actually make that
22 a reality. Okay. Perfect. Thank
23 you, Chief. I appreciate it.

24 We already got on the

1 record that --

2 COUNCILWOMAN LANDAU: He
3 was going to tell you the rules.

4 COUNCILMAN O'ROURKE:
5 Oh, he was going to tell me the
6 rules now?

7 COUNCILWOMAN LANDAU:
8 Yes.

9 COUNCILMAN O'ROURKE:
10 Oh, thank you. I'm sorry. I
11 didn't hear that part.

12 MR. CASTRO-JIMINEZ:
13 Yeah, we wanted you to hear the
14 rules.

15 COUNCILMAN O'ROURKE: I
16 did. I'm being mindful of time.
17 Thank you, Member Landau.

18 MS. SWINT: Hello.

19 COUNCILMAN O'ROURKE:
20 Hello.

21 MS. SWINT: So when the
22 youth are placed on GPS from the
23 courtroom, at that point they are
24 meeting with their attorneys and

1 their attorneys are reviewing their
2 stipulations now that they are
3 being placed on GPS. Once they can
4 meet with a GPS probation officer
5 or a GPS technician, we do provide
6 rules and regulations.

7 And the rules is simply
8 how to charge the device, what are
9 the expectations. And we will
10 review the court order. So if the
11 court order says GPS house
12 restrictions, then you have to
13 remain in the home. We always make
14 it known that medical appointments,
15 they are allowed out. Mental
16 health treatment, we never deny
17 mental health treatment. School,
18 you're always allowed to attend
19 school. The appointments, the
20 treatment, we just need to know
21 when to schedule out for an
22 allotment to go to your mental
23 health treatment. School, you get
24 a school schedule and whatever

1 court order program you may be in.

2 But besides that, we
3 review the charging, how to charge,
4 and we do explain you are not to be
5 on the front steps, not in the
6 backyard again for safety reasons.

7 We explain that you do have to
8 charge twice -- I mean, two hours
9 per day. You cannot submerge your
10 device into water. So we always
11 provide --

12 COUNCILMAN O'ROURKE:
13 I'm sorry for cutting you off. You
14 said you explain that for safety
15 reasons, that's included in the
16 explanation?

17 MS. SWINT: No. So I
18 hear you, which is why I wrote down
19 should we add language in terms of
20 clarifying what is GPS monitoring.
21 But, no, we just pretty much
22 explain that you should not be on
23 your front porch or your backyard.

24 COUNCILMAN O'ROURKE:

1 Okay.

2 MS. SWINT: Yes, and how
3 to notify your probation officer if
4 you need an allotment depending on
5 your court order.

6 COUNCILMAN O'ROURKE:
7 Okay. Thank you.

8 MS. SWINT: You're
9 welcome.

10 COUNCILMAN O'ROURKE:
11 And to just, because maybe I
12 misunderstood the ending --

13 MS. SWINT: Sure.

14 COUNCILMAN O'ROURKE: --
15 there is a process for us to update
16 this, correct, that can be taken?

17 MS. SWINT: I apologize.
18 Real quick it is on here. This is
19 for the juvenile safety.

20 COUNCILMAN O'ROURKE:
21 Okay. One of the things that we
22 agreed to was being more
23 transparent equaling explaining the
24 why, that that's the thing that

1 could be done.

2 MS. SWINT: We can
3 verbalize it, mm-hmm.

4 COUNCILMAN O'ROURKE:
5 There is a process that we can go
6 through that can be enacted soon,
7 for that to become a thing, a
8 practice by our city, correct?

9 MR. CASTRO-JIMINEZ:
10 That's correct, Councilmember. So
11 we can always get better, right.
12 And so, based upon testimony from
13 our young people, certainly we can
14 get better to explain the why a
15 little bit more, right. And one
16 thing I would like to add,
17 Councilmember, is that when a kid
18 cuts off his or her GPS or is lost
19 for some reason, we don't charge.
20 The FJD, the First Judicial
21 District does not charge a youth
22 for GPS cut-off or that they're
23 lost or thrown away. There is no
24 restitution associated with that

1 because I know that there was a
2 question with respect to that.
3 Fines and costs are different and
4 restitution when there's a victim
5 and a victim wants to be restored,
6 but certainly if a youth cuts off
7 their GPS, which we've had many,
8 and the youth destroys their GPS,
9 we do not charge for restitution.

10 COUNCILMAN O'ROURKE: I
11 understand that GPS monitoring is
12 being used as a way to keep
13 justice-involved children in their
14 homes. You all have articulated
15 that. I hear the way that you
16 frame it at school, involving the
17 communities while they're going
18 through the court proceedings. If
19 you've spoken to it, I apologize,
20 but what, if any, additional
21 rehabilitative supports do the
22 children actually receive
23 throughout their court process?

24 MR. CASTRO-JIMINEZ: So

1 GPS is a component or a tool of
2 what we utilize to keep kids safe.
3 But in order for us to assure --
4 because we're -- I like to call my
5 probation officers agents of
6 change. We want to change
7 behavior. And so, we refer youth
8 to family functional therapy. We
9 work with CBH with regard to FFTs.
10 We refer youth to MST programs. I
11 think one of the other panels
12 articulated in terms of the
13 programs that our youth are
14 actually attending, these cognitive
15 behavioral therapies that change
16 the mindset of youth.

17 We have youth in many
18 programs throughout the city that
19 help to change their behaviors.
20 Also, one of the important things
21 that we do is that we ensure youth
22 are, for instance, attending
23 school. Because if a youth is not
24 in school, in a seat learning and

1 listening to an instructor, they're
2 not going to change their behaviors
3 and they're not going to be
4 productive citizens, right. And
5 so, we want to make sure our youth
6 are in school.

7 But one of the things I
8 also want to mention is that we
9 also have other programs such as
10 Post-DRC. I think one of the other
11 panels actually mentioned it and
12 she gave us credit for it. Post-
13 DRC are programs that we have an
14 aftercare ERC for kids who are
15 coming down from residential
16 placements. It's a step-down
17 program. And all those programs,
18 all those four programs that we
19 have across the city offer
20 additional supports and services
21 that not only offer the children
22 services, but the whole family as
23 well because we want to treat this
24 as holistically as possible.

1 One of the things I
2 always tell my staff is that if you
3 don't communicate, engage with the
4 family, with the father, with the
5 mother or with the guardian, we're
6 not going to have the youth
7 successfully transition out of
8 probation supervision, because
9 there are our eyes and ears and
10 they're the ones that help us
11 transition kids out of supervision.
12 Parents have a say in this and
13 parents have a stake in this. And
14 without their support and help,
15 we're not able to do this.

16 For instance, we've had
17 parents say, hey, listen, we don't
18 have any lights in the house or we
19 don't have any food in the home,
20 and we actually connect our parents
21 to social services within the city,
22 what the city offers, what City
23 Council has funded for so, and we
24 work with DHS with our

1 Commissioner.

2 We work in times --

3 every time there are dependency

4 issues that we believe need to be

5 addressed, I call the Commissioner

6 right away, Commissioner, can you

7 help. So we are always

8 communicating in terms of are there

9 dependency issues, protective

10 factors that need to be addressed

11 in the court.

12 And for instance, I've

13 had youth and one of you stated

14 that, you know, I think SIL

15 program. It's a program that is

16 funded by DHS.

17 COUNCILMAN PHILLIPS:

18 Thank you. Thank you.

19 Councilman, you had

20 another --

21 COUNCILMAN O'ROURKE:

22 Yeah. One last question,

23 Dr. Phillips.

24 We've already

1 established that data is being
2 collected. What data is being
3 collected in particular as it
4 relates to their GPS monitoring?
5 For example, is there demographic
6 data that's being collected, data
7 about their GPS violations that
8 they've racked up or charges of
9 youth on GPS monitoring that's
10 actually being collected?

11 MR. CASTRO-JIMINEZ: The
12 answer to that question,
13 Councilmember, is yes. We have
14 data --

15 COUNCILMAN O'ROURKE:
16 All of the above.

17 MR. CASTRO-JIMINEZ: We
18 have data with respect to
19 ethnicity, race. We have data with
20 respect to the violations. We have
21 data with -- we have multiple data
22 associated because we want -- I
23 always tell staff is that I need to
24 know the data because if I don't

1 know the data, I'm not able to
2 manage it. I'm not able to kind of
3 look at what are the things that we
4 need to work on, right.

5 With regard to race and
6 ethnicity, there's a certain
7 population that comes into the
8 system, arrested by the police
9 department, charged by the District
10 Attorney's Office, then we get
11 them. That's the population that
12 we use. We in the court, for
13 instance -- let me say this, police
14 departments divert a lot of youth.
15 I think Police Commissioner Kevin
16 Bethel always comes here saying
17 that, you know, he's very pro-youth
18 and he's always trying to look at
19 other programs to divert youth.

20 The District Attorney's
21 Office also -- I'm not going to
22 speak for them, but they also
23 divert youth in terms of Youth Aid
24 Panel, the courts, what we do and

1 what the judges do is they divert
2 you through deferred adjudication
3 or interim probation. Interim
4 probation by the way is only unique
5 to Philadelphia County. No other
6 counties in the state of
7 Pennsylvania do this, but
8 Philadelphia judges do.

9 And last year, we
10 diverted about 609 youth. That
11 includes consent decrees and that
12 included deferred adjudications.
13 So youth are not being adjudicated.
14 When I say adjudicated, if in the
15 Juvenile Division is found guilty
16 of a crime, because we must make
17 sure that we distinguish language
18 from the penal system, the criminal
19 system and the juvenile system.

20 We don't send kids to
21 jail. We send kids to institutions
22 for the purposes of rehabilitation
23 supervision, right. And so, kids
24 are not found guilty in the

1 juvenile system. They are
2 adjudicated delinquent of certain
3 crimes. And so, in the juvenile
4 justice system judges are looking
5 at kids and looking at certain
6 charges and then the DA's Office is
7 recommending this and say, hey,
8 let's divert this kid, let's give
9 this kid another opportunity. And
10 so, those are the types of charge,
11 yes. And so to your question,
12 Councilmember, yes, we manage the
13 data as much as we can.

14 COUNCILMAN O'ROURKE:
15 Understood. Thank you. And thank
16 you, Dr. Phillips. I'll turn it
17 back over. But it matters in this
18 America when you have the federal
19 government suggesting that your
20 skin complexion is reason enough to
21 detain someone. And so, if the
22 data that's being collected
23 includes their ethnicity, their
24 race, et cetera, et cetera,

1 et cetera, that becomes an issue
2 when we're clear that the
3 information is being shared with
4 this particular federal
5 administration. So thank you. Or
6 if it's not, it could be
7 potentially so and we see an
8 increasing amount of referencing or
9 pulling for that kind of data in
10 this particular era.

11 Thank you, Mr. Chair.

12 COUNCILMAN PHILLIPS:

13 Yes. I'm proud of all the members
14 of Council for staying for this. I
15 mean, honestly this means a lot to
16 all of us and we've been asking
17 some really good questions.

18 Chair Landau has one
19 quick question before we wrap up
20 this panel.

21 COUNCILWOMAN LANDAU:

22 One follow-up question about the
23 holding of the data for seven
24 years. Does that include data for

1 children who were not adjudicated
2 delinquent, in other words, found
3 not guilty?

4 MR. SWANDO: Thank you,
5 Councilmember. From our
6 standpoint, I just want to be clear
7 we don't collect any data
8 whatsoever as the vendor. It is up
9 to the First Judicial Department
10 and what they enter into the
11 system, what data that is and
12 whether they're pre-adjudicated or
13 post-adjudicated. That's not
14 something we collect. It's not
15 something that we make any
16 determination of. If that's
17 something that the department wants
18 to enter into the system, then that
19 will be included in the data that
20 we are contractually required to
21 hold for seven years.

22 And the reason that is,
23 just for clarity's sake, is
24 sometimes these cases take a long

1 time and the courts might need to
2 see data that's three years old,
3 four years old, if the case took a
4 long time to make its way through
5 the system. So typically, the
6 contracts require seven years for
7 that reason. And so, yes, we are
8 going to retain all of that data as
9 required by our contract. And
10 again, for clarity's sake that data
11 is not our possession. It is
12 strictly 100%, the ownership and
13 possession of that data is the
14 First Judicial.

15 COUNCILWOMAN LANDAU: Is
16 it your belief there's a law that
17 requires you to hold it for seven
18 years or it is based on the
19 contract with the contracting
20 entity?

21 MR. SWANDO: I can't
22 speak to exactly which data
23 security laws the City of
24 Philadelphia are held by, but all

1 government agencies like, for
2 example, when we do work with the
3 federal government like Bureau of
4 Prisons or Administrative Office of
5 the U.S. Courts, we have to meet
6 the FedRAMP standard of security
7 and I think theirs is slightly
8 longer than seven years. There's
9 certain security and firewall
10 provisions we have to meet.

11 States are all
12 different. Usually they fall under
13 CJIS, the Criminal Justice
14 Information Security Act. So to
15 answer your question, we're not
16 making those decisions on how long
17 it should be. Neither is First
18 Judicial. It's usually governed by
19 state law of security, cyber
20 security.

21 COUNCILWOMAN LANDAU:
22 Okay. I will pass it back over and
23 we're going to move on, but I want
24 to be clear the data that is being

1 held by you is the data from any
2 GPS monitor that's been on any
3 child, some of whom will ultimately
4 be found not guilty, not
5 adjudicated delinquent? So I just
6 want to be clear of that, what
7 we've heard today.

8 MR. SWANDO: Is the data
9 held? Was that your question,
10 ma'am?

11 COUNCILWOMAN LANDAU:
12 You said it depends on the data
13 that the First Judicial District
14 decides you should have. But I
15 want to be clear from what we've
16 heard today the data that you have
17 is the data of any GPS monitor
18 that's on any child. And some of
19 those children, by the time they
20 get to a judge, will be found not
21 adjudicated delinquent, not guilty.
22 Therefore, you are holding
23 information of children who a judge
24 has determined did not commit the

1 crime. That's all I'm saying,
2 unless I'm incorrect.

3 MR. SWANDO: No,
4 you're...

5 COUNCILWOMAN LANDAU:
6 Thank you.

7 COUNCILMAN PHILLIPS:
8 Thank you, Chairwoman Landau.

9 We have a quick question
10 from Councilman Jim Harrity.

11 COUNCILMAN HARRITY:
12 Thank you. I spent some time at
13 1801 in the juvenile system so I'm
14 just trying to wrap my head on --
15 what are we talking about? Why are
16 these kids being put on house
17 arrest? What is that for? Is that
18 to divert them from the detention
19 center and allow them to stay home
20 or what kind of charges are we
21 talking about?

22 MR. CASTRO-JIMINEZ:
23 Thank you, Councilmember. So the
24 type of charges that our youth are

1 being placed on GPS; arson,
2 burglary, fraud, auto theft,
3 carjackings, homicides, being a
4 runaway, sometimes just for us to
5 keep track of them, robbery,
6 homicides, terroristic threats.
7 And so, those are the typical
8 charges, right, because we have 306
9 youth I think I mentioned today.

10 At times, what judges
11 try to do is they try to look at
12 the -- each case is individual by
13 the way. GPS is a tool that the
14 judges use to augment, to support
15 in terms of what's happening with
16 that youth's case. There may be
17 arguments by the District
18 Attorney's Office saying, hold that
19 child at the JJC. The public
20 defender is saying, no, release the
21 child. And so, the judge says,
22 well, what's the middle ground
23 here. Well, the charge is
24 egregious. The DAs want the child

1 to be held at the JJC. PD wants
2 the charge to be released. Well,
3 let me see if I can come to a
4 suitable compromise. And then the
5 judge may decide -- I'm not putting
6 words into the judge's mouth by the
7 way -- is let's put this child on
8 GPS, let's monitor this child,
9 very, very highly monitored in the
10 community so we can keep the child
11 in the community.

12 But guess what, because
13 the child for instance came into
14 the JJC shot in the leg or shot in
15 the back, the judge is going to
16 say, I have concern for that
17 child's safety. I don't want this
18 child out of the house unless it's
19 school or unless the child has to
20 go to a medical appointment until
21 the child comes back to me and I
22 find out and I get more
23 information, right.

24 And so, judges make

1 decisions individually based upon
2 cases. Each case is different,
3 Councilmember. So I'm not able to
4 articulate in terms of
5 generalities. But certainly,
6 judges make decisions on should I
7 release the child and is it going
8 to compromise public safety, should
9 I release the child, is it going to
10 compromise the child's safety. Not
11 sure. Is there a responsible
12 guardian or parent. Each case is
13 individual, Councilmember.

14 COUNCILMAN HARRITY: So
15 that's why you were saying
16 sometimes it's for their safety
17 because of retaliation; is that
18 what --

19 MR. CASTRO-JIMINEZ:
20 That's correct.

21 COUNCILMAN HARRITY: I
22 get you. Thank you.

23 COUNCILWOMAN LANDAU:
24 (Inaudible).

1 COUNCILMAN PHILLIPS:

2 Per Chairwoman Landau, if we could
3 get on record submitted to us
4 without identifying the individuals
5 the charges that people received as
6 well as incidents that had occurred
7 that rendered a GPS tracking.

8 And just to that point
9 and before I turn it over to
10 Councilwoman Kendra Brooks, how,
11 Commissioner, does DHS ensure GPS
12 is used as a last resort? And
13 also, can you describe whether a
14 young person, like what are the
15 most common circumstances or
16 behaviors that lead to the GPS
17 recommendation?

18 COMMISSIONER ALI: So
19 the Department of Human Services
20 does not make a decision in terms
21 of whether or not a young person is
22 going to be on a GPS or not. That
23 determination is made by the
24 judicial system as well as often

1 times agreements between the
2 District Attorney's Office and the
3 Defender's Association.

4 Our role at DHS is to
5 offer a continuum of services for
6 young people. Part of the
7 continuum, as I testified to, is
8 funding GPS, which is \$1.3 million
9 a year. However, one of our goals
10 is also to offer what other service
11 can a young person also participate
12 in, in order to ensure that we put
13 that young person on the right
14 trajectory.

15 And so, you heard the
16 testimony in terms of evening
17 reporting centers that was
18 testified by YEAH Philly. So DHS
19 funds evening reporting centers as
20 another alternative to detention.
21 Some young people are on GPSs when
22 they attend the evening reporting
23 centers. We fund inhome detention
24 as well as an alternative to

1 detention placements. Of course,
2 you're familiar with intensive
3 supervision services as well as IPS
4 or Intensive Prevention Services.

5 And so, our role is to
6 continue to meet with stakeholders,
7 in particular the courts,
8 probation, the public defender's
9 office, the district attorney's
10 office and other stakeholders to
11 determine what continuum of
12 services does the department need
13 to fund in order so that we can
14 support young people as they on
15 their trajectory for treatment,
16 rehabilitation, supervision and
17 just trying to get back on the
18 right path.

19 COUNCILMAN PHILLIPS:
20 Thank you. And your department
21 does fully support the GPS system
22 at this time?

23 COMMISSIONER ALI: Yes,
24 we do.

1 COUNCILMAN PHILLIPS:

2 Okay. And for what reason? You
3 see the rehabilitation that comes
4 with it or?

5 COMMISSIONER ALI: So we
6 see it as an alternative to
7 detention as well as alternative to
8 placement. What we will continue
9 to do is determine what are the
10 outcomes. And so, as we have
11 testified to previously we actually
12 just released an RFP and we're in
13 the final process in terms of
14 looking at all of our services that
15 we fund to determine whether or not
16 young people have improved outcomes
17 as a result of receiving services.
18 And so, it's more to come on that.

19 COUNCILMAN PHILLIPS:

20 Thank you, Commissioner.

21 Chair recognizes
22 Councilwoman Kendra Brooks.

23 COUNCILWOMAN BROOKS:

24 Good afternoon. So my question is

1 I hear a lot of collecting of data
2 from the GPS. How much of the data
3 that we're collecting is also being
4 shared with law enforcement and
5 other agencies that may not be the
6 judicial system?

7 MR. CASTRO-JIMINEZ: So
8 we don't actually -- I'm trying to
9 be very direct, Councilmember, to
10 your question. We don't share the
11 data, for instance, in terms of
12 demographic, ethnicity, race, age,
13 none of that. What we try to do is
14 when we get information that crime
15 has been committed, a carjacking,
16 for instance, and a youth may be on
17 GPS, we try to see if our youth was
18 part of that crime scene, right.
19 We go back --

20 COUNCILWOMAN BROOKS: In
21 that vicinity that --

22 MR. CASTRO-JIMINEZ:
23 Exactly. And then we track the
24 steps. We want to make sure -- and

1 I also want to make clear GPS can
2 clear kids if somebody is accusing
3 them of being in a crime area. No,
4 they weren't because we have the
5 data that supports that. So we
6 don't share the actual data in
7 terms of ethnicity, race, age,
8 family background. None of that
9 stuff is shared.

10 What is shared with our
11 law enforcement partners is, is a
12 crime being committed because we
13 have a duty of public safety, is a
14 crime being committed and is a
15 crime being committed by one of our
16 kids on GPS. And so, that's the
17 information that we share back and
18 forth with law enforcement.

19 COUNCILWOMAN BROOKS:
20 Okay. Just so I can -- like we're
21 all here in City Hall at this
22 moment, right. Something happens
23 right outside City Hall. The
24 information for me and

1 Councilmember Gauthier, if we were
2 on GPS, would it say that we're in
3 the vicinity and that information
4 is shared with law enforcement to
5 come. Is it going to trigger for
6 our devices to be checked? Is
7 someone going to come out? Are we
8 considered a potential suspect?
9 I'm just trying to get clarity on
10 how all of this works.

11 MR. CASTRO-JIMINEZ: So
12 it's hard for your example.

13 COUNCILWOMAN BROOKS:
14 I'm using City Hall because a
15 rowhouse, an average block, this
16 could be about 10 houses. So I'm
17 just trying to get clarity on
18 exactly how the GPS system works.

19 MR. CASTRO-JIMINEZ: So
20 I want to make sure that any time
21 police are doing an investigation,
22 and I'm not going to speak -- I
23 know that Police is here so they
24 can probably speak on that better

1 than I could. But I know that they
2 don't use GPS solely as the primary
3 kind of way to identify
4 individuals. They have to have
5 other factors, right. They have to
6 have identification, witnesses,
7 ballistics, all the information
8 that the police collect in order to
9 take the case to the district
10 attorney's office. They have to
11 kind of have a case, right.

12 GPS is one of the things
13 that they can say, well, the kid
14 was in the area as well. That's
15 another factor. But they can't use
16 that solely as the only reason
17 why -- let's say this kid was there
18 and a crime was committed there,
19 they can't say that that's the kid
20 who committed the crime, right.
21 They have to have other factors
22 associated with, you know, a gun
23 was used, was the gun recovered,
24 was fingerprints, ballistics, any

1 witnesses in the area, cameras that
2 the police always -- there has to
3 be other substantive evidence that
4 the police collect that takes the
5 case to the district attorney's
6 office before they proceed. So
7 it's not only GPS that they use. I
8 hope that helps answer your
9 question.

10 COUNCILWOMAN BROOKS: It
11 does. I don't want to prolong it.
12 My mind is kind of -- it's kind of
13 vague. If this was 10 houses on a
14 city block and five kids on this
15 block just so happened to be in
16 GPS, one of which is mine, my
17 address is 12. This house is 8.
18 Is it specific to the household?

19 I'm just trying to
20 figure out if someone needed to
21 come in to arrest someone? I think
22 one of the stories they said a
23 nearby house was raided by the
24 police department and the child who

1 was on GPS wasn't associated with
2 it but the assumption that he was.
3 And that's what I'm trying to get
4 clarity, like how these things like
5 that happen?

6 MR. CASTRO-JIMINEZ:
7 Councilmember, the only thing that
8 we can do is place the child at the
9 house. But in terms of whether or
10 not the child is committing or was
11 committing a crime or whether
12 there's a crime afoot, we can't
13 determine -- we can only determine
14 whether the child was actually
15 around a specific area. And first,
16 let me give you another example --

17 COUNCILWOMAN BROOKS:
18 And that information is sent to the
19 police department for whatever they
20 need to do?

21 MR. CASTRO-JIMINEZ:
22 Yes. We discuss in terms of
23 certain individual -- for instance,
24 if the police are saying that

1 they're looking for -- and again,
2 because you're providing examples,
3 if we find that one of our youth is
4 traveling outside of the
5 restriction zone and the youth is
6 going 80 miles an hour in terms of
7 the GPS tracking, 80 miles an hour,
8 and all of a sudden there's reports
9 that there has been a car crash and
10 we found that that's one of our
11 kids involved because our kid
12 stopped 80 miles an hour, all of a
13 sudden stopped, then we know we can
14 reference what we can do.
15 Obviously, there's other
16 investigation that needs to occur
17 in order to make a specific
18 determination whether or not, first
19 of all, is our youth okay. Was our
20 youth involved in a carjacking, I'm
21 not sure. Again, I don't want to
22 go into suppositions because I
23 guess it's a very kind of gray area
24 there.

1 COUNCILWOMAN BROOKS:

2 Thank you.

3 MR. CASTRO-JIMINEZ:

4 Thank you, Councilmember.

5 COUNCILMAN PHILLIPS:

6 Councilwoman Landau has a quick
7 request.

8 COUNCILWOMAN LANDAU: I
9 just want to clarify what we're
10 looking for. We would like data
11 from the last 12 months of what
12 people were charged with, for
13 anybody who was put on GPS what
14 they were charged with and what
15 they were ultimately -- the result
16 of the adjudica -- what they were
17 charged with and what they were
18 ultimately found -- held for. I
19 just messed it up.

20 MR. CASTRO-JIMINEZ:
21 Adjudicated delinquent.

22 COUNCILWOMAN LANDAU:
23 Yes.

24 MR. CASTRO-JIMINEZ: And

1 if, in fact, they were.

2 COUNCILWOMAN LANDAU:

3 Yes, what they were charged with

4 and what they were ultimately --

5 MR. CASTRO-JIMINEZ:

6 Understood. Thank you.

7 COUNCILWOMAN LANDAU: --

8 yes, found with. Thank you.

9 COUNCILMAN PHILLIPS:

10 And then Councilwoman Gauthier has

11 a -- is that okay? Is that

12 something you could do?

13 MR. CASTRO-JIMINEZ:

14 We'll try our best to get that

15 information to Council.

16 COUNCILMAN PHILLIPS:

17 All right. I just want to make

18 sure that was out there.

19 Councilwoman Gauthier

20 had a question.

21 COUNCILWOMAN GAUTHIER:

22 Thank you, Mr. Chair.

23 I just wanted to add an

24 element to that data request. It

1 just floored me to hear that 30% of
2 the young people on the GPS are
3 being detained for technical
4 violations. And I appreciate your
5 answers, but I really didn't get a
6 sense of what the most common
7 reasons for that are. If you could
8 provide data on that, it would be
9 helpful. Thank you.

10 COUNCILMAN PHILLIPS:

11 Okay. Seeing that there's no
12 further questions, I want to thank
13 all of you today for coming.
14 Clearly, there are some changes
15 that have to be made to this or
16 improvements, enhancements. And I
17 think this Council is interested in
18 doing a tour of the probation
19 system, maybe even a tour of some
20 of the spaces where the young
21 people are having a GPS.

22 We want to see how this
23 goes. We actually need to learn
24 how you even do your training at

1 this point, right, with some of the
2 parole officers. So just know that
3 that we're going to continue on
4 this and hopefully we get a
5 resolution.

6 There being no further
7 questions, Ms. Walton, will you
8 please call the next panel to
9 testify on the bill -- resolution.

10 THE CLERK: Yes. Panel
11 No. 3, Legal and Law enforcement
12 perspectives. We have Ms. Keisha
13 Hudson, the Chief Defender from the
14 Defender Association of
15 Philadelphia; First Assistant
16 District Attorney Robert Listenbee;
17 DAO; Assistant District Attorney
18 Chris Angelo, Chief of the Juvenile
19 Unit as well as Christina Bradley,
20 the Director of Youth Services and
21 Youth Adult Initiative Juvenile
22 Unit, DAO. Thank you.

23 (Witnesses approached
24 witness table.)

1 COUNCILMAN PHILLIPS:

2 All right. So I'm hoping our
3 members can stay tight for this
4 panel. If you have to go, we have
5 one virtual person that's waiting
6 for our last thing but we don't,
7 you know, we can take that on if
8 you have to go for the last one.

9 But this is an important
10 one. We have the Chief Defender's
11 Association and then we also have
12 the District Attorney's Office.
13 Councilman Isaiah Thomas is
14 listening in he says, so I just
15 want to make sure that we get you
16 guys going.

17 So can we actually begin
18 with the District Attorney's Office
19 first and then we can go to the
20 Chief of Defense Association.

21 MR. LISTENBEE: Good
22 afternoon, Mr. Chairman, Chairman
23 Phillips, Chairwoman Landau. My
24 name is Bob Listenbee. I'm the

1 First Assistant District Attorney.
2 Before I get started with my formal
3 remarks, I'd like to just make a
4 comment.

5 I was very pleased to
6 arrive here earlier and have an
7 opportunity to hear the young
8 people talk about their experiences
9 in the juvenile justice system.
10 The District Attorney's Office
11 focuses first on public safety,
12 second on ensuring that. Justice
13 occurs in any cases that we have.
14 And third, on criminal justice
15 reform, a cornerstone of criminal
16 justice reform is to listen to the
17 voices of people who are directly
18 affected by the system.

19 In the juvenile justice
20 system, it's the young people that
21 we have here over on the left here
22 that we heard from. I want to let
23 them know that I heard you and as a
24 person who's been involved in

1 juvenile justice reform for
2 certainly the last 15 years, I'd
3 like to say that we need to do
4 something to make sure that their
5 voices are not only heard, but the
6 ideas that they recommended are
7 implemented in our system.

8 So I would like to make
9 a proposal: I would like to
10 propose that the District
11 Attorney's Office focus as a
12 convener for juvenile justice
13 reform here in the city, involving
14 the parties that have participated
15 in this hearing today, the
16 Probation Department and its
17 probation officers, the Department
18 of Human Services, also the Public
19 Defender's Office, the District
20 Attorney's Office, and also and
21 especially, stakeholders that
22 involve youth who've been involved
23 in the juvenile justice system,
24 specifically YEAH Philly and others

1 who are actively involved.

2 We'd like to begin a
3 convening within the next 30 days.

4 We'd like to have it go for
5 approximately six months. We'd
6 invite the Chairman, both Chairman
7 Phillips and Chairwoman Landau and
8 other Councilmembers to
9 participate, and we could start
10 again within the next 30 days.

11 That's my proposal.

12 I think if we focus on
13 the kinds of issues that have gone
14 in depth here with the kind of
15 questions that were asked, we may
16 be able to get to the bottom of
17 some of these things and bring
18 about some reform. Let me say as a
19 comment. I've been involved in
20 Philadelphia's juvenile justice
21 system for over 35 years. The
22 system today is very, very
23 different from what it was 10 years
24 ago, very different from what it

1 was 10 years ago.

2 One fact of great
3 importance, last year in January
4 the District Attorney's Office had
5 about 100 cases of juveniles
6 charged with homicide,
7 approximately 100 cases, open
8 cases. That's never happened in
9 the 30, 35 years of my existence
10 here. Things have changed
11 dramatically.

12 Today for the last four
13 years where we have data,
14 approximately 25% of all the cases
15 that come into the system are
16 gun-involved cases, gun-involved
17 cases. We have not had that
18 before. There are other dramatic
19 changes.

20 We're very fortunate to
21 have had the system reduced by
22 almost 80% in the last 20, 25
23 years, from the very height when we
24 had 12,000, 13,000 cases down to

1 below 2000 cases. That's very,
2 very fortunate. That's big.
3 Change has been brought about, but
4 we have not had the kind of
5 discussions involving stakeholders
6 come to the table and talk about
7 solving problems and solving
8 solutions.

9 I'm encouraging Council
10 Chairpersons and members of this
11 Council to be a part of this so we
12 can actively involve and address
13 the specific questions that I heard
14 over and over and over again today
15 that take a long time to get to the
16 answers, but we can do that and we
17 can do it. And we encourage you
18 and invite folks to join us at the
19 at the District Attorney's Office.

20 Now, those are just my
21 opening comments.

22 COUNCILMAN PHILLIPS:

23 Oh, okay. All right. Can you
24 summarize your next one?

1 MR. LISTENBEE: There's
2 a great deal that I could go into
3 concerning the issues that have
4 been brought forward. We provided
5 City Council with written remarks
6 and I have more detailed remarks.
7 But let me start by just going over
8 two cases that involve the issues
9 that were raised, that were
10 discussed in detail.

11 These are cases
12 involving the use of GPS in the
13 criminal justice system that we are
14 involved in. On the 13th of
15 October this year in the afternoon,
16 a complaining witness victim was
17 conducting a delivery of Chinese
18 food from a local Chinese store in
19 the 3700 block of Genesee Drive in
20 the city and county of
21 Philadelphia. When that victim
22 arrived at the location for the
23 address where he's supposed to
24 deliver, an offender -- and there's

1 a description of all the clothing,
2 everything connected with this
3 offender and his age and so
4 forth -- he stepped out, pulled out
5 a semi-automatic firearm, brown in
6 color, pointed it at the complaint,
7 the victim, and then told him to
8 empty his wallets. He had a couple
9 100 bucks in his wallet and he also
10 took his keys and took his car.
11 That's the kind of event that
12 occurred.

13 Now, fortunately there
14 were videos all around the place
15 where this occurred. Those videos
16 are where canvassed neighbors
17 indicated and provided a location
18 where the kid had walked out and
19 the neighbors gave an approximate
20 name of the person. It was with
21 that name that the police officers
22 around were contacted. Police
23 officers, one of them actually knew
24 the young person because he had

1 arrested them before.

2 They then went and
3 checked and required a formal
4 notice to the Probation Department
5 for the GPS information. That GPS
6 information was provided and that
7 GPS information indicated that that
8 person was there on the scene and
9 that that person followed where the
10 car went and that that person came
11 out of the house that was
12 identified by the neighbors.

13 So that is a situation
14 where GPS was very helpful in
15 identifying the defendant who was
16 accused of this particular crime.
17 And it's important to recognize
18 that there were steps that were
19 taken. There was other evidence
20 presented. DNA came out of the
21 car, fingerprints came out of the
22 car. Police officers identified
23 the defendant and we were able to
24 go forward with that case. So that

1 is one particular case there.

2 Let me give you one

3 second case we'll go through very

4 quickly. On the 22nd of August

5 here in Philadelphia about

6 4:09 p.m., at the corner of Broad

7 and Erie there were four young men

8 who were walking down the street.

9 They were going one direction.

10 They turned and they went east,

11 right off Broad Street.

12 They saw somebody that

13 they knew. They turned around, two

14 of them pulled out guns and then

15 fired several shots back towards

16 Broad Street. Again, videos were

17 there. Those videos were very

18 helpful. One of the young people

19 took his mask down so you could see

20 his face. A police officer

21 subsequently identified the person

22 who had taken his mask down.

23 The videos provided some

24 indication of what they looked

1 like. The SEPTA photograph taken
2 at Broad and Lehigh had the same
3 guys with the same clothes and
4 identified them. Then again, the
5 person went back and they requested
6 GPS from the Probation Department,
7 a formal request. GPS then
8 identified one of the defendants as
9 having been there at the scene and
10 tracked him to the point of Broad
11 and Lehigh.

12 So again, lots of
13 evidence involved. A search
14 warrant was undertaken. That
15 search warrant then went and
16 provided information, the gun,
17 identification, proceeds and that
18 kind of stuff. Again, no one was
19 hurt and nothing was taken, but
20 they were able to identify him by
21 looking at him. So again, GPS was
22 helpful there.

23 GPS can also exonerate
24 somebody. If they're taken before

1 the court and they say, well, you
2 were involved, you can pull out GPS
3 and it can show that you weren't
4 there at all.

5 I have with me today my
6 colleagues, Chris Angelo, who is
7 supervisor of the Juvenile Unit
8 over to my right; Bill Fritze, who
9 is also head of our Gun Violence
10 Task Force. He's sitting next to
11 me because they bring evidence of
12 investigations that they conduct to
13 get details before they pursue
14 certain individuals. They've also
15 been involved not only in several
16 non-fatal shootings, but they've
17 also been involved in bringing down
18 some of the gang members here in
19 the city and county of
20 Philadelphia, particularly those up
21 near 63rd and Market. So they're
22 here. I have also Ciara Sheerin,
23 who is our policy analyst and
24 provided the written material that

1 we submitted to City Council.

2 That being said, I'll
3 wait to have questions now. I'll
4 go into some of the details. We do
5 have some data around what kinds of
6 kids end up on GPS numbers. We
7 have some data around some of the
8 issues raised about
9 disproportionate minority contact
10 within the juvenile justice system.

11 COUNCILMAN PHILLIPS:

12 Thank you.

13 Chief Defender.

14 CHIEF DEFENDER HUDSON:

15 Good afternoon, Chairs Phillips and
16 Landau, members of the Committee,
17 Keisha Hudson, Chief Defender of
18 the Defender Association of
19 Philadelphia. I want to thank you
20 for introducing this resolution.
21 I'm going to summarize my comments
22 very quickly.

23 Today has been
24 incredibly informative. I learned

1 a lot today that we did not know.
2 With me, I have Nicole El who's the
3 supervisor of the Children and
4 Youth Justice Unit. She deals with
5 our littles, as we call them.
6 They're all our littles, because as
7 we know children as young as 10 can
8 be charged here in Pennsylvania;
9 and Michelle Mason, who represents
10 our kids who are being charged as
11 adults. And I can assure you no
12 child that Michelle represents
13 who's being charged as an adult for
14 a homicide is walking around the
15 city of Philadelphia on GPS.
16 They're on State Road. Regardless,
17 again of their age, they're on
18 State Road.
19 Last year we represented
20 1200 children. The Defender's
21 Association total staffing for
22 those 1200 children, 15 lawyers, 5
23 social workers. The majority of
24 the cases are being diverted,

1 dismissed or withdrawn, and we are
2 in a very different climate than
3 when I started as a public defender
4 23 years ago.

5 We have made progress.
6 But as you have heard today, 85%,
7 let me be clear, 85% of the
8 children who come into the system
9 every year as children are being
10 referred to GPS monitoring. We
11 have moved away from services and
12 programming in our communities and
13 there is an overreliance on GPS.

14 When you look at the
15 mission statement for the Head of
16 Probation, I heard Castro say
17 several times that we want to make
18 sure our children are safe. That
19 is not his job. There is a
20 paternalistic and there are some
21 other isms that I will not mention
22 here with, again no personal
23 comment on motives or intention,
24 but there is a viewpoint that Black

1 boys are dangerous. That is how we
2 see every Black child, particularly
3 Black boys.

4 We do not have time to
5 go over the slavery and post-
6 slavery creation of the criminal
7 justice system, but mass
8 incarceration, particularly of
9 Black and Brown people is and
10 should and I wish was our Civil
11 Rights Movement of the time,
12 because it is slavery by another
13 name.

14 A GPS monitor is a
15 shackle. And our kids are
16 surveilled and overmonitored
17 every single second of every day of
18 their lives. You heard a lot of
19 information today about the
20 technology. I am sitting here as
21 the leader of the fifth largest
22 public defender office in the
23 country. I am 48 years old. I
24 have two children. My phone has

1 been dead for an hour and a half
2 and we expect a 10, 11, 12, 13,
3 14-year-old whose frontal lobe
4 won't develop for another 15 years-
5 plus to have the wherewithal to
6 make sure things are working when
7 they should or charged when they
8 should be or that they're in the
9 right space in the house.

10 I will close with one
11 last point. I am stunned by the
12 lack of due process at every stage
13 regarding GPS and GPS monitoring,
14 but also about the data. Castro
15 was very, very clear, they do not
16 monitor -- they have no staff that
17 monitors our children after hours.
18 That's done by a third-party
19 nongovernmental agency based in
20 Maryland. I'll just keep the
21 thoughts that I was going to say to
22 myself.

23 I'm going to move on to
24 some suggestions. And I was very,

1 very heartened by Mr. Listenbee,
2 District Attorney Listenbee's
3 suggestion because that was going
4 to be my first suggestion, right,
5 encourage or convene a working
6 group where the courts, probation,
7 our office, court-appointed
8 counsel, DAO. We need clear,
9 written criteria for when GPS
10 monitoring can be imposed, its
11 duration and its standards for
12 removal.

13 We have to mandate
14 transparency and data reporting and
15 rely on the investigatory powers of
16 this body to ascertain how many
17 young people are being monitored.
18 We know around 1800 to 1900
19 children per year. I heard I think
20 360 of those were for gun charges.
21 What are we doing with the other
22 1500. GPS is not just going on
23 kids who are carrying guns. That's
24 what you will see in the Inquirer,

1 but the majority of our children,
2 again, 80 -- like the majority are
3 there for nonviolent offenses,
4 including retail theft.

5 We need to work with
6 local stakeholders, including the
7 Citizens Police Oversight
8 Commission, to ensure local
9 policies and rules designed to
10 protect youth privacy rights,
11 particularly those that limit
12 sharing individual location
13 information with law enforcement
14 without a warrant or court order.
15 And we need to do that.

16 Councilmember Brooks is
17 not here, but the answer to her
18 question regarding her presence in
19 the vicinity of a crime that may or
20 may not have been committed, that
21 simple answer is yes, that data is
22 going to be shared and is being
23 shared with law enforcement
24 officials when the police may

1 request it for any crime committed
2 in the vicinity of where our youth
3 who are on GPS are, and that
4 information is being shared.

5 We don't know the
6 entirety of who this information is
7 being shared with. Local,
8 statewide, federal authorities it
9 is being shared with. Here are all
10 the steps of the juvenile justice
11 process where GPS can be -- our
12 kids can have GPS monitoring court-
13 ordered. The last step is
14 expungement.

15 From what we heard
16 today, seven years maintaining
17 data. So after the Defender
18 Association has filed an
19 expungement petition, that data is
20 being maintained and being shared
21 and can be made shared with anyone
22 at any time for any request and
23 that data is being held by a third-
24 party nongovernmental entity.

1 I will close with this:

2 We have to invest in alternatives.

3 It is not the job of probation to

4 keep our children safe. When our

5 children get to this point in the

6 system, we have failed them. Our

7 communities have failed them. Our

8 schools have failed them. Our

9 public health system has failed

10 them. And then they come into the

11 system and all of a sudden we want

12 to put resources on them, but only

13 with monitoring and

14 oversurveillance which is, as you

15 heard today, extremely traumatic

16 for our youth.

17 Last year I came out of

18 budget cycle with 1.5 million. And

19 today, we learned that 1.3 million

20 is going just to GPS. My entire

21 budget allocation was 1.5. And

22 just for GPS monitoring, the

23 Department of Human Services is

24 spending 1.3 million per year. I

1 can hire 10 social workers with
2 \$1.3 million to work with our
3 youth. Thank you.

4 COUNCILMAN PHILLIPS:

5 All right. That was a lot of
6 information. I want to thank you
7 so much for your testimonies.

8 And are there any other
9 questions from members of the
10 panel?

11 Okay. The Chair
12 recognizes Councilmember Rue
13 Landau.

14 COUNCILWOMAN LANDAU:

15 Thank you. Mr. Listenbee, question
16 for you: Do you have internal
17 guidelines for when the DA's Office
18 would request GPS monitoring for
19 your cases?

20 MR. LISTENBEE: We do
21 not have specific guidelines. In
22 general what we do is we look at
23 the severity of the case. We look
24 at whether there's repeat offenders

1 involved. We look at the history
2 of that young person's involvement
3 in that particular case and also
4 relationships with co-defendants
5 and that kind of thing.

6 Then we also look to
7 determine whether or not we are
8 recommending that the person be in
9 the community or is going to be
10 detained. If they're going to be
11 in the community and they have a
12 very severe case and if they've had
13 prior contact, then there's a
14 possibility that we would under
15 those circumstances request GPS.

16 But it's on a case-by-
17 case basis. And based upon the
18 experience that we have the lawyers
19 or with the supervisors who have at
20 this point over 20 years of
21 experience in the system.

22 COUNCILWOMAN LANDAU: I
23 appreciate that. A little stunned
24 by the follow-up to the GPS in the

1 surrounding area question that at
2 least the Chief Defender gave us.
3 So I just want to make sure we're
4 clear here. There's gunshots
5 around City Hall and one of the
6 first things you do is to search to
7 see whether or not there's anybody
8 with GPS monitors around City Hall;
9 is that correct? I just want to be
10 clear with it.

11 MR. LISTENBEE: First of
12 all, that is something that would
13 be handled by the Probation
14 Department and the Police
15 Department. We would not get
16 involved until there's an arrest.
17 But also, my colleague Mr. Fritze
18 would like to add something.

19 COUNCILWOMAN LANDAU:
20 Thank you.

21 MR. FRITZE: Hi,
22 Councilmember. And I just want to
23 say there's many different
24 instances. And just as

1 Mr. Listenbee said, right, it's the
2 individual child and why people are
3 requesting GPS. But as far as
4 investigations with shootings, that
5 is a little bit of my area so I can
6 discuss that with you.

7 When an investigation
8 for a shooting occurs, let's say it
9 happened at City Hall. The first
10 thing that you're going to look for
11 are your witnesses. You're going
12 to look at video cameras and you're
13 going to see if there's people in
14 the area. There isn't an immediate
15 request that we know that somebody
16 is on GPS and we want them to
17 search for that.

18 However, there have been
19 shootings, right, by juveniles
20 right out here outside, and those
21 came down to eyewitnesses taking
22 into account certain things. And
23 then we learned that some of those
24 people might be on supervision.

1 That's a request then we can make
2 to find out if the individual has
3 been on supervision.

4 And one of the other
5 things I want to point out is that
6 when we are talking about getting
7 information from probation and
8 parole, they may say to us, yes, we
9 believe that someone is on GPS and
10 they are at that location. As a
11 prosecutor, I still need to get a
12 search warrant for those GPS
13 records and I need to make sure I
14 have the correct person to testify.
15 I'm serving a search warrant on the
16 Probation Department and the First
17 Judicial District. That's where
18 that goes to. It does not go to
19 that private individual company.

20 And also, I know that
21 you had brought up earlier federal
22 concern with the prosecution or
23 with their ability to get into
24 these cases. But as you know

1 juveniles, it would be very, very
2 rare for the federal authorities to
3 ever get authority over a juvenile
4 matter, which is why Mr. Listenbee
5 handled that weapons of mass
6 destruction case here and why we
7 handle homicides and shootings and
8 carjackings in juvenile.

9 So the ability for us to
10 get that GPS information usually
11 comes from a search warrant served
12 upon the Probation Department.
13 They may provide us with initial
14 information that somebody was in
15 that area. But generally having
16 worked with the detective divisions
17 and the investigation that we do on
18 our side, we're going to be looking
19 at other things first to determine,
20 but we're not just doing a blanket
21 let's see who's out there that day.

22 COUNCILWOMAN LANDAU: It
23 seems that I'm going to be all
24 alone here soon. Don't go

1 anywhere. I want to ask a question
2 for Councilmember O'Rourke, who had
3 to leave. Have you seen GPS
4 monitoring decrease recidivism
5 rates in any of the cases that
6 you've worked on? Of course,
7 without sharing any details of the
8 case.

9 MR. LISTENBEE: We don't
10 have data on that so I'm not able
11 to give you an answer on that. I
12 was looking over to see if Chris
13 Angelo, who's Chief of our Juvenile
14 Unit, has any information on that.

15 MR. ANGELO: Chris
16 Angelo from the Juvenile Unit. I
17 don't think we've tracked that as
18 data. Again, our functionality and
19 use of GPS is an alternative to
20 detention. We have different
21 aspects of that information and
22 where are the violations and would
23 positive and negative discharges
24 look like coming from GPS. But in

1 terms of that instrument, that's
2 not a variable we factor for.

3 COUNCILWOMAN LANDAU:

4 Okay. Thank you.

5 COUNCILMAN PHILLIPS:

6 Thank you so much.

7 The Chair recognizes
8 Councilman Jim Harrity.

9 COUNCILMAN HARRITY:

10 Thank you all for coming. My
11 question was for Chief Hudson, what
12 you testified to. So say somebody
13 had a charge at 15, right, I'm just
14 trying to wrap my head about the
15 data stuff that you're talking
16 about, had a charge at 15, say,
17 aggravated assault, you know what I
18 mean, but it was a fight, kids,
19 whatever. They don't get in any
20 trouble, right. They're off now
21 probation, whatever that is.

22 So if they were put on a
23 GPS monitor because it was violent,
24 whether they actually got convicted

1 of aggravated assault or pleaded to
2 simple or whatever it was, so what
3 we're saying is when their data is
4 supposed to be expunged at 18, if
5 they're holding it for -- would
6 they hold that data until the seven
7 years is up instead of getting rid
8 of it?

9 CHIEF DEFENDER HUDSON:

10 That is what I'm hearing for the
11 first time today.

12 COUNCILMAN HARRITY:

13 That would seem to me to be a
14 violation.

15 CHIEF DEFENDER HUDSON:

16 Respectfully, you heard many
17 violations of due process rights at
18 this hearing today and privacy. I
19 could go down the constitutional
20 list.

21 COUNCILMAN HARRITY:

22 Yeah, that's disturbing. You know,
23 certain things you understand, if
24 it's very, you know, heinous

1 crimes. But some of these kids,
2 you know, some of it's fighting,
3 some of it's other stuff that
4 they're getting in trouble for.
5 And something like that, there was
6 a kid's fight maybe between two
7 kids or something like that that
8 escalated and --

9 CHIEF DEFENDER HUDSON:
10 Where they have the presumption of
11 innocence, Councilman.

12 COUNCILMAN HARRITY:
13 Right. But meanwhile when they
14 turn 18, they haven't been in any
15 trouble. They're good kids for all
16 intents and purposes, but that
17 information is still held for other
18 people to have access, to law
19 enforcement, even if, you know,
20 things happen, as we heard mistaken
21 identities, stuff like that. It's
22 just disturbing to know that that
23 data is still there.

24 CHIEF DEFENDER HUDSON:

1 And I don't think we got the
2 clearest answers in terms of what
3 that looks like or what is in the
4 contract and what can be shared or
5 not shared and with what entity. I
6 have not seen that contract. None
7 of us here have seen that contract
8 or the MOU in terms of what is
9 being done with that data. What we
10 learned today is that it's
11 maintained for seven years.

12 COUNCILMAN HARRITY:
13 Yeah, that's my thing. Because,
14 you know, I grew up in the
15 neighborhood where that's at and
16 some of these kids are thinking
17 about that. I'm going to be 18,
18 it's going to be off my record, I
19 could finally try to do something.
20 If it's in the computer, then
21 somebody has access to it and it's
22 out there, you know what I'm
23 saying. I'd just like to know
24 maybe what are the parameters for

1 somebody to actually look at that
2 data after a person turns 18 and
3 supposedly their record supposed to
4 be expunged. It's not supposed to
5 be there anymore, but we still have
6 this.

7 What I'm saying -- and
8 I'm not technical so I don't know.
9 Why wouldn't we just delete their
10 juvenile record out of -- now, I
11 know data is always still there.
12 But why would we not take that file
13 number, I guess it would be or
14 whatever, and just delete it out of
15 the system at 18, especially
16 if somebody --

17 MR. LISTENBEE:
18 Councilmember, just to be clear the
19 juvenile court jurisdiction goes up
20 until age 21 so the court can
21 retain jurisdiction and also even
22 place children up until age 21.
23 Secondly, there's a new law that
24 went into effect in April of this

1 year where juvenile records can be
2 expunged after two years after a
3 child completes court supervision
4 or if there's an agreement between
5 the prosecutor and the defense
6 counsel, even sooner than that.

7 COUNCILMAN HARRITY:

8 Okay.

9 MR. ANGELO: I think
10 part of the concern is the data. I
11 mean, we have to identify what the
12 data is. The data, it's a contract
13 between the First Judicial District
14 and the identified vendor. I think
15 we're talking about coordinate and
16 longitude and lateral to data
17 that's kept in a different
18 location. CJIS and CREA, there are
19 different federal statutes that
20 terms what data needs to be
21 maintained.

22 Subject to an
23 expungement petition that we
24 litigate, the various law

1 enforcement authorities, the DC
2 No., MC No., PP No. data tracking
3 is all identified and removed.
4 This data would be separate and
5 distinct from that, and I don't
6 think we have a full handle on
7 exactly where that information is
8 or how that is, probably subject to
9 a different federal criminal
10 justice either CREA or CJIS --

11 COUNCILMAN HARRITY:
12 That's what I'm getting at. We
13 don't know what happens to that
14 data. And I'm just trying to see
15 if I understood correctly. So that
16 data, like in our stuff, like your
17 stuff, that number, you would get
18 rid of it at a certain point --

19 MR. ANGELO: It's
20 deleted, yes.

21 COUNCILMAN HARRITY: --
22 two years after the thing. That's
23 my concern. This is -- not you,
24 you're a government agency. You're

1 bound by oath, by a bunch of other
2 stuff to hold that data to
3 yourself. That's confidentiality,
4 whatever you want to call it. But
5 my concern comes with private
6 companies holding data on our
7 children.

8 MR. ANGELO: And,
9 Councilman, just my theory when
10 you're talking about hitting a
11 delete button and finding that
12 stuff, I think you're looking for
13 either a needle in a haystack or a
14 needle in a needle stack as to what
15 that data represents. If you were
16 to go to Broad and Market six years
17 from now, you may be able to glean
18 back what that information is as to
19 did someone have a GPS monitor at
20 Broad and Market at 1:15 p.m. on
21 October 29, 2025. No one has
22 aggregated that data, developed
23 that data or knows what that is.
24 So I don't think it's a matter of

1 you can hit a delete button and
2 find what that is. Everything that
3 we've identified personal to the
4 individual use --

5 COUNCILMAN HARRITY:

6 Yeah, but they would have the data
7 and that data is assigned to the
8 monitor, so then they would also
9 have that person's other
10 information that's in the computer
11 with that data. When you, you
12 know, I'm not the most tech savvy
13 guy.

14 Rue's our Chair. But I
15 would say when you hit a couple of
16 buttons and you put in a number,
17 just like we do to track
18 constituents and stuff like that,
19 that's where my concern comes in.
20 My concern comes in after a kid
21 that has been adjudicated, you
22 know, they're done. Whether they
23 were convicted, did their
24 probation, they're now 18 and they

1 haven't gotten any trouble, it's
2 supposed to be a fresh start for
3 them. That is what I'm getting at.

4 But there's a private
5 company holding on to our kids'
6 data for seven years. A lot of
7 things can happen. People get
8 hacked. Things happen, you know
9 what I'm saying. So that's where my
10 concern is. I'm a grandparent now,
11 you know what I mean. So thank
12 you.

13 MR. ANGELO: Sure.

14 COUNCILWOMAN LANDAU:
15 While the First Judicial District
16 is still here, I'd like to request,
17 formally request from the Joint
18 Committee a copy of the contract
19 between you and Track Group, the
20 contract or any MOU, any agreement
21 between the two parties. Thank
22 you.

23 Okay. Are there any
24 further questions for this panel?

1 (No response.)

2 COUNCILWOMAN LANDAU:

3 Hearing none, thank you all very
4 much for being here.

5 CHIEF DEFENDER HUDSON:

6 Thank you very much.

7 COUNCILWOMAN LANDAU:

8 Appreciate you. And, Mr. Byrd, can
9 you call the next panel, the last
10 panel.

11 THE CLERK: Panel 4,
12 Academic and Research Perspectives:
13 Kate Weisburd, University of
14 California, College of Law San
15 Francisco, our virtual panelist.

16 COUNCILWOMAN LANDAU:

17 Thank you so much for being here
18 and we're sorry for the delay.
19 It's been a fruitful discussion. I
20 hope you've been here for a lot of
21 it. And please state your name and
22 proceed with your testimony.

23 MS. WEISBURD: Thank you
24 so much and I really am honored to

1 speak with you all today. I have
2 listened from the very beginning
3 and have found this conversation
4 very enlightening and very
5 inspiring, especially I applaud the
6 young people for their testimony.
7 It was very inspiring and it took a
8 lot of courage on their part.

9 So I'm a Law professor
10 at the University of California San
11 Francisco. I research the use of
12 surveillance technology on young
13 people in juvenile court as well as
14 adults. And previous to joining
15 academia, I represented young
16 people in juvenile court so I have
17 direct experience working with and
18 now studying the use of electronic
19 monitoring in juvenile court.

20 So let me just briefly
21 describe, and I'll keep my comments
22 really short. I know that you are
23 at the end of your hearing so I'm
24 very cognizant of time. But let me

1 just offer some thoughts on what we
2 know and what we don't know about
3 the use of electronic monitoring in
4 juvenile court.

5 So what we know is that
6 monitoring, and we heard this
7 today, is not a harmless
8 alternative to incarceration. The
9 web of rules and requirements can
10 cause stigma, social isolation,
11 disrupt family relationships and
12 jeopardize really important
13 outcomes such as education and
14 employment. We also know that
15 electronic monitoring is a very,
16 very poor fit for young people.

17 It often sets up young
18 people to fail, especially young
19 people with disabilities and young
20 people experiencing housing and
21 family instability. It's virtually
22 impossible, as you heard today, for
23 any one of us to follow all of
24 these complex rules. And it's

1 especially hard for young people,
2 and especially hard for young
3 people with disabilities or young
4 people facing other challenges or
5 instability in their life.

6 The requirements, I hope
7 that you do also ask for a copy of
8 the rules that young people are
9 required to sign and abide by. I
10 think that seeing the rules
11 themselves will be for you -- the
12 Council to see the rules would be
13 very insightful, I think.

14 But these rules, you
15 know, charging your device for two
16 hours a day, being on house arrest
17 as well as the requirement to get
18 pre-approval to do anything outside
19 of the home, this means that young
20 people cycle in and out of custody
21 not for new criminal offenses but
22 for technical violations.

23 And I should say,
24 earlier you heard about the 30% and

1 that was a really illuminating
2 number. 30% of young people being
3 detained for GPS violations, but
4 don't lose sight of the fact that
5 they're also young people being
6 detained for probation violations
7 or for violations of pre-trial
8 release conditions.

9 So you have to remember,
10 of course, that GPS is part of a
11 larger ecosystem of surveillance.
12 And so, there are even more young
13 people going into custody for
14 technical violations that might
15 have been picked up by the GPS but
16 aren't necessarily categorized as
17 GPS violations.

18 We also know that
19 electronic monitoring was not
20 designed for young people. This is
21 a tool that was designed to use in
22 the adult system and it was simply
23 cut and pasted into juvenile court
24 with no regard to the unique needs

1 and challenges that young people
2 face or what we now know about
3 adolescent development. We know
4 that the rules associated with
5 monitoring, including being on
6 house arrest, makes it really hard
7 for young people to work, attend
8 family events or engage in other
9 pro-social activities.

10 This virtual solitary
11 confinement can lead to depression,
12 anxiety and social isolation. And
13 even when young people are
14 permitted to leave their home,
15 their monitors are often visible
16 and audio functions emanate buzzes,
17 beeps or verbal commands, as they
18 do in Philadelphia. These features
19 undermine the otherwise
20 confidential nature of juvenile
21 court and lead to feelings of
22 stigma, shame and anxiety.

23 Let me say a few words
24 about what we don't know about

1 electronic monitoring. First --
2 sorry, there's two more points
3 about what we do know. We also
4 know that this technology is not
5 terribly reliable. There are
6 reports of the technology not
7 working in big cities, in
8 elevators, in basements, causing
9 false alerts, as you heard from the
10 young person today. That is not an
11 isolated event.

12 I researched this issue
13 all over the country and false
14 alerts are a real thing and the
15 technology is far from perfect. It
16 is also really the implementation
17 of the rules is actually
18 complicated. Getting pre-approval
19 to do things like a job interview
20 is not easy. Often young people
21 have to coordinate between their
22 parents, the GPS probation officer
23 and their regular probation
24 officer, and that much coordination

1 is hard for anyone, especially
2 young people.

3 The last thing we know
4 is the use of the data, and I'm so
5 excited to hear the conversation
6 about the data because I think
7 these are really critical
8 questions. I will say that sharing
9 GPS with law enforcement is a
10 violation of the Fourth Amendment,
11 unless the police have a warrant.

12 And I heard the District
13 Attorney's Office saying that they
14 get a warrant. But what was not
15 said is that the police are
16 obtaining a warrant before they use
17 GPS data in crime scene correlation
18 investigations. And so, that is
19 something we know happens all the
20 time and is, I think, troubling.

21 What we don't know,
22 there is no reliable empirical
23 evidence that electronic monitoring
24 furthers the rehabilitative goals

1 of juvenile court as compared to
2 actual inperson support such as
3 counseling, job training, mentoring
4 or assistance with transportation
5 to court or other appointments.
6 There is no reliable empirical
7 evidence that the use of monitoring
8 correlates with lower incarceration
9 rates or other positive case
10 outcomes such as school attendance
11 or lower rates of re-arrest, and
12 there is no reliable evidence that
13 monitoring is only being used on
14 young people who'd otherwise remain
15 in custody.

16 And I think this is
17 really important to think about.
18 Who are the young people being
19 placed on these monitors. And in a
20 world without monitors, would every
21 single one of them be detained? I
22 think the answer is probably no in
23 most places.

24 So let me end with some

1 recommendations. I should say that
2 I did submit written testimony and
3 my recommendations are in that
4 written testimony. The state of
5 California recently passed a new
6 law limiting and regulating the use
7 of electronic monitoring in
8 juvenile court, and I linked the
9 text of that law. If you want to
10 see an example of what one
11 jurisdiction has done to address
12 electronic monitoring in juvenile
13 court, they are the only state so
14 far to have done that. But it is a
15 good model, I think so.

16 Some quick
17 recommendations: One, I think
18 monitoring needs to be limited to
19 young people who would genuinely
20 otherwise remain in custody.
21 Monitoring should not be used as a
22 default. The question about data
23 is really important. I would add
24 to the request for data, knowing if

1 young people are being put on a
2 monitor as a default when they are
3 released from custody and/or if
4 they are put on a monitor as a
5 response to a violation of
6 probation. Those are two data
7 points that I am assuming we don't
8 have yet but are really important.

9 The second
10 recommendation is that no young
11 person should be on a monitor for
12 months at a time. The California
13 law limits the presumption. The
14 presumption is 30 days max for a
15 young person to be on a monitor.
16 Third, effective programming should
17 always be prioritized over
18 monitoring. Monitoring is simply
19 not a substitute for programming.

20 Fourth, monitoring rules
21 should be individually tailored and
22 especially accommodate young people
23 with disabilities. To not
24 accommodate young people with

1 disabilities is actually a
2 violation of the Americans with
3 Disabilities Act.

4 Five, pro-social and
5 pro-family. Pro-social and
6 pro-family activities should be
7 pre-approved and should not require
8 young people or their families to
9 get permission every single time
10 they want to go to a job interview
11 or go to a family reunion.

12 Six, we need to
13 eliminate reincarceration for
14 certain technical violations like
15 failing to charge their device.
16 Seven, police must obtain a warrant
17 before accessing GPS data as part
18 of crime investigation. Eight, I
19 think we need to scrutinize the
20 monitoring devices themselves to
21 ensure that they are reliable and
22 not malfunctioning. And nine, we
23 need to collect better, better
24 data. And I won't repeat what's

1 been said. Just to echo that, I
2 think that's really important,
3 really important.

4 The 10th recommendation
5 is to ban the audio features. Many
6 states don't have audio features.
7 These audio features really do
8 jeopardize the confidential nature
9 of juvenile court and are pretty
10 problematic, especially if they
11 have a microphone that can listen
12 to what young people are saying.

13 And finally, I was so
14 happy to hear about the idea of
15 convening a working group,
16 including young people, to talk
17 about what exactly the purpose of
18 electronic monitoring should be in
19 juvenile court. So thank you so
20 much for listening to my testimony
21 and I'm happy to answer questions
22 and also happy and very much
23 understand if you want to be done
24 with the hearing as well.

1 COUNCILWOMAN LANDAU:

2 Thank you very much. That was
3 incredibly helpful. I do have one
4 question. So this is Councilmember
5 Rue Landau. I'm the Chair of our
6 Tech Committee and just want to get
7 an understanding if you know any
8 details about some of these
9 companies that are holding this
10 data? Are there many companies
11 doing the GPS monitoring around the
12 country? We're using Track Group.
13 Is that the only one people use?

14 And also, a little bit
15 more, if you know anything about
16 the audio piece because we have
17 heard people concerned that folks,
18 probation officers are listening to
19 their conversations without them
20 knowing it?

21 MS. WEISBURD: Great
22 question. So there are a lot of
23 companies in the market that sell
24 electronic monitoring devices. So

1 Track Group is definitely not the
2 only one. There are some big
3 conglomerate companies that sell
4 these devices. Because of the
5 recent change in administration,
6 we're seeing the use of electronic
7 monitoring go up pretty
8 substantially, especially in the
9 immigration context. So these
10 companies are doing quite well and
11 are selling a lot of devices right
12 now.

13 With respect to the
14 audio features, many states
15 don't -- there are devices that
16 don't have those audio features.
17 So here in California, for example,
18 where I practiced in juvenile court
19 there were lights and beeps, which,
20 you know, present their own set of
21 problems. But there was no audio
22 feature in the sense that there was
23 no microphone so that a probation
24 officer couldn't talk to a young

1 person through the microphone nor
2 could they listen. So at the very
3 least, I think that ideally the
4 city should consider using devices
5 that don't have microphones.

6 COUNCILWOMAN LANDAU:
7 Just to follow up on the data
8 itself, for the companies that are
9 holding the data, what's your
10 understanding of laws protecting
11 the data and also what companies
12 are doing with it?

13 MS. WEISBURD: Thank
14 you. Sorry, I meant to answer
15 that. So we don't know a lot
16 because these companies are not
17 covered by public records. So I've
18 done extensive public record
19 requests and looked at the
20 contracts between private companies
21 and municipalities all over the
22 country, and often times the
23 contracts are silent as to what
24 happens to the data. And so, it's

1 really impossible to know what's
2 happening to the data within the
3 private company itself.

4 Presumably, they're not
5 handing that data over to any type
6 of law enforcement without a
7 warrant. But literally, we have no
8 idea other than what the companies
9 decide to tell us. We have no way
10 of verifying that. However, the
11 agencies and government
12 municipalities, you know, courts
13 have this data too.

14 And so, I think that is
15 an area where we could have more
16 control. Because, for example,
17 there could be clear rules and/or
18 litigation that the data that at
19 least probation has can't be shared
20 with law enforcement absent a
21 warrant. But we don't know much
22 about what is happening with the
23 data that is held by the private
24 companies beyond what they're

1 willing to share with us.

2 COUNCILWOMAN LANDAU:

3 You know, it's interesting.

4 Philadelphia, along with many other
5 municipalities, now have body-worn
6 cameras in their police department,
7 but we hold our own data. And it
8 is very interesting to me that we
9 in Philadelphia are using an
10 outside company to hold our data
11 for our young people, many of whom
12 might be innocent.

13 Are there any
14 jurisdictions that have purchased
15 their own GPS monitoring systems
16 and are holding their own data?

17 MS. WEISBURD: No. I
18 mean, the problems that were
19 described today are problems
20 throughout the country, so this is
21 not a uniquely Philadelphia problem
22 in terms of the private companies
23 holding the data and not knowing
24 what is happening to that data.

1 COUNCILWOMAN LANDAU:

2 Thank you so much.

3 Any colleagues have any
4 other questions?

5 (No response.)

6 COUNCILWOMAN LANDAU:

7 Thank you so much for being here.

8 It was really helpful and your
9 testimony was fantastic. We all
10 read it and/or will read it.

11 MS. WEISBURD: Thank you
12 so much for having me. Take good
13 care.

14 COUNCILWOMAN LANDAU:

15 Okay. Thank you, everybody.

16 Mr. Byrd, is there
17 anybody here for public comment?

18 THE CLERK: There is no
19 one else signed up for public
20 comment on this resolution.

21 COUNCILWOMAN LANDAU:

22 Okay. So this concludes the panel
23 testimony for this resolution.

24 There's no individuals registered

1 for public comment.

2 So there being no
3 further questions from members of
4 the Committee and no other
5 witnesses to testify, is there
6 anyone else present in the hearing
7 we have failed to call and that
8 wishes to offer testimony on the
9 resolutions being considered today?

10 (No response.)

11 COUNCILWOMAN LANDAU:

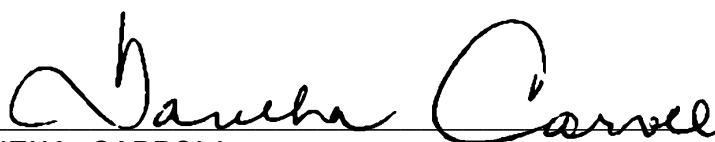
12 Hearing none, I want to thank all
13 the panels and witnesses for their
14 participation today. We value your
15 opinions. This concludes the public
16 hearing on the committee. We will
17 now recess this hearing until the
18 call of the Chair. Thank you all
19 very much for your attendance.

20 (Joint Committees on
21 Children & Youth and Technology and
22 Information Services concluded at
23 1:35 p.m.)

24

C E R T I F I C A T I O N

I, hereby certify that the proceedings
and evidence noted are contained fully and
accurately in the stenographic notes taken by
me in the foregoing matter, and that this is a
correct transcript of the same.

A handwritten signature in black ink, reading "Taneha Carroll". The signature is fluid and cursive, with the first name "Taneha" and the last name "Carroll" clearly distinguishable.

TANEHA CARROLL
Court Reporter - Notary Public

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