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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING
COMMITTEE OF THE WHOLE

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Room 401, City Hall
Philadelphia, Pennsylvania
Wednesday, February 24, 1999
9:45 a.m.

- - -

BILL NO. 990023

- - -

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK DI CICCIO
COUNCILMAN JAMES KENNEY
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILMAN W. THATCHER LONGSTRETH
COUNCILMAN RICHARD T. MARIANO
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO

- - -

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2 COUNCIL PRESIDENT Verna: May I ask that
3 the Council Members who are in their offices please
4 come to the chambers. We're ready to start our
5 public hearings.

6 Good morning. This is the continued
7 public hearing of the Committee of the Whole
8 regarding Bill No. 990023.

9 The First District of Pennsylvania will
10 be the first to testify today.

11 Identify yourself for the record.

12 JUDGE ALEX BONAVIDACOLA: Good morning,
13 President Verna. I'm Judge Alex BonavitaCola,
14 President Judge of the Court of Common Pleas and
15 Chairman of the Administrative Governing Board of
16 the First Judicial District. With me today are
17 Joseph DiPrimio, our Court Administrator; and Kevin
18 Cross, our Senior Staff Advisor who takes care of
19 most of our fiscal matters.

20 We are prepared to support the
21 submission that we had sent to you and the other
22 Members of the Council in lieu of not receiving our
23 budget from the executive branch of government.

24 MR. JOSEPH DI PRIMIO: Good morning,
25 Madam President.

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2 COUNCIL PRESIDENT Verna: Good morning.

3 MR. DI PRIMIO: My name is Joseph
4 DiPrimio. I'm the Court Administrator of the First
5 Judicial District. In preparation for the budget
6 for the courts for FY 2000, we noted that the City
7 Administration did not include funding for the
8 Philadelphia Courts. That has resulted in the need
9 to present our funding request directly to Council.

10 I believe that the whole issue that
11 underlies the City's position is couched in the
12 Supreme Court case of Allegheny County II, which was
13 the order that was issued in 1987. It has been a
14 little over 10 years that the Commonwealth of
15 Pennsylvania has not implemented a plan, I should
16 say, to bring into effect the funding structure for
17 all courts throughout the Commonwealth. The Supreme
18 Court mandated that the Commonwealth should be
19 responsible for the funding of a unified
20 Pennsylvania court system, of which obviously
21 Philadelphia is the first and the largest.

22 Last year, as a result of not being
23 included in the City's FY '99 budget, the First
24 Judicial District filed an action of mandamus for
25 that particular year. The City presented and

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2 Council approved a mid-year transfer ordinance
3 sometime in June to cover the first six months of
4 our funning, and then in late December, early
5 January, was able to convince Council to fund the
6 courts the second half of FY '99.

7 We're back today because, once again,
8 the State Legislature has not implemented
9 legislation which would allow the expenditure of any
10 Commonwealth funds to pay for court operations.
11 Despite the fact that Judge Collins recommended to
12 the Supreme Court as a result of the mandamus action
13 that by the beginning of FY '99, the State
14 Legislature should be funding the courts. So once
15 again, we're here to support the budget submittal
16 that we present to Council on behalf of our courts.

17 JUDGE BONAVIDACOLA: President Verna,
18 the written testimony that we prepared according to
19 Council's request sets forth all this information
20 concerning the mandamus action, the lack of funding,
21 and the impasse that apparently is now in effect
22 between the legislature and the executive branch of
23 state government. We're hoping that there will be
24 some break in that impasse. But nonetheless, in the
25 meantime, we continue to look to the County and City

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2 of Philadelphia for our funding.

3 There are no dramatic changes in our
4 funding. As a matter of fact, we have been quite
5 successful in containing our costs despite the
6 increase in business activity which we anticipate as
7 a result of the boom in Philadelphia arrests. And
8 of course, as Council is aware or will be shortly
9 aware, the District Attorney's Office is requesting
10 an increase in staffing.; the Defender's Association
11 has already increased its staff. And even with that
12 anticipation, we are holding our own. For example,
13 we have kept below our authorized personnel
14 significantly since this entire thing started and
15 have not exceeded authorized position levels.

16 MR. DI PRIMIO: In fact, we're 101
17 positions below our authorized level. This
18 reduction or attrition of staff was largely achieved
19 through redeployment and efficiencies in operations,
20 but also in the cooperative effort or commitment
21 that the courts gave to the city to essentially
22 control what heretofore had been viewed as run-away
23 hiring.

24 JUDGE BONAVIDACOLA: I should say that
25 our expenditures for technology are beginning to be

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2 felt in that we find that we can keep below our
3 authorized strength because of efficiency of
4 computerization and things of that nature.

5 COUNCIL PRESIDENT VERNA: Your Honor, in
6 your testimony, I believe it's on page 2, it's
7 stated that on July 30, 1997, the master files and
8 interim report with the Supreme Court, the interim
9 report recommended that the transition to state
10 funding be accomplished in phases with the first
11 phase direct state funding of the salaries of trial
12 court administrators and their deputies to be
13 accomplished by July 1, 1998.

14 Was that ever done?

15 JUDGE BONAVIDACOLA: The money was added
16 into the budget message that the governor gave the
17 legislature. That budget was passed intact with
18 that funding in it. But the legislature adjourned
19 without adopting enabling legislation to allow them
20 to spend that money. In Philadelphia's case they
21 announced \$873,665 which we continue to have to pay
22 because the state ---

23 COUNCIL PRESIDENT VERNA: I'm sorry,
24 what was that figure again, your Honor?

25 JUDGE BONAVIDACOLA: \$873,665. And we

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2 continue to have to provide for that because the
3 state legislature has not enacted the enabling
4 legislation yet.

5 COUNCIL PRESIDENT VERNA: Your Honor,
6 for sometime it's been quite disturbing to many of
7 us that the police overtime, court overtime, is
8 astronomical. Are you working with the district
9 attorney and the police commissioner to somehow or
10 other address that problem?

11 JUDGE BONAVIDACOLA: Yes. What we have
12 done is to remove preliminary hearings from the
13 Criminal Justice Center back to the districts at the
14 request of both Mayor Rendell and Police
15 Commissioner Timoney because they wanted the police
16 officers to be in the districts available for duty
17 while they're awaiting testimony in preliminary
18 hearings to obviate the overtime necessitated by
19 bringing them all back into Center City, waiting
20 around here, not being available for other emergency
21 uses, and then when they're finished going back to
22 the districts. A lot of that was overtime. And it
23 was anticipated that they could save upwards in the
24 twenties of millions of dollars if we did that.

25 COUNCIL PRESIDENT VERNA: How long has

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2 that been in effect?

3 JUDGE BONAVIDACOLA: Approximately six
4 months or so. Plus the inconvenience to witnesses
5 who don't like to leave their neighborhoods to come
6 into Center City to testify and then go back home.
7 So we have done that. I'm hoping that the savings
8 will be felt in the city budget.

9 MR. DI PRIMIO: Madam President, if I
10 may add to that, as a result of redeploying the
11 court's resources out into five or six divisional
12 courts so that the police department could reduce
13 their overtime, the First Judicial District has
14 experienced an increase in its operational cost.
15 Specifically, municipal court has submitted
16 additional positions for budget support in the form
17 of three additional court officers, two court
18 reporters, two clerical staff, and one court
19 interpreter. The total impact of additional monies
20 that we are seeking for Class 100 to be able to
21 support these enterprize would be \$238,840.

22 So while the police have incurred a
23 savings on the overtime, the court has not. And
24 we're trying to -- we're reaching out to Council to
25 assist us with that shortage.

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2 COUNCIL PRESIDENT VERNA: Thank you.

3 Are there any questions from Members of
4 the Committee? Anybody have any comments?

5 Thank you very much, your Honor.

6 JUDGE BONAVIDACOLA: Thank you.

7 COUNCIL PRESIDENT VERNA: The Sheriff's
8 Department is next.

9 Good morning. Please identify yourself
10 for the record and proceed with your testimony.

11 MR. JOHN GREEN: I'm John Green, Sheriff
12 of the City and County of Philadelphia.

13 Madam President, before starting
14 testimony on behalf of the Sheriff's Office, I'd
15 like to congratulate you on your assuming your new
16 position, and we wish you well.

17 COUNCIL PRESIDENT VERNA: Thank you.
18 Thank you very much.

19 MR. GREEN: Madam President, the
20 Sheriff's Office has agreed or does agree with the
21 City's recommended fiscal year 2000 budget
22 allocation of \$11,069,094.

23 In our written testimony we submitted to
24 Council, we stated the only uncertainty that we
25 might have during the fiscal year be will addressing

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2 the YK2 problem, and we are working -- we have put
3 together a team of people in the Sheriff's Office to
4 assess our needs and to make recommendations for
5 whatever changes and repairs we must make before the
6 new millennium.

7 COUNCIL PRESIDENT VERNA: Thank you.
8 Are there any questions from Members of the
9 Committee?

10 You're home free.

11 MR. GREEN: Thank you very much.

12 COUNCIL PRESIDENT VERNA: Is the Clerk
13 of Quarter Sessions here?

14 I'd like it to be noted that this is the
15 first time we're waiting for people to come in
16 rather than people waiting for us.

17 MS. MILLER: Good morning. I apologize
18 if I'm late.

19 COUNCIL PRESIDENT VERNA: We were early.

20 MS. MILLER: My name is Vivian Miller,
21 Clerk of Quarter Session, and you have copy of my
22 testimony. If it is important that you think I must
23 read it, then I will do so.

24 COUNCIL PRESIDENT VERNA: No, but if you
25 can just abbreviate your testimony for the record,

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2 it will be fine. We'll make certain that the
3 stenographer has a copy of your full testimony.

4 MS. MILLER: It's my privilege, of
5 course, to address this most distinguished body and
6 Council. And of course, my fiscal budget for the
7 amount \$4,197,271 is my budget for the fiscal year
8 2000. And of course, this is for personnel,
9 purchase of services, materials, supplies and
10 equipment. And I'm grateful to this administration
11 for allowing moderate increases to meet some of the
12 budget needs of our department. Of course, this is
13 not enough, but we're grateful for whatever we can
14 get. And I thank you and hope that you will
15 consider my budget.

16 COUNCIL PRESIDENT VERNA: Thank you.
17 And it's the same as it was the a last year, Ms.
18 Miller?

19 MS. MILLER: A slight increase, very
20 slight.

21 COUNCIL PRESIDENT VERNA: Very well.

22 Are there any questions from Members of
23 the Committee?

24 The Chair recognizes Councilwoman
25 Miller.

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2 MS. MILLER: By the way, the increase is
3 15,000 in Class 200 in my budget analysis.

4 COUNCIL PRESIDENT VERNA: Councilwoman
5 Miller.

6 COUNCILWOMAN MILLER: I just want to
7 state that I believe as a Council we should support
8 the Clerk of Quarter Sessions' need to upgrade their
9 computer capabilities. As it states on the first
10 page of her testimony that they are performing too
11 many manual functions. And earlier we were talking
12 about overtime. And overtime is required certainly
13 if you have to do it by hand versus a computerized
14 system. And that's the statement I want to make.

15 MS. MILLER: That is so correct. Thank
16 you, Councilwoman Miller.

17 COUNCIL PRESIDENT VERNA: The Chair
18 recognizes Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you, Madam
20 Chair. I'm sure the Clerk of Quarter Sessions and
21 her staff are aware of the existence of the
22 Productivity Fund Bank that may enable you to -- you
23 could certainly submit a proposal to the Fund to
24 request additional funds for the upgrade of computer
25 systems, especially if it's tied to efficiency and

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2 reduction in overtime. And my experience is with a
3 few other departments that I've dealt with, the
4 police department and some others, that they are
5 generally willing to agree to those requests if it's
6 tied directly to a reduction in overtime and
7 efficiency. So just a suggestion that that may be
8 the way to go to do something quickly as opposed to
9 waiting for next year's capital budget.

10 MS. MILLER: Thank you very much,
11 Councilman Kenney.

12 COUNCIL PRESIDENT Verna: Any other
13 questions or comments from Members of the Committee?

14 Thank you very much.

15 MS. MILLER: Thank you very much.

16 COUNCIL PRESIDENT Verna: We're now
17 waiting for the Register of Bills to testify.

18 Good morning.

19 MR. RONALD DONATUCCI: Good morning,
20 Madam President.

21 COUNCIL PRESIDENT Verna: Please
22 identify yourself for the record and proceed with
23 your testimony. We do have copies of your
24 testimony, so if you'd like to abbreviate your
25 comments.

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2 MR. DONATUCCI: Thank you, Madam
3 President and Members of the City Council. My
4 testimony -- my letter basically states our efforts
5 and our success in helping, in my opinion, to bring
6 fiscal stability and responsibility to the City of
7 Philadelphia.

8 We are very aggressive, Madam President,
9 in our day-to-day running of the office in the sense
10 of we were, not to use a term that's used every day,
11 a user-friendly office. But I believe anybody's
12 that's ever dealt with our office, the public, the
13 Bar, is very aware of our commitment to a
14 friendly-type service.

15 All of my employees answer the phone by
16 mentioning their first name. We try to make
17 everybody comfortable when they come into our
18 office; we go out of our way. But at the same time,
19 we are also looking at ways of generating additional
20 fees and becoming more creative.

21 I've highlighted some of our areas
22 where -- and I want to thank you personally, Madam
23 President, because we had asked for another
24 computer, and I know your staff is trying to get us
25 a computer from the City Council because we've shown

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2 where just one computer alone and our additional
3 fees has generated over a hundred thousand dollars
4 additional revenue just in one year. We could use
5 additional computers, but we understand the
6 situation which is going on in the city.

7 We're the only office in the five
8 counties that has a Register of Wills Office open on
9 Wednesday evenings -- I'm sorry, it's our Marriage
10 License Bureau. And we had the lowest fees in the
11 five counties. We raised our marriage license fees
12 which will bring approximately \$900,000 in revenue
13 to the City of Philadelphia, and we brought them in
14 line with the other counties. Plus, like I said,
15 we're providing this service where a lot of the
16 other counties come into Philadelphia on Wednesday
17 night to get a marriage license and they wind up
18 utilizing our restaurants and we encourage them to
19 use our -- to visit Philadelphia on Wednesday night.
20 That's why we opened on Wednesday. We used to be
21 open Saturday.

22 COUNCIL PRESIDENT VERNA: That's a very
23 good thought.

24 MR. DONATUCCI: Well, it's my training
25 from Congressman Bill Barret and the late Councilman

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2 Bill Sabati.

3 COUNCIL PRESIDENT VERNA: Now, with that
4 comment, what is it that you really need?

5 (Laughter.)

6 MR. DONATUCCI: I'd like to increase my
7 Class 200. No additional employees, just somewhere
8 down the line if we could get us some additional
9 computers. We're trying to computerize our probate
10 section to bring it on line where we could charge a
11 fee for lawyers to access into our computer bank to
12 see if the stakes have been raised. We're in the
13 process of getting that done, so maybe somewhere
14 down the line if we could get some of that
15 productivity money.

16 COUNCIL PRESIDENT VERNA: Did you apply
17 for it?

18 MR. DONATUCCI: We're in the process of
19 now getting the application ready. We're trying to
20 stay within the city's guideline for our budget,
21 which we have been very successful over a number of
22 years. But when we're ready, if we need some help,
23 I will maybe ask your help because we will show how
24 just a few extra computers have brought in maybe
25 \$250,000 in additional revenue to the city.

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2 The bottom line, we are a
3 self-sustaining operation. We have two offices
4 outside of City Hall. We're in the northeast in
5 North Philadelphia. We have a traveling probate
6 service. We have a speakers bureau, and it's a
7 service-oriented office, not an expense or a drain
8 to our economy of the city.

9 COUNCIL PRESIDENT VERNA: I would
10 suggest that you make your application for the
11 Productivity Bank as soon as possible.

12 MR. DONATUCCI: Thank you.

13 COUNCIL PRESIDENT VERNA: The Chair
14 recognizes Councilman Kenney.

15 COUNCILMAN KENNEY: Thank you, Madam
16 Chair.

17 I don't have a question, but I have a
18 comment, and I think it needs to be said because
19 this office often becomes the brunt of criticism
20 from various sectors of the media about -- not what
21 services that you do or critical of the services you
22 perform, but of other extraneous issues.

23 I have not experienced a department in
24 this city that gets more compliments through my
25 office about the way they were served when they are

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2 sent down from the third floor to the first floor.

3 I look at your letter here, and all I see is
4 increases, increases in revenue in every department,
5 in every service that you provide.

6 Considering the fact that you deal with
7 people most times in the most difficult time in
8 their lives, losing a parent, losing a loved one,
9 they are treated sensitively, they are treated
10 effectively and efficiently. And maybe this large
11 government needs to take some kind of example as
12 that personal service to citizens still matters.
13 You know, we have a lot of departments that are very
14 large and deal with lots of problems in a very
15 impersonal manner. These people who work there
16 every day very hard deal with people directly and
17 sensitively, and it's a good image for the city and
18 it makes people happy that they came to City Hall.

19 So I want to thank you and your people
20 because you do a great job every year, and you don't
21 get the credit that you deserve for it.

22 MR. DONATUCCI: Thank you, Councilman.

23 If I could just expand on that, it's not only the
24 citizens of Philadelphia that come into our office;
25 we have people from across the United States and the

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2 world that come in to visit and research for
3 genealogist purposes. We have records that go back
4 to 1682.

5 I get a kick, if I can make a side note,
6 that they always write to the Mayor and say, "You
7 have an excellent department in the Register of
8 Wills." And I have to write back and say we're
9 independent of the Mayor's office. And he gets a
10 kick out of it because, as you said, the extraneous
11 thing you mentioned is that my office vis-a-vis a
12 patronage office. But I'll put it up against any
13 city department.

14 COUNCILMAN KENNEY: The one thing about
15 the issue of patronage, if your people don't
16 perform, they get the boot. If civil servants don't
17 perform, it could take 10 years before they get the
18 boot, if ever.

19 I think this is the model of what
20 effective patronage and public service office should
21 be, and I think that other departments in the
22 government should take some example from it.

23 MR. DONATUCCI: That's why we require
24 our employees to identify themselves when they
25 answer a phone. Every so often -- we're human

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2 beings in the office; once in a while one of my
3 employees will have a bad day. But if there's a
4 pattern, immediately I bring them in and say, "What
5 is the problem. You're dealing with bereaved
6 people. Please, go out of your way." And we're
7 famous for that.

8 People come in and they don't have a
9 death certificate. We don't send them home. We
10 processes the papers. We hold the application.
11 We'll mail them a self-addressed envelope, please
12 mail it back. We save them another trip in to City
13 Hall.

14 We receive a number of letters, we have
15 file, and I'm proud of that and I'll continue to do
16 that.

17 COUNCILMAN KENNEY: You should be,
18 because it works.

19 COUNCIL PRESIDENT VERNA: And I would
20 like to echo Councilman Kenney's remarks. And I
21 think what's even more refreshing, when you call
22 your office, it's not voice mail; you get a human
23 being who answers the phone immediately, is always
24 very courteous and tries to be extremely helpful.

25 I never get more frustrated then calling

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2 some of the offices and you're on eight minutes
3 before you're even able to say who's calling with
4 this voice mail.

5 MR. DONATUCCI: Well, we had it one
6 week, Councilwoman. I tried, and it's a not what
7 we're about.

8 COUNCIL PRESIDENT VERNA: So did I, and
9 I got rid of it. It's not personal at all.

10 MR. DONATUCCI: It's a cop-out. When
11 you finally reach somebody they'll say, "Geez, my
12 voice mail wasn't working. I didn't get your
13 message."

14 We don't have that problem. You deal
15 with human beings.

16 COUNCIL PRESIDENT VERNA: It's very
17 refreshing, believe me.

18 MR. DONATUCCI: And it works. I mean,
19 there's no extra work. So someone has to put
20 someone on hold; at least you're talking to a human
21 being. I think it's very important.

22 COUNCIL PRESIDENT VERNA: Yes.

23 The Chair recognizes Councilman Cohen.

24 COUNCILMAN COHEN: I just wanted to join
25 in the remarks of Councilman Kenney and President

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Verna in complimenting the way in which your office performs public service. In addition to what they've said, when there's special needs that develop in a matter and you have to go really a extra mile to satisfy the constituent, I've always found that when I make such a request, it's always complied with. And.

I wanted to compliment you, and particularly the work of your office during the period when they were being treated so unfairly with respect to the increase and they continued to work diligently and performed excellently all during the time as they processed their problem. I think it just speaks so well for the whole structure of the office, the management and the employees there. I think it is a model office and I would like to see other offices throughout the city at the same level with respect to acting when people call upon them to act.

I've never had a complaint in all the years I've served. If there's ever mention of the Register of Wills Office, it's always been a complimentary one, and I congratulate you.

MR. DONNATUCCI: Thank you, Councilman.

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2 I'm glad you brought that up, because I'd like to
3 thank Madam President and all of the Members here.
4 I look around this room, you are the ones that are
5 responsible for getting the raises to every other
6 city employee. We were the last, and no pun
7 intended, the orphaned child. I think it was six
8 years before any of my employees received a raise.
9 No one -- seven, I'm sorry. They corrected me. It
10 was like six and a half. But none of our employees
11 walked off the job. Like you said, we tried to work
12 within the system.

13 We finally had City Council, Councilman
14 Cohen, everybody, Blackwell, Jim Kenney, DiCicco,
15 everybody in this room, Frannie Rizzo, everybody got
16 on the band wagon and put pressure to bring this to
17 a head. And I thank you because nobody should go
18 without a raise, except for elected officials, for
19 eight years. At least we can control our own
20 destiny. Here, working people, and they see all
21 their colleagues and every other branch getting
22 raises, and we're raising all kinds of money for the
23 city. Thank you.

24 COUNCIL PRESIDENT Verna: The Chair
25 recognizes Councilwoman Blackwell.

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2 COUNCILWOMAN BLACKWELL: Thank you,
3 Madam President.

4 I agree also with everything that has
5 been said and say thank you as well.

6 MR. DONATUCCI: You're welcome.

7 COUNCIL PRESIDENT VERNA: Any other
8 questions or comments of the Register of Wills?

9 Thank you very much.

10 MR. DONATUCCI: Thank you for your
11 kindness.

12 COUNCIL PRESIDENT VERNA: Thank you.

13 Public Defender's Office is next.

14 Good morning.

15 MS. ELLEN GREENLEE: Good morning.

16 COUNCIL PRESIDENT VERNA: Please
17 identify yourself for the record and proceed with
18 your testimony.

19 MS. GREENLEE: Yes, I will, but I must
20 comment, though, Madam President, it's a particular
21 pleasure to appear before you in your new role after
22 all the years you provided us leadership as Council
23 chair of the Appropriations Committee and also, I
24 might note, the first woman President of City
25 Council.

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2 COUNCIL PRESIDENT VERNA: Thank you.

3 Thank you very much.

4 MS. GREENLEE: I'm Ellen Greenlee, I'm
5 the director of the Defender Association of
6 Philadelphia. On my left is Charles Cunningham who
7 is the First Assistant Defender. On my right is
8 Selim Tawadros who is our controller. The other two
9 members of my staff here today are Christen Muhl who
10 is our assistant controller in a new position that
11 opened up as of November; and my executive assistant,
12 my good right, arm Linda Kazinski (ph) is also here.

13 It is a particular pleasure, as I
14 mentioned, to appear before you, President Verna and
15 Members of City Council, in requesting support for
16 the appropriation for the Defender Association of
17 Philadelphia. I appreciate all the time and
18 interest and energy that Council brings to this
19 particular project.

20 Just for the record, let me note that
21 it's now 30 years that the Defender Association has
22 been contracting with the City to provide services
23 in three main areas, to provide representation as
24 criminal defense counsel for adults and juveniles
25 who are charged with crimes, to represent those who

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2 are respondents in civil mental health hearings,
3 usually about 4,000 hearings a year, and to act as
4 child advocate for 7700 dependent children in the
5 Human Services system in Philadelphia, which is the
6 largest unit in the Defender Association, our Child
7 Advocacy Unit now which comprises attorneys, social
8 workers, paralegals and administrative staff number
9 67. So it is a unit that is our largest. It also
10 has case loads that are kind of astronomical in
11 terms of doing this kind of work that we struggle to
12 deal with on a teamwork basis.

13 As you're aware, because I know you've
14 heard from Police Commissioner Timoney, there has
15 been a quite substantial increase in arrests during
16 the past year, which we tally because we represent
17 everyone at arraignment at 25 percent over the year,
18 25 percent increase in arrests which has meant a
19 very huge increase in the numbers of cases that are
20 in the high volume courtrooms. By that, I mean our
21 preliminary hearing lists, our misdemeanor cases in
22 municipal court, and our cases in the felony waiver
23 program and also in the juvenile program.

24 What we're finding is that the lists are
25 growing to a level where it is almost becoming

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2 impossible to staff these courtrooms with one
3 attorney. And we're having to provide -- and we
4 have, as I will mention later, been in ongoing
5 discussions with the Budget Director as it's an
6 ongoing process with us in making staffing needs
7 known to them and providing the documentation.

8 It is becoming increasingly difficult to
9 manage the case loads especially with one attorney
10 so we're having to plug in what we call a splitter
11 to help with case lists. Thirty preliminary
12 hearings in a day is not an unusual list. When we
13 pass that mark, we have to send two. In good
14 conscience, I must say that we should probably send
15 two before we reach 30, but we try to keep our
16 staffing as lean as we can and obviously to keep the
17 cost down for the city to, not only provide
18 effective representation, but to provide the most
19 for the dollars that we get.

20 As I mentioned, there's been an increase
21 in our court appointments. There's been a very
22 large increase over the year, 16 percent. We had
23 been hovering at about 50,000 for several years,
24 even dropping below a few years ago. But our new
25 appointments during 1998 reached 62,000 plus, which

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2 is a 16 percent increase. Most of them, as I
3 mentioned, are because of the large increase in
4 arrests, and most of them fall at the lower end of
5 cases in terms of seriousness. Most of them are
6 misdemeanors, and obviously, the bulk of them are
7 drug cases because there has been an enormous
8 increase over the last year in the arrest of buyers,
9 not just sellers.

10 Multiple buyers being arrested when a
11 seller is arrested. This is a new practice that has
12 come in with Commissioner Timoney. So the volume
13 has grown tremendously in terms of case loads. And
14 increase in case loads not only means that you have
15 to have sufficient attorney staff, but it obviously
16 implicates the work of all the others, our
17 investigators, our social workers, and our
18 administrative staff.

19 We also use, as we mentioned in our
20 testimony, in addition to caseload numbers, we have
21 devised in the four years -- I think it's four years
22 we've been working with Dean Caplan and his very
23 competent and able staff. We have devised various
24 ways of reporting the work that we do. They keep
25 our feet to the fire in terms of reporting, and we

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2 have come up with in the last few years, especially
3 through the good offices of our executive assistant,
4 with a way of calculating our work load in terms of
5 the numbers of court listings where an attorney goes
6 to court with a file to represent a client. And
7 also the ancillary services that we perform, whether
8 it's an investigation that's done, it's a social
9 service referral that's acted on or other services.
10 Appeals, as well, would be included. In these
11 numbers, in our work load numbers, there has been a
12 14 percent increase. So as I mentioned, there's
13 been a 16 percent increase in case loads, court
14 appointments, and a 14 percent increase in our work
15 load. These have really strained our resources.

16 But as I mentioned, we have over the
17 last several years been in constant meetings and
18 communication with the Budget Director and they have
19 listened to us when we're able to present
20 documentation as to case lists and new courtrooms.
21 They have respond to our needs, and we had a gradual
22 increase in staff over the last several years so
23 that we are able with considerable effort to meet
24 the requirements of our case loads at this time.

25 I must add a simple caveat that,

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2 obviously, if these case lists continue to grow as
3 they have over the last year, we will assuredly be
4 not able to manage these. And as you are aware from
5 my written testimony, our appropriation request is
6 really a temporary figure. We're using the figure
7 from fiscal year 1999 because we have not finalized
8 our work with the Budget Office. In particular, the
9 pay equity plan that we had been working on for
10 sometime, which we have had a first draft on and
11 expect soon to complete.

12 I think you're all aware -- I look at
13 President Verna because she's heard this the eight
14 years that I've been sitting here. We have been
15 striving for equitable pay because one of the
16 reasons we're constantly hiring is that we are not
17 able to hold on to staff because our salaries, our
18 starting salaries particularly, have been stagnant
19 at the same level over these eight years.

20 COUNCIL PRESIDENT VERNA: What is the
21 starting salary?

22 MS. GREENLEE: The starting salary for
23 someone who passes the Bar is \$31,500, which is
24 probably \$3,000 below the District Attorney at this
25 point in time.

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2 So in terms of our appropriation
3 request, this has yet to be finalized what the cost
4 of this will be. And I should add that this pay
5 equity plan is not a one-shot deal, but it is a plan
6 that envisions four years where we will work towards
7 parity so I will certainly ask that Council look at
8 this very seriously and consider very seriously
9 because it's not just this year request for
10 appropriation, but it's a four-year plan that we
11 hope to put into effect.

12 As I mentioned about staffing, we're
13 holding our own at the moment. I don't expect that
14 that will continue unless -- I mean, if the cases
15 continue to increase at the level and at the rate
16 that they have over the last year. We will have to
17 probably provide more attorneys in the high volume
18 courtrooms.

19 I might mention that in addition to
20 adding attorney staff, based on our work with the
21 Budget Office, we added Assistant Controller
22 Christen Muhl, as I mentioned. We've also added a
23 manager of information services which we really had
24 a great need for, and just December we added a
25 programmer to that. So we're attempting to try to

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2 build up our technology. We're way behind the other
3 aspects of the criminal justice system, but we are
4 working to build that up.

5 Those are the main areas that I wanted
6 to cover and to ask that Council be responsive as
7 always and receptive to the City's request for pay
8 equity plan at such time as that is completed and to
9 listen to our final appropriation request as such
10 time that we complete our discussions with the
11 Budget Office.

12 COUNCIL PRESIDENT VERNA: Thank you very
13 much. Ms. Greenlee, as you meet with the finance
14 director I'm going to make a request.

15 MS. GREENLEE: Yes, ma'am.

16 COUNCIL PRESIDENT VERNA: And that is
17 that Mr. McPherson be made aware of when you're
18 meeting, and I would like him to be present so that
19 we will be fully aware of what your needs are and
20 how we can address them.

21 MS. GREENLEE: Thank you. There's no
22 one better able to do that than Mr. McPherson who
23 sat in that other Chair not too many years ago.

24 COUNCIL PRESIDENT VERNA: Exactly.

25 The Chair recognizes Councilman Nutter.

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2 COUNCILMAN NUTTER: Thank you, Madam
3 Chair.

4 Good morning, Ms. Greenlee. Do you have
5 any sense of the time table of this pay equity plan?
6 I heard your testimony that you're in ongoing
7 discussions with the Budget Office about this. I
8 seem to recall that a year or possibly two ago we've
9 had a fair amount of somewhat intense discussion
10 about this, and I know that some progress, at least
11 from a paperwork and study standpoint, has been
12 made. But do you have a sense of when discussions
13 may conclude and there might actually be some
14 agreement on this?

15 MS. GREENLEE: My expectation is that
16 probably within two months this will be finalized.
17 We had a draft a couple months ago and they're
18 re-working the numbers. I think probably at the
19 outside I would say two months.

20 COUNCILMAN NUTTER: So when it's
21 completed at that point in time in some way, shape,
22 or form, either by letter or report, you're saying.
23 And then the president has asked that one of our
24 financial people be involved in those discussions,
25 you would either come back to Council in a formal

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2 fashion or we would get some kind of report that
3 lays out what, in your words, is a four-year plan.
4 So you're not trying to get immediate parity; you're
5 anticipating that it's something that's built up
6 over some reasonable period of time?

7 MS. GREENLEE: That's correct. There
8 would be a good first step for fiscal year 2000, but
9 the entire plan will take four years.

10 COUNCILMAN NUTTER: When people leave
11 the Public Defender's Office, you said that your
12 starting salary, a person just coming out of law
13 school and passing the Bar was \$31,000?

14 MS. GREENLEE: Thirty-one five.

15 COUNCILMAN NUTTER: I don't want to make
16 it any lower than it already is.

17 MS. GREENLEE: No. It's certainly low
18 enough.

19 COUNCILMAN NUTTER: People stay for how
20 ever long they stay. Do you have a sense of what
21 the average tenure is for people in the Defender's
22 Office?

23 MS. GREENLEE: It's hard to say because
24 we have a significant number, probably 60 or 70
25 people who are senior trial attorneys who have been

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2 with us and are career Defenders.

3 In recent years, the young people are
4 staying for shorter periods of time. We ask for a
5 three-year commitment when we hire them. We have
6 probably 10 percent or more who are leaving before
7 they complete two years.

8 COUNCILMAN NUTTER: So what's happening
9 is your more senior people either really enjoy the
10 job or don't necessarily want to be back in the job
11 market at the certain stage of their life so they
12 just kind of stay, and hopefully we can increase
13 their salary.

14 The younger people, maybe not having as
15 many obligations, haven't been in as long, get their
16 training, provide their service and then at some
17 point decide, "I'm out of here."

18 MS. GREENLEE: Yes, and I think the
19 primary reason is that the pay is not adequate
20 because most of them have considerable loan debt to
21 repay.

22 COUNCILMAN NUTTER: The wonderful world
23 of loans.

24 When they leave, where are some of the
25 places that they're going and what are some of the

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2 salaries that people are leaving the PD's Office to
3 go for?

4 MS. GREENLEE: The first one that jumps
5 to my mind when you say that is a young woman who
6 left after two years, Marissa, who went with Dechert
7 who went from probably 33 to 75 to be an associate
8 at Dechert.

9 Most of our young attorneys do not go to
10 the big law firms; that would be kind of rare. They
11 hang out a shingle or they go to small or mid-size
12 firms. They're probably increasing their salary, I
13 would guess on average, 12 to 15,000 if they're
14 taking a position somewhere and not hanging out
15 their shingle.

16 COUNCILMAN NUTTER: So they're looking
17 at a third to, at times, a 50 percent increase in
18 their pay to go to the next location?

19 MS. GREENLEE: I think that's fair, yes.

20 COUNCILMAN NUTTER: All right, thank
21 you.

22 MS. GREENLEE: You're welcome.

23 COUNCIL PRESIDENT VERNA: Ms. Greenlee,
24 I just wanted to ask you one question before I
25 recognize the other colleagues. How many of the

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2 defenders in your office live in the city?

3 MS. GREENLEE: The last time we looked
4 at it last year, 70 percent of our staff live in the
5 city.

6 COUNCIL PRESIDENT VERNA: And they're
7 not really required to do so?

8 MS. GREENLEE: That's correct.

9 COUNCIL PRESIDENT VERNA: The Chair
10 recognizes Councilman Kenney.

11 COUNCILMAN KENNEY: That's the line of
12 questioning I was going on. Of the \$18 million or
13 so, \$8 million requested, all funded by the city,
14 entirely city funded contract?

15 MS. GREENLEE: Probably 99 percent.
16 More than that, 99.9 percent city funded.

17 COUNCILMAN KENNEY: When I recognize and
18 actually understand the parity argument vis-a-vis
19 the District Attorney's Office, I think it's very
20 important that we maintain that parity or try to
21 attain parity. We've had lots of discussion in here
22 about teachers, police officers, city employees,
23 recruitment outside the city, and there seems to be
24 a general -- whether it's an accurate or inaccurate
25 belief -- a general belief that people who live in

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2 the city and have a stake in the city somehow are
3 more either productive employees or have more of a
4 stake in what goes on in their job as it relates to
5 the neighborhood that they live in.

6 Of the 30 percent or so employees who do
7 not live in the city, at what level, what positions
8 do they hold? Do you know in general? For example,
9 I'm looking at here the higher paid jobs, 61 senior
10 trial attorneys at 75,000, 66 attorneys, Attorney I,
11 30 to 50; 56 social workers between 25 and 67; 8
12 paralegals between 22 and 45. Of those types of
13 jobs, what percentage of those people live in the
14 city, if you can find out?

15 MS. GREENLEE: Of professional jobs?

16 COUNCILMAN KENNEY: The professional
17 positions.

18 MS. GREENLEE: The last number we did
19 overall, as I mentioned, was 70 percent. When
20 Councilman DiCicco requested that, we looked at
21 attorney staff; it was 60 percent. We haven't
22 looked at it in a year. Off the top of my head,
23 those attorneys for the most part who live outside
24 the city have been with us a long time and moved
25 when they had families to counties. The bulk of the

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2 staff and the younger staff lives in the City of
3 Philadelphia, as do Mr. Cunningham and I, obviously
4 all our lives, live in Philadelphia.

5 COUNCILMAN KENNEY: Do you have an
6 opinion as to -- I wouldn't expect to ask a
7 long-term employee to relocate back to the city.
8 But moving forward, would it not seem fair in parity
9 argument that the District Attorney's people need to
10 live in Philadelphia, all the people in the
11 courtroom, all the courtroom staff, the judges, the
12 jurors, usually the defendants, live in Philadelphia
13 with the exception of maybe 40 percent of the trial
14 attorneys who are defending individuals who don't
15 live in the city and live in the suburbs and go home
16 to a suburban community every night. Wouldn't we be
17 better off moving forward if all of our employees in
18 that regard lived in the City of Philadelphia?

19 MS. GREENLEE: I certainly support
20 people living in the City of Philadelphia, and I
21 agree with you in terms of one's interest. I think
22 there is one trade-off that's missing, is that we
23 don't have a pension plan. And it would seem to me
24 if the City were interested in requiring people to
25 even prospectively to live in the city that that

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2 might be certainly something that might be offered
3 in that respect, that we be allowed to be part of
4 the city's pension plan.

5 COUNCILMAN KENNEY: That's certainly
6 something, I guess, that could be explored.

7 Council President, I want to yield for a
8 point of information.

9 COUNCIL PRESIDENT VERNA: The Chair
10 recognizes Councilman Nutter.

11 COUNCILMAN NUTTER: Thank you, Madam
12 Chair.

13 Thank you, Councilman Kenney.

14 The only point of information is, Ms.
15 Greenlee, are the people who work in the Public
16 Defender's Office, are they city employees?

17 MS. GREENLEE: No.

18 COUNCILMAN NUTTER: You have a contract
19 with the City of Philadelphia?

20 MS. GREENLEE: Yes, we contract with the
21 city.

22 COUNCILMAN NUTTER: I mean, I
23 understand the Councilman's argument, we don't have
24 any disagreement about the larger issue. I just
25 wanted to make sure the distinction is clear that

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2 you are not City of Philadelphia employees; you have
3 a contract with us.

4 MS. GREENLEE: That's correct.

5 COUNCILMAN NUTTER: Thanks.

6 Thank you, Councilman.

7 COUNCILMAN KENNEY: And I just want to
8 add, and I think it's already been said to this
9 distinction about them not being city employees,
10 when your contract is 100 percent funded by the
11 taxpayers of the city, technically you're not a city
12 employee, but in reality you are. And my only point
13 is again, not to anyone who's picked up their family
14 and moved to the suburb for better schools or
15 greener pastures, I don't want to hurt or attempt to
16 inflict any pain on anyone. My concern is as we
17 move forward with Welfare Reform coming, and I see a
18 lot of clerical and entry level types of jobs
19 available, which I assume a higher percentage are
20 city residents, but if we opened up the opportunity
21 for all of them to be city residents, I think it
22 would also help in trying to find jobs for
23 Philadelphians.

24 I also believe that from a senior staff
25 position, their job that they do quite well in a

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2 very dedicated way and absolutely needed I think
3 would be better understood and better appreciated if
4 in fact those people were actually sharing the pain
5 and the gain of living within our city and
6 contributing to our community institutions and
7 spending their grocery dollars at the grocery store
8 in Philadelphia and all the types of other things
9 that other city employees do, considering that this
10 is a hundred percent funded city contract.

11 MS. GREENLEE: Yes, I understand that
12 and am certainly willing to pursue that further with
13 our board. I would venture to say, though, probably
14 in all the hiring that we've done recently, 90 plus
15 percent of the people we hire live in the city.
16 It's really people more the long-term employees who
17 live outside.

18 COUNCILMAN KENNEY: And I'm not sure
19 what the revenue cost impact would be to discussions
20 over pension, but perhaps that would be something
21 that would keep some of your employees employed with
22 you longer, if in fact there was some additional
23 incentive as a trade-off having to live in the city,
24 being part of contributing to the pension system,
25 and perhaps having more of a commitment to the

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2 office because the pension is growing.

3 MS. GREENLEE: I think there's no
4 question that that's true. Those of us who are
5 close to that point where we're retiring are feeling
6 the pinch about that, not having any kind of
7 pension. Not that we don't have an annuity plan; we
8 do. But it's very different to be involved in the
9 pension plan.

10 COUNCILMAN KENNEY: Thank you.

11 Thank you, Madam Chair.

12 COUNCIL PRESIDENT Verna: Thank you.

13 The Chair recognizes Councilman Cohen.

14 COUNCILMAN COHEN: I am very much
15 interested in that pension aspect because we have
16 others who are not city employees who I believe are
17 part of the city pension plan. Has that ever be
18 investigated?

19 I think employees of the Redevelopment
20 Authority. I don't know whether they're in our
21 pension plan, but I know some are, Philadelphia
22 Housing Authority, there are groups other than city
23 employees who are part of our pension plan where
24 they, you know, basically do city work even though
25 they may exist under state corporate laws.

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2 I would just urge that you investigate
3 that. I know nothing about the annuity plan and
4 don't know to what extent that takes care of the
5 pension.

6 MS. GREENLEE: No, it doesn't seem to,
7 Councilman, it really doesn't.

8 COUNCILMAN COHEN: You say it does not
9 seem to?

10 MS. GREENLEE: No, the annuity plan
11 doesn't.

12 COUNCILMAN COHEN: Well, I think you
13 have a very strong case in equity, you know, in
14 concepts of fairness to pursue the pension plan. I
15 don't know how it would work with senior employees,
16 but they could come in at some point. We have
17 systems of purchasing credit for past service.
18 Sometimes it's pretty expensive because the pension
19 system requires each retiree coming in for the first
20 time, when he or she purchases, to go back and pay
21 interest and so forth. But I think that ought to be
22 a subject you ought to pursue.

23 MS. GREENLEE: We will.

24 COUNCILMAN COHEN: And I share the
25 feeling that's been expressed here. I think it is

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2 important that people, if at all possible, live in
3 the city.

4 MS. GREENLEE: I agree.

5 COUNCILMAN COHEN: And I think it gives
6 them a greater stake, and it makes it easier for us
7 dealing with budgetary problems to feel that
8 everybody is kind of sharing in every aspect of city
9 life.

10 I do want to commend your office in
11 general. You know, you work so quietly that
12 generally nobody even knows you're around and you do
13 this tremendously efficient job of representing
14 these thousands of defendants.

15 I don't know what we'd do, and I don't
16 think the court system could exist without the
17 Public Defender system. There wouldn't be enough
18 private attorneys and they couldn't even be paid if
19 we had to appoint. I'm sure the cost would be
20 double or triple, maybe even more than that of the
21 cost of the Public Defender.

22 I also wanted to thank you for the
23 special services you perform. I know our office
24 gets calls frequently concerning people who get
25 arrested, usually parents calling about children. I

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2 know in every case in which I've asked the Public
3 Defender's Office to look into the case, that there
4 was certain information we obtained from the
5 neighborhood or from the family that we thought
6 might be relevant. We asked you to convey that to
7 the attorneys and consider that in your
8 representation. I've found that the response was
9 excellent in every case, and I wanted to publicly
10 thank you on the record for that service.

11 MS. GREENLEE: Thank you, Councilman.

12 COUNCILMAN COHEN: I find it very
13 important because I think in many areas the Defender
14 Bar represents the highest form of excellence in
15 representation. You're in court all the time. Your
16 people are so thoroughly experienced. You know
17 every aspect of the law, and I think we're very
18 fortunate to be served by such an agency. I wanted
19 to thank you very much for that.

20 MS. GREENLEE: Thank you, Councilman. I
21 think part of the reason for that is that we have
22 always stressed our training program and training
23 our young attorneys as thoroughly as we can because
24 what we're asking them to do in terms of the high
25 volume of cases is kind of extraordinary. I think

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2 that that training really does show itself in the
3 courtroom because I would expect that our attorneys
4 are always the most knowledgeable of the case law in
5 the courtroom.

6 COUNCILMAN COHEN: One other question,
7 Madam President.

8 With regard to this larger caseload that
9 you have, you mentioned that the budget is open with
10 respect to the parity question?

11 MS. GREENLEE: Yes.

12 COUNCILMAN COHEN: Is the budget also
13 open with respect to what needs there might be as a
14 result of this increased caseload and maybe further
15 increases in the caseload?

16 MS. GREENLEE: Councilman, there's
17 nothing on the table at the present time about
18 increasing staff. We've increased staff over the
19 last two years as the needs have arose with
20 additional courtrooms.

21 Last year in the fall we added eight
22 attorneys because of the increased volume. So at
23 the present time, there isn't anything that's on the
24 table that the Budget Director is considering. What
25 I was suggesting is if this continues at this rate,

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2 then we probably will have to in the not-too-distant
3 future look to increases of staff. But at the
4 present time, we don't have any numbers. We haven't
5 had any discussions about an increase of staff.

6 COUNCILMAN COHEN: As a result of the
7 increased load of work that's come from the new
8 consideration given by the police commissioner on
9 the question of arrests and increase in arrests, has
10 there been any increase in your budget or have you
11 been able to absorb that? Just in this year's
12 budget.

13 MS. GREENLEE: In this year's budget, we
14 did get some additional staff. We got eight
15 attorneys specifically because of the increase in
16 high volume. We got an assistant controller and we
17 got the information systems people. And we have
18 through our parole project which is funded by the
19 City, we've added an attorney and other staff.

20 COUNCILMAN COHEN: That's in the current
21 budget in 1999?

22 MS. GREENLEE: That's correct. During
23 the year we've had some increases, yes.

24 COUNCILMAN COHEN: All right, thank you.
25 I know the matter is going to come up from reading

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2 the newspaper accounts when the District Attorney
3 appears. I'm just trying to get a feeling as to
4 what the City's attitude has been when the question
5 of how do we meet the additional burdens on both
6 sides, the Defender and the District Attorney's
7 Office.

8 MS. GREENLEE: Well, the plus side for
9 us has been that we are in ongoing discussion with
10 the Budget Office. We meet with them on a fairly
11 regular basis, and we report monthly on our case
12 loads and work loads, the number of children we have
13 in Child Advocacy, a number of areas. We meet
14 monthly on what our numbers are so that they can see
15 in a moment what the increases are, and when we talk
16 to them about the need for additional staff, if
17 there are additional courtrooms, they can see that;
18 if the numbers are growing, they can see that. So I
19 think that's -- the benefit for us has been that
20 it's a continuum; it's not a once-a-year thing that
21 we go to them and tell them that we need to increase
22 staff. And that has worked much better for us to
23 try to maintain a level of staff to cope with the
24 case loads.

25 COUNCILMAN COHEN: Would Mr. McPherson

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2 know whether there were any transfer ordinances
3 during the year to add the money? Was it done to
4 the budget of the Public Defender, or was it done in
5 some other fashion, the additional increases?

6 COUNCILMAN NUTTER: Why don't we have
7 the Budget Director come up and explain whether they
8 did a transfer or whether they just increased the
9 base of their budget.

10 COUNCILMAN COHEN: That would be very
11 helpful.

12 MR. DEAN CAPLAN: Dean Caplan, Budget
13 Director.

14 The budget for the various legal
15 services that the city contracts for has been
16 increased rather steadily over the last several
17 years in the base, and then what we do is within the
18 confines of that budget, we negotiate with the
19 Defender and other providers to establish the
20 appropriate level of funding for them based on
21 exactly what the Defender just pointed out, their
22 case loads and other requirements. So we haven't
23 actually had to come back to Council for an
24 increase. It's been --

25 COUNCILMAN COHEN: You say you have or

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2 you have not had to come back?

3 MR. CAPLAN: We have not had to come
4 back because we've increased it in base budget going
5 forward and then negotiated a contract with them
6 based on the budgeted amount.

7 COUNCILMAN COHEN: That's a different
8 procedure than would be applicable to the District
9 Attorney?

10 MR. CAPLAN: The fundamental difference
11 is the District Attorney is a city agency so they
12 get a direct appropriation which they then spend.

13 The Defender Association has a contract
14 with the city, so as the Defender's pointed out a
15 couple times, what happens is after the budget is
16 passed, we finalize a contract based on those
17 amounts. As she has stated, we've had a very
18 productive working relationship, I think, and have
19 been able to resolve most of the issues between us
20 as a result.

21 COUNCILMAN COHEN: What makes the
22 decision as to when a contracting agency like the
23 Public Defender comes before us in the budget
24 process that many other contract agencies that don't
25 come before us? Is that a decision made by the

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2 Mayor's office, by the Budget Office, by City
3 Council?

4 MR. CAPLAN: I believe it's the City
5 Council's choice to ask the Defender Association to
6 appear.

7 COUNCILMAN COHEN: Okay, thank you.

8 COUNCIL PRESIDENT VERNA: Thank you.

9 The Chair recognizes Councilmen DiCicco.

10 COUNCILMAN DI CICC0: Thank you, Madam
11 President.

12 Good morning, Ms. Greenlee. Most of the
13 questions I was about to ask you were already asked
14 by the President or my colleague Councilman Kenney.
15 But I want to go back to the residency issue one
16 more time. Last year when you were here, we had
17 some discussion about the residency issue, and I
18 think we had discussed when a individual comes in to
19 apply to a position, that all things being equal,
20 that city residents would be given first preference.
21 I think you probably have attained that goal because
22 you said about 90 percent of the employees are
23 Philadelphia residents.

24 What is the reason, in your opinion,
25 that we are still going outside for employment?

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2 Outside, meaning outside city residents to be
3 employed in the city in your department. Is it
4 because you're not getting the number of applicants
5 or is it based on qualification or a combination of
6 the two?

7 MS. GREENLEE: I think it's more
8 qualification than it is numbers. Certainly in
9 terms of our administrative staff, which is where we
10 have the most movement all the time in terms of
11 filling position, it's a matter of finding people
12 who are qualified who can type 55 words a minute or
13 have the skills because we test all applicants on
14 grammar, spelling, and all those things. And we
15 have a lot of people who don't pass the test. I
16 haven't drawn any conclusion from that as to where
17 they go to school or anything, because I don't
18 really know and I haven't really looked at it.

19 COUNCILMAN DI CICC0: Fifty-five words a
20 minute, is that on Word Perfect?

21 MS. GREENLEE: That's typing. When
22 we're looking for a clerk typist, that's what we
23 look for.

24 COUNCILMAN DI CICC0: I think the
25 requirement in the courts is 80 words a minute on

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2 Word Perfect, where it used to be 40 words a minute
3 on manual typewriter. That's why I asked the
4 question.

5 MS. GREENLEE: I don't know what it is.

6 COUNCILMAN DI CICC0: Is there any
7 interaction with your department and PIC, as an
8 example, to try and recruit people for the entry
9 level positions?

10 MS. GREENLEE: I don't think we have.

11 COUNCILMAN DI CICC0: I might suggest
12 that you might want to look into that.

13 The other thing Councilman Kenney
14 mentioned about the residency requirements and the
15 fact that you are a city-funded agency but you're
16 not city employees, could it not be a matter of
17 policy that future employees be Philadelphia
18 residents?

19 MS. GREENLEE: It could, and it's a
20 matter that would come before the board, the board
21 of directors.

22 COUNCILMAN DI CICC0: Who is on that
23 board? Could you supply the Chair with the list of
24 the people who are on that board?

25 MS. GREENLEE: Sure, absolutely. The

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2 chairman is Edward Madeira of Pepper Hamilton, and
3 it's a board of 30 people.

4 COUNCILMAN DI CICC0: Thank you.

5 I have no further questions, Madam
6 President.

7 COUNCIL PRESIDENT VERNA: Thank you.

8 The Chair recognizes Councilman Nutter.

9 COUNCILMAN NUTTER: In an unusual sign
10 of generosity, Madam Chair, actually, I believe
11 Councilwoman Miller's light was on before mine.
12 Mine has been off and on.

13 COUNCIL PRESIDENT VERNA: I don't
14 believe so. However, if you're willing to have
15 Councilwoman Miller to be recognized first, I'd be
16 more than happy to.

17 COUNCILMAN NUTTER: If the Chair so
18 rules, I'll take my turn as it comes.

19 Ms. Greenlee, in the same area -- and
20 I'll even volunteer my colleague because we enjoyed
21 so much recently working on some pension issues. In
22 your ongoing discussions with Budget Office, has
23 there been any serious discussion about creation of
24 a pension plan or accessing the city's pension plan
25 or a separate pension plan?

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2 MS. GREENLEE: There really hasn't. I'm
3 not in a situation where I can say that we have
4 raised it and there have been discussions. We
5 really have not asked for any serious discussion of
6 that issue.

7 COUNCILMAN NUTTER: Any information you
8 can share with us on the experience of other public
9 defender type agencies in other cities? Are they
10 usually under contract? Are they usually a part of
11 the municipal government in the other locales? How
12 did you come to be an outside agency in the first
13 place?

14 MS. GREENLEE: The majority of public
15 defenders are state employees. Most states have a
16 state defender system, and that's probably 60
17 percent of the country is run that way. I don't
18 think that there are too many that are run like
19 Pennsylvania where every county has its own system,
20 which is kind of unusual.

21 COUNCILMAN NUTTER: In the other
22 counties, is the Public Defender's Office a
23 contracted agency or are they part of that county
24 government?

25 MS. GREENLEE: I don't really know. I

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2 don't really know because I think in most counties
3 the public defender is appointed by the county
4 commissioners and hires staff. I don't know whether
5 they are county employees. It may vary because I
6 think they're probably independent as to how they
7 run it.

8 COUNCILMAN NUTTER: Well, any
9 information you could get us on the experience
10 either outside Pennsylvania in major urban cities
11 like ours or what goes on in maybe the counties
12 around us, to the extent that, I guess, if the goal
13 here is to create a closer relationship, deal with
14 issues of residency, issues of pension, and if you
15 are totally or virtually totally funded by the city
16 government and are almost like public employees and
17 if you want to be paid at least the same rate that
18 the public employees are being paid and the whole
19 parity issue and therefore you get residency as a
20 component of it, any information that you might be
21 able to gather on what goes on in other locales
22 would certainly be helpful.

23 As I was mentioning earlier, we've had
24 some recent experience with some pension issues.
25 Not that we're necessarily experts, but I think

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2 we've demonstrated some ability to try to come up
3 with something that works and is rational.

4 I recall last year's discussion about
5 this. I was left with the impression that while it
6 may not be a formal policy, you seem to have
7 somewhat of an informal policy by way of your
8 interviewing that you really do try to encourage,
9 not only the hiring of people who are already
10 residents, but if a person is not, you do try to
11 encourage them to move into the city.

12 MS. GREENLEE: We do, informally.

13 COUNCILMAN NUTTER: Informally, okay. I
14 appreciate that.

15 MS. GREENLEE: Probably the two largest
16 public defender municipal areas are New York and
17 Chicago. I'll get what information I can on that
18 and through the National Legal Aid and Defender
19 Association. I'll try to get more general
20 information about what's going on in the country.
21 I'm actually meeting -- going to be in a meeting
22 Thursday and Friday in Washington and I'll see a lot
23 of these folks to see what I can find out.

24 COUNCILMAN NUTTER: If there are other
25 East Coast, again, relatively large cities, whether

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2 it's Boston, Atlanta, anything that might be going
3 on in New Jersey and some of those jurisdictions,
4 any of that information would be helpful in this
5 larger effort to not only try to help you, but if
6 there is going to be give and take, if we're doing
7 certain things and then you're going to be required
8 to do other things, then we need, I think, to know
9 what's going on in the larger universe around us.

10 MS. GREENLEE: We'll get to information
11 on it.

12 COUNCILMAN NUTTER: Thank you very much.
13 I appreciate that.

14 MR. MC PHERSON: Councilwoman Miller.

15 COUNCILWOMAN MILLER: Thank you, Mr.
16 McPherson.

17 Good morning.

18 MS. GREENLEE: Good morning,
19 Councilwoman.

20 COUNCILWOMAN MILLER: I just want to
21 state that I do support Councilman DiCicco's
22 suggestion to work with PIC to find appropriate
23 referrals for employment through that agency.

24 I have a couple questions. The first
25 one is, what is the Center City Community Court?

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2 MS. GREENLEE: What is the Center City
3 Community Court?

4 COUNCILWOMAN MILLER: Yes.

5 MS. GREENLEE: Well, it doesn't exist
6 yet. It's in the talking stages. As I understand
7 it, it's to be a model on Manhattan's Community
8 Court where those crimes that are denominated as
9 quality of life crimes, blocking the highway,
10 prostitution, disorderly conduct, summary and
11 misdemeanor offenses would be dealt with through a
12 community court which would provide, in addition to
13 disposing of the criminal case, it would provide the
14 social services that are required and require
15 community service of that person and also provide
16 the person services needed in terms of housing,
17 addiction, employment, that it would kind attempt to
18 front-load the services that the chronic people on
19 the street, the chronically homeless and others,
20 require to try to get them out of that life-style
21 and into a more productive life-style. Discussions
22 have been going on for about year with the Center
23 City District and all the players, District
24 Attorney, Defender, and others to try to set it up.

25 COUNCILMAN DI CICC0: If you don't mind,

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1
2 I've been working on this project with members of
3 the District Attorney's Office, the Administration,
4 and Senator Fumo's office for some grant money. In
5 fact, today at 2:30 I'm having a meeting with Paul
6 Levy of Center City Special Services District and
7 others to talk about it. It's an ongoing process.
8 We have not yet come to any finalization. It's a
9 conceptual thing. To date, to the extent that we
10 have at least agreed on the concept, we have
11 community involvement, we have participation from
12 the District Attorney's Office and the courts, but
13 we have not yet been able to put this package
14 together. We're working on it.

15 At such time when the recommendations
16 will be coming out of this committee for
17 finalization and implementation, I will probably
18 have a briefing with Council or a meeting with the
19 Councilmembers who are interested in this pilot
20 community court program.

21 COUNCILWOMAN MILLER: Well, does Center
22 City denote that that's the only geographic area
23 that will be served by this court or would people
24 city-wide benefit?

25 COUNCILMAN DI CICC0: Initially, it

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2 would probably only be the Center City area because
3 that's primarily where some of the issues that Ms.
4 Greenlee spoke to, quality of life issues are more
5 prevalent in the Center City area.

6 Again, it would be a pilot. If it works
7 in Center City, our hope is that we can do this
8 throughout the city by councilmanic district or
9 whatever; I'm not sure of that. But we have to
10 start somewhere. There's a cost involved, and those
11 are the issues that we have been discussing for the
12 better part of a year now.

13 Again, I will bring everyone up to date
14 at some point when I think we're about ready to get
15 this thing up and running. Thank you.

16 COUNCILWOMAN MILLER: One other
17 question. Have you had discussions or any thoughts
18 regarding how Welfare Reform will impact your Child
19 Advocacy Unit? Do you believe there will be an
20 impact?

21 MS. GREENLEE: Well, the Child Advocacy
22 Unit has ongoing discussions and trainings about it.
23 But I don't have anything specific that I can tell
24 that I've been involved in.

25 COUNCILWOMAN MILLER: Maybe we can --

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2 give me somebody I can call. I'd like to call
3 somebody and talk about that.

4 MS. GREENLEE: To talk about the impact
5 of Welfare?

6 COUNCILWOMAN MILLER: Only child
7 advocacy issues because I have some specific
8 questions.

9 MS. GREENLEE: Michael Lewis is a
10 Director of Social Service. And the Legal Chief is
11 Bill Norvell, N-O-R-V-E-L-L. Either one would be
12 happy to talk to you about it. Michael's probably
13 more up on the Welfare aspects of it since he heads
14 a very large social service unit.

15 COUNCILWOMAN MILLER: Thank you.

16 I don't have any further questions,
17 Madam President.

18 COUNCIL PRESIDENT VERA: The Chair
19 recognizes Councilman Ortiz.

20 COUNCILMAN ORTIZ: Thank you, Madam
21 Chair.

22 You said you had an increased caseload?

23 MS. GREENLEE: Yes.

24 COUNCILMAN ORTIZ: Can you detail what
25 type of activity the increased caseload represents?

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2 MS. GREENLEE: Most of the increased
3 caseload is in the criminal area, Councilman.
4 There's been a 25 percent increase in arrests over
5 the last year, the majority of them in the area of
6 drugs, misdemeanor drug offenses. As I mentioned
7 earlier, the biggest increase has been in the
8 arrests of multiple buyers in various transactions,
9 as many as five or more, as many as five people who
10 are buying drugs being arrested.

11 In the old days, there was a seller and
12 a buyer. The seller was usually arrested. The
13 police didn't usually bother to arrest the buyer.
14 But now, all buyers and multiple buyers are being
15 arrested on transactions. So that's probably the
16 biggest increase in terms of cases.

17 COUNCILMAN ORTIZ: Can you tell me what
18 happens when you arrest the multiple buyers? You
19 arrest the buyer; I would imagine the buyer also
20 comes in as a misdemeanor drug offense. What does
21 that mean in terms of what it represents, what kind
22 of threat it represents to the person that is
23 arrested and so on? And what does the person face,
24 what type of penalty?

25 MS. GREENLEE: What type of penalty?

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2 Maybe I can defer to Mr. Cunningham, if you don't
3 mind. He's a little closer to the action than I am.

4 MR. CHARLES CUNNINGHAM: I think when
5 you're talking about the penalty that the person can
6 be facing, if it's a misdemeanor, depends on the
7 gradation of the misdemeanor.

8 COUNCILMAN ORTIZ: You've got to talk in
9 the mike.

10 MR. CUNNINGHAM: I'm sorry. Charles
11 Cunningham. I should identify myself. Charles
12 Cunningham, First Assistant Defender.

13 It's going to depend upon the particular
14 misdemeanor. It's going to depend upon the
15 gradation. It's going to depend upon the person's
16 background, whether or not the person has any prior
17 history. Therefore, if the person has a prior
18 history, he may in fact be looking at a jail time
19 even though it's a misdemeanor offense. On the
20 other hand, if it's his first offense, he may be
21 looking at probation and sometimes even a fine.
22 More than likely, he's going to be looking at
23 probation or she's going to be looking at probation.

24 COUNCILMAN ORTIZ: What's the usual time
25 an attorney spends on each one of these cases? And

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2 what's the usual time spent by the individual that
3 is arrested and incarcerated?

4 MR. CUNNINGHAM: I'm not quite sure I
5 understand your question. You asked how much time
6 the individual attorney spends on a particular case?

7 COUNCILMAN ORTIZ: I mean, it's an
8 increased caseload. I want to know what amount of
9 time is being dedicated by the individual attorney
10 because of the caseload and whether he's able to
11 attend to his cases in a timely manner. Or is this
12 causing for the asking of postponement of cases and
13 continuances down the line? Does this lead to a
14 creation of a backlog between the District
15 Attorney's Office and the Public Defender's Office
16 and the judicial system? Is this increase in
17 misdemeanor arrests leading to individuals, who
18 should be released almost on their own recognizance
19 immediately, spending more time in jail and thereby
20 taking up room that should be taken up by someone
21 that may be a more hardened criminal?

22 MR. CUNNINGHAM: Well, let me just say
23 this. You have an increase in arrests. There are a
24 number of people who are in custody now that would
25 not have been custody at an earlier time. And I'm

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2 talking about at a time when Judge Shapiro was
3 overseeing the prison system.

4 Part of the problem, I think, is
5 sometimes the commissioners who are at the
6 preliminary arraignment are not following some of
7 the guidelines that have been set and they are in
8 fact incarcerating people that might normally and
9 should be considered for release on their own
10 recognizance.

11 The number of arrests, obviously, is
12 going to increase the number of people that are
13 going to be held in custody, and the number of
14 arrests are going to increase the number of cases,
15 and the number of cases is going to, in fact, result
16 in a backlog of cases.

17 It also produces problems because one of
18 the biggest problems that we have is the fact that
19 before we can go to trial on matters, we have to get
20 the discovery from the District Attorney's Office.
21 They in turn have to get the discovery from the
22 police. And then there's a great deal of problem
23 getting the discovery, which in turn results in a
24 number of cases being continued because the
25 Commonwealth has not supplied discovery.

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2 COUNCILMAN ORTIZ: And you're doing this
3 with the same amount of attorneys and the same
4 budget as you had in previous years?

5 MR. CUNNINGHAM: We have had some
6 increase in our staff size. But let me say this,
7 the increase that we're having in our staff size is
8 an increase that has resulted from the substantial
9 increases in the number of arrests that have
10 occurred. And I think, as Ms. Greenlee has stated
11 earlier, we are right now capable of handling this
12 increase. But if the volume does continue to
13 increase, we will find ourselves in a situation
14 where we have to bring on additional attorneys
15 because the lists are continuing to grow, not only
16 in our preliminary hearings which are preliminary
17 hearings for felony cases, but also our misdemeanor
18 cases. I mean, the bottom line is if you have five
19 buyers from one arrest, and previously in the same
20 type of circumstances you might have gotten one or
21 two, you obviously have three additional defendants
22 that now have to be represented. And that,
23 obviously, is going to result in an increase in
24 volume for everybody, including our staff.

25 You asked about our preparation time.

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2 Our attorneys do their very best to prepare their
3 cases and to spend as much time on each and every
4 case that they can because they take every client to
5 be a client that needs their very best, but it does
6 cut down on their time.

7 We also would like to have a situation
8 where we have an opportunity to have a few more low
9 level supervisors so that they can get into these
10 courtrooms and observe our younger attorneys when
11 they're at their least experienced state, so to
12 speak.

13 COUNCILMAN ORTIZ: I want to get a very
14 clear answer. Are people that should be released
15 spending more time incarcerated because of these
16 problems that you're having, therefore, creating an
17 obtainable prison population and people occupying
18 cells that they should not be? And is the amount of
19 arrests and trial dates being prolonged and extended
20 because of the amount of arrests that are happening?

21 MR. CUNNINGHAM: I think that you will
22 find that to be true.

23 COUNCILMAN ORTIZ: Because justice
24 delayed is justice denied.

25 In terms of the diversity question of

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2 the staffing of the PD, I've asked you this before
3 and I've asked this of the District Attorney; what
4 are the professional level attorneys, paralegals,
5 and so on in terms of Latino, Asian-Americans,
6 females that are currently employed by the Public
7 Defender's Office?

8 MS. GREENLEE: We have the latest
9 figures here, Councilman. We haven't distributed
10 them, but we do have them because we thought they
11 would be of interest to you.

12 In terms of our staffing, overall total
13 staff is 448 right now. If you want, we'll just
14 give you a copy.

15 COUNCILMAN ORTIZ: 448, and how many
16 attorneys is that?

17 MS. GREENLEE: Attorneys, just about
18 198. Twenty-eight percent of our attorneys are
19 minority, which is the lowest percentage on our
20 staff is attorneys.

21 COUNCILMAN ORTIZ: How does that
22 minority break down?

23 MS. GREENLEE: I don't have the
24 breakdown for attorneys in terms of -- I have a
25 breakdown for professional staff which includes

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2 attorneys, social workers, and investigators in
3 terms of breakdown. Professional staff totally is
4 60 percent white, 28 percent African-American, 9
5 percent Hispanic, and 3 percent Asian. That's a
6 breakdown of professional staff.

7 COUNCILMAN ORTIZ: Could you give that
8 to the President?

9 MS. GREENLEE: We will.

10 COUNCILMAN ORTIZ: And if you can break
11 down the attorney levels and so on down the line, I
12 would appreciate that.

13 MS. GREENLEE: We don't have that broken
14 out on this sheet.

15 COUNCILMAN ORTIZ: You can do it and
16 send it in.

17 MS. GREENLEE: We'll do that.

18 COUNCILMAN ORTIZ: Thank you, Madam
19 Chair.

20 COUNCIL PRESIDENT VERNA: You're
21 welcome.

22 Any other questions of Ms. Greenlee?

23 Thank you very much.

24 MS. GREENLEE: Thank you, Madam
25 President.

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2 COUNCIL PRESIDENT Verna: The District
3 Attorney's Office is next to testify.

4 Good morning.

5 MS. LYNNE ABRAHAM: Good morning,
6 President Verna. First, my hardest congratulations
7 upon your attaining the presidency of the City
8 Council, and I wish for you a long and successful
9 tenure.

10 COUNCIL PRESIDENT Verna: Thank you.

11 MS. ABRAHAM: My name is Lynne Abraham.
12 I'm the District Attorney of Philadelphia. Joining
13 me to my right are George Mosee, my Deputy for
14 Narcotics, and Al Toczydlowski who will spell his
15 own, please, name for the record, who is the Deputy
16 for Administration.

17 MR. TOCZYDLOWSKI: Madam President,
18 that's T-O-C-Z-Y-D-L-O-W-S-K-I.

19 COUNCIL PRESIDENT Verna: That was easy.

20 MR. TOCZYDLOWSKI: It's easy for me.

21 MS. ABRAHAM: I'm appreciative of the
22 opportunity to address City Council, and I would
23 first like to -- Mr. Toczydlowski will provide your
24 court reporter or stenographer with a copy of my
25 budget statement and I would like to move to the

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2 record the entire statement and make it a part
3 hereof. By reference Mr. Toczydlowski can deliver
4 that to you.

5 COUNCIL PRESIDENT Verna: Excuse me. Is
6 that it?

7 MS. ABRAHAM: That's it, yes.

8 COUNCIL PRESIDENT Verna: It's in the
9 Chief Clerk's office and we were not aware of that
10 until this morning. We did distribute copies to all
11 of the members.

12 Do you all have a copy of the DA's
13 statement?

14 MS. ABRAHAM: There is just one typo on
15 page 22, and that should read instead of the year
16 1990, that should read 1998. That's the only typo
17 that I'm aware of. It says, "The number of similar
18 briefs handled by the Appeals Unit in" -- that
19 should read 1998, "almost doubled to 1500."

20 COUNCIL PRESIDENT Verna: Since no one
21 saw a copy of your statement until this morning,
22 maybe you would like go over it with us, please.

23 MS. ABRAHAM: First, I think it's
24 important to note, Madam President, that I believe
25 that a vision for the city means that we have to

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1
2 provide for our citizens a safe haven. Over the
3 past several years, between 1992 to 1996, the United
4 States Department of Justice has reported that
5 prosecutors nationwide saw an average of 25 percent
6 increase in staff. The District Attorney's Office
7 funded staff, general funded staff, has increased
8 only by one employee during the same period and has
9 increased by only three employees in eight years.

10 We have provided to Council a number of
11 graphs, colored graphs, all of which are easily
12 visible. They indicate that cases referred to Adult
13 Charging have increased 62 percent in the last two
14 years due to an increase in police arrests, the
15 introduction of the preliminary arraignment report
16 system in late 1997 requiring review of all summary
17 offenses, and also because of the direct file
18 juvenile legislation. In addition, there was a 70
19 percent increase in narcotics arrests, more
20 searches, and complex charges, all increasing our
21 caseload. The figure supplied to us by the court
22 indicate that in 1998 there were over 70,605 case
23 dispositions which do not include pre- and
24 post-trial motions, post-verdict arguments,
25 appellate briefs, and a variety of other issues that

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2 the District Attorney's Office handles. The
3 District Attorney's budget exclusive of the cost of
4 living has risen only eight-tenths of 1 percent a
5 year or \$177,000 for the last eight years. In
6 short, we have been chronically underfunded.

7 A recent University of Pennsylvania
8 survey shows that all neighborhoods of the City of
9 Philadelphia consider crime the most important
10 problem facing the city.

11 I think it is fair to say that the
12 District Attorney's Office is really in a crisis of
13 management mode because we are desperately short of
14 attorneys and have remained short of attorneys for a
15 long time, but we are not gaining any because of
16 the, really, the zero budget growth in our budget
17 allotment. What we are concerned about is the
18 depopulation of the city which has remained
19 unabated, the brown fields that abound. Crime is up
20 either because crime is being counted more
21 accurately now, where as formerly it wasn't, and
22 people are extremely fearful. Crime and fear of
23 crime in the city are disincentives for our
24 residents to remain and new residents to come. So
25 we are interesting in making our city a safe haven.

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2 The budget figures that I'm going to
3 talk about in a moment represent a small fraction of
4 the \$2.5 billion budget that the City will be
5 grappling with in operating funds this year.

6 With respect to our funding requests, we
7 began the budget process early this year because of
8 issues that had been raised in previous years about
9 how and when we proceeded with the supplying of our
10 budget figures. It should be noted that the request
11 of the District Attorney's Office is that we are
12 requesting from a general fund full budget funding
13 of the DA's Office for FYI 2000. That is, these are
14 figures that need to be in the final FYI 2000
15 general fund budget or ordinance and/or legislation.
16 The 10.25 increase or \$2.4 million, plus the
17 cost-of-living increase in the general funds breaks
18 down into Class 100, personnel, 23,767,819; Class
19 200, purchase of services, \$1,582,080; Class 300,
20 247,693, which is about the same amount of money
21 that has always been in this budget. In order
22 words, we haven't increased by either allotment or
23 otherwise our budget for pencils supplies, pads, all
24 the legal supplies that we need by any amount in the
25 past eight years. In the Class 400 equipment is

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2 \$618,119, for a total budget request that we have
3 submitted to Council in our budget documentation of
4 \$26,215,711.

5 The total increase in general funds
6 above fiscal year 1999 is 2.9 63,768 million dollars
7 or 12.75, which is broken down into a 10.25
8 increase, a little bit under 2.4 million, plus the
9 COLA, the cost-of-living increase of \$581,447. Of
10 this amount, what we asked for of the 2.9 plus
11 million, we were advised that what Dean Caplan, the
12 Budget Director, sent over to Council was an
13 increase in Class 100 funds of only 871,00, or half
14 of what we asked for and plus the budget COLA of
15 \$581,447. The figures that the Budget Director
16 submitted to Council amount to 1.4 52,728 million
17 dollars. And the difference between what we have
18 asked for and what we have received as a way of
19 documentation from the Budget Office is a shortfall
20 of 6 percent or a little over \$1.5 million. The
21 exact figure for the record would be 1.5 11,321
22 million dollars, so a little more than a million and
23 half dollars for full funding. This is for full
24 funding for criminal justice. What we need is an
25 additional \$871,654 in Class 100 money.

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2 COUNCIL PRESIDENT Verna: I'm sorry,
3 what was that figure again?

4 MS. ABRAHAM: 871,564.

5 COUNCIL PRESIDENT Verna: Thank you.

6 MS. ABRAHAM: Class 200, 169,757; and
7 Class 400, 470,000.

8 Now, of the Class 200 figures, 169,757,
9 and the Class 400, 470,000, that adds up to 639,757.
10 Those are for computers, computers and hardware and
11 software and licensing. So the Class 200 funds are
12 for purchasing of the licensing, the software for
13 our computers which we absolutely desperately need,
14 as my budget message to Council indicates.

15 So that the total bottom line of a
16 shortfall between what the Budget Office submitted
17 to Council and what we need in addition is we need
18 an additional 1.5 11,321 million dollars.

19 Finally, I think it's important that we
20 recognize that while safety and security are
21 paramount, I think what is really important is what
22 was best said recently by John Norquest, the Mayor
23 of Milwaukie, Wisconsin, who recently wrote in the
24 Wealth of the Cities, Revitalizing the Centers of
25 America the following: "Safety is the key to the

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2 purpose and future of cities, and mayors must
3 confront accusation that crime-fighting efforts are
4 somehow insensitive, discriminatory, or
5 mean-spirited. Arresting and locking up criminals
6 and separating them from our neighborhoods is an act
7 of social justice. Law-abiding citizens living in
8 low-income neighborhoods, often minority
9 neighborhoods, are the mostly likely to be
10 victimized by crime. Their neighborhoods suffer and
11 their jobs are chased away. If we allow criminals
12 to overrun low-income neighborhoods, we are
13 destroying the best hope of many people who are
14 struggling to get their piece of the American pie.
15 With vigilant and assertive citizens and a city
16 government committed to fighting crime, we can, over
17 time, make cities much safer. Safer cities will
18 provide an immediate payoff in higher property
19 values, business expansion, and job creation,
20 restored cultural and civic life and a renewed sense
21 of community. Successful cities in the 21st century
22 will control and reduce crime. Unsuccessful cities
23 will try coping with it and making excuses. We must
24 devote our own local energies and initiative to
25 fighting crime and winning that fight. We can't

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2 depend on the federal government to do it for us,
3 but by restoring our heritage as havens and
4 protectors, we can restore the natural advantage of
5 cities."

6 COUNCIL PRESIDENT Verna: Thank you.

7 The Chair recognizes Councilwoman
8 Blackwell.

9 COUNCILWOMAN BLACKWELL: Thank you,
10 Madam President.

11 Good morning, Madam DA.

12 MS. ABRAHAM: Good morning,
13 Councilwoman.

14 COUNCILWOMAN BLACKWELL: You refer in
15 several places to quality of life crimes and an
16 increase in work load and increased arrests and
17 charges. What do you consider quality of life
18 crimes and how do they relate to the Quality of Life
19 Bill that this Council passed?

20 MS. ABRAHAM: Well, if you want to be
21 very -- could somebody turn the gain down on this
22 mike just little bit? Could you just turn it down
23 just a little bit for me? Thank you very much.

24 To be absolutely honest, every crime is
25 a life quality crime. However, the recent push on

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2 life quality crimes such as graffiti removal or
3 graffiti vandalism, all the issues of teenage
4 crimes, narcotics-related crimes, all of these
5 crimes have an impact life quality of a community,
6 and our communities have been overrun with these
7 crimes that, as George Keeling pointed out several
8 years ago, the fixing broken windows theory, that if
9 you leave broken windows unfixed, the quality of the
10 city goes down. So all of the press of Operation
11 Sunrise, removal of abandoned automobiles, sealing
12 up of houses, vacant houses which provide a
13 convenient place for drug dealers, prostitutes and
14 others to occupy and take over, they also ruin the
15 sense of community because people are frightened
16 about what can happen to the community at large, all
17 of these affect the life quality of the community.
18 So the bill that Council passed which has been
19 spoken of very much in the press all impact on the
20 number of arrests that the police have been making
21 which impact, in turn, on our ability to address all
22 of those crimes in court.

23 COUNCILWOMAN BLACKWELL: Have you noted
24 any increase specifically in Center City with
25 reference to the bill?

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2 MS. ABRAHAM: There have been -- not
3 with regard to homeless, I might say, if you're
4 asking specifically about homeless. The time that
5 we see some of our homeless issues arise are in
6 those people, for example, who may be arrested for
7 vandalizing cars in Center City. And that, we have
8 seen a significant impact because the number of cars
9 vandalized is just stupendous. We have not seen an
10 increase in, for example, people sleeping on the
11 sidewalk or that sort of thing, very, very
12 minuscule. But the quality of life crimes may
13 include, but only in small numbers, the aggressive
14 panhandling which is almost akin to a threat to
15 physical safety of our citizens. We have seen some
16 of that, but not insofar as in the long-term people
17 who sleep on the sidewalk or obstruct the highway
18 per se.

19 I think the police are doing an
20 effective job thus far in asking people to move or
21 seeing that people get into shelters or offering
22 them services. I think in that respect, that's a
23 better way to go. The mental health people who are
24 homeless and drug addicted who commit crimes, we do
25 see arrested.

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2 COUNCILWOMAN BLACKWELL: Have you heard
3 of any them -- I don't remember where I heard it
4 some months ago, about night court being budgeted.
5 Do you know any information about that? I know Dean
6 Caplan is going to get back to me.

7 MS. ABRAHAM: We do not have any money
8 budgeted for night court. We believe, frankly, that
9 night court can play an important role, but I think,
10 frankly, in the context of a community court, this
11 community will be better served if it could be
12 folded into community court. But that also would
13 require, if that's to happen, a funding for DAs and
14 other attorneys to be there to represent people who
15 might suffer some consequences. We do not as a
16 general rule cover night court. In other words,
17 it's unrepresented, no defence attorneys, no
18 prosecutors. It strictly involves, for the most
19 part, the quality of life crimes that are summary in
20 nature, and it does an effective job insofar as it
21 goes. But we do not participate in it; we have no
22 funding for it; and we have no manpower for it.

23 COUNCILWOMAN BLACKWELL: Thank you.

24 Thank you, Madam President.

25 COUNCIL PRESIDENT VERA: You're

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2 welcome.

3 The Chair recognizes Councilman Ortiz.

4 COUNCILMAN ORTIZ: Thank you, Madam
5 Chair.

6 District Attorney, last year you
7 requested some monies, some additional resources.
8 And this year the budget request that you're making
9 really is not for adding staffing for the narcotics
10 division, a thing that you had made a priority of
11 because of the plans that the City has and because
12 of Operation Sunrise that has, I think, exploded in
13 terms of arrests. And I wonder why no request for
14 additional resources, given the nature and the
15 explosion in terms of narcotic arrests that are
16 occurring. And I asked the Public Defender
17 previously about what has than the consequences of
18 this, one, in incarceration time for individuals,
19 justice delayed and justice denied, and in terms of
20 the quality of work and the amount of caseload that
21 has occurred.

22 MS. ABRAHAM: Councilman, of course, Mr.
23 Mosee can speak for his own unit and the entire
24 division which he heads as narcotics chief, a large
25 number of cases go through our what's called Waivers

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2 Unit, our non-jury unit, which is covered in my
3 budget request. And therefore, we will be covering
4 narcotics arrests. I think last year, if the court
5 administration figures that have been supplied to me
6 are correct, we dispose of somewhere over 4,000
7 narcotics cases, and we are dealing with narcotics
8 cases in all of our units because much of our crime
9 is narcotics-related even if no drugs are ever
10 recovered.

11 I will say also that Mr. Mosee and the
12 men and women of the Narcotics Division have, if
13 doing nothing, they have increased their
14 productivity in public nuisance task force, seizures
15 of homes, selling of homes, closing up of crack
16 houses, speakeasies, nuisance tap rooms. There have
17 been any number of initiatives in which we
18 participate that have increased, not decreased our
19 participation in narcotics-related arrests,
20 including one of the largest narcotics seizures in
21 the City of Philadelphia history in cooperation with
22 the District Attorney's Office of Bucks County,
23 hundreds of kilos of drugs up in the northeast as
24 well as major narcotics interventions with our
25 federal authorities. We do, not only handle a

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2 tremendous number of narcotics cases in the DA's
3 Office, but we transfer them to a federal authority.

4 COUNCILMAN ORTIZ: I understand that.
5 My question is that there has been, according to the
6 newspapers, according to the police commissioner,
7 according to stories in the papers that have
8 appeared, that the amount of arrests have led to an
9 increase in terms of putting a strain on the
10 judicial system.

11 MS. ABRAHAM: That is true.

12 COUNCILMAN ORTIZ: And if there is a
13 strain in the judicial system, how does that mesh
14 with the fact that although last year you requested
15 additional monies for Narcotics Division which was
16 not forthcoming, I don't think --

17 MS. ABRAHAM: It was not forthcoming.

18 COUNCILMAN ORTIZ: But this year there
19 was no request for that. And I wondered since we're
20 having that strain and that tension and we're
21 putting greater amount of cases before the judges,
22 and I want to know how it is that --

23 MS. ABRAHAM: I think specifically,
24 Councilman --

25 COUNCILMAN ORTIZ: The length of time

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2 that a case takes, the length of a time that a
3 person remains in prison, perhaps holding a cell
4 that should not be there, and so on down the line.

5 MS. ABRAHAM: Unfortunately, Councilman
6 I do not agree with the previous speaker's response
7 to that inquiry. If anything, most of our prisoners
8 are out of custody, not in custody, including a
9 great number of narcotics offenders or accused. So
10 the justice delayed justice denied issue that you
11 are bringing up is more often justice delayed
12 justice denied for the communities than the
13 offender.

14 The prison population of 6300, which is
15 certainly as you're well under a prison cap, are
16 always being released by the hundreds. And many of
17 the prisoners in the county prison system are
18 sentenced prisoners, not prisoners awaiting
19 disposition. So I want to make sure that you are
20 aware that most of our narcotics offenders on pure
21 narcotics cases are not being held in custody
22 awaiting trial. That does not happen to mesh with
23 our understanding of the prison population.

24 And Mr. Mosee can answer your question
25 more specifically with regard to the narcotics unit.

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2 But as you saw in my request in the budget
3 information that apparently didn't get to you, the
4 additional figures that we are asking for will cover
5 additional attorneys for the Felony Waiver Unit
6 where narcotics cases are also tried.

7 MR. GEORGE MOSEE: George Mosee, for the
8 record, M-O-S-E-E. I'm the Deputy for Narcotics in
9 the DA's Office.

10 The vast majority of the cases that
11 represent the increase across the board are the
12 kinds of cases that would historically be prosecuted
13 in our Waivers Unit and our Major Trials Unit, in
14 addition, the cases that would be prosecuted in the
15 Municipal Court Unit.

16 The Narcotics Division is primarily
17 responsible for proactive investigations, and we
18 have specialized units, the Public Nuisance Task
19 Force, the Dangerous Drug Offender Unit, the Federal
20 Alternatives to the State Trials Unit, the
21 Forfeiture Unit. Those units include, along with
22 prosecutors, a component of detectives. So the work
23 that they do basically results in their own arrests
24 and their own prosecutions. These additional cases
25 that have flowed from initiatives like Operation

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2 Sunrise, as I said, wind up in the Waivers Program
3 or the Major Trials Unit.

4 MS. ABRAHAM: I think also, Councilman
5 Ortiz, just so you know specifically, the numbers
6 that we are asking for in terms of eight assistant
7 district attorneys, eight assistant district
8 attorneys in municipal court -- positions, I'm
9 sorry, eight positions. Five positions in the
10 non-jury or Waivers Program and twelve additional
11 positions in the Major Trials Unit for 25 additional
12 positions which will handle, as I previously
13 indicated, the bulk of narcotics cases that go
14 through those units.

15 COUNCILMAN ORTIZ: No more questions.

16 COUNCIL PRESIDENT VERNA: Thank you.

17 The Chair recognizes Councilwoman
18 Blackwell.

19 COUNCILWOMAN BLACKWELL: Thank you,
20 Madam President.

21 In your report you list some charts with
22 red. What do they mean? One has a long line, the
23 top line, DHS, and the proposed increase,
24 non-criminal justice.

25 Let me try to be a little louder. In

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2 the middle of the report we just received, there are
3 two charts.

4 COUNCIL PRESIDENT VERNA: Councilwoman,
5 what are you referring to? Which chart?

6 COUNCILWOMAN BLACKWELL: It says,
7 "Proposed Increase Non-Criminal Justice."

8 MS. ABRAHAM: This is the chart with the
9 long bar. It says, it's headed, "Proposed Increase
10 Non-Criminal Justice." This is a comparison between
11 what the Budget Office is recommending that Council
12 fund. The DHS will be getting an increase of, looks
13 like, \$36 million. Public property will be
14 receiving somewhat under \$10 million. Recreation
15 will be receiving, it looks like about \$8 million.
16 And this is, again, emergency shelters, library, and
17 the District Attorney is at the bottom.

18 COUNCILWOMAN BLACKWELL: This is a
19 comparison for requests.

20 MS. ABRAHAM: This is in comparison to
21 non-criminal justice agencies. What we are being
22 offered is a very small portion of what we need.
23 And over the total budget 2.5 billion, it's really a
24 very small amount, a total of \$2.4 million.

25 COUNCILWOMAN BLACKWELL: Thank you.

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2 MS. ABRAHAM: Where, for example, DHS
3 will be getting maybe \$35 million according to the
4 proposed increases.

5 COUNCILWOMAN BLACKWELL: Thank you.

6 COUNCIL PRESIDENT VERNA: Most of the
7 money from DHS is state and federal, is it not?

8 MS. ABRAHAM: A lot of it is state and
9 federal, that is true.

10 COUNCIL PRESIDENT VERNA: A hundred
11 percent?

12 MS. ABRAHAM: I don't know if it's a
13 hundred percent, but a lot of it. There's some
14 contracts and other grants that are passed through.
15 But the important thing is to show --

16 COUNCIL PRESIDENT VERNA: Are you also
17 including any federal or state grants that you've
18 received?

19 MS. ABRAHAM: This is General Fund money
20 that we're talking about only.

21 COUNCIL PRESIDENT VERNA: Well, you have
22 DHS in here, and I am just making the comparison.

23 MS. ABRAHAM: What we did was, Council
24 Chairman, we've taken the figures out of the
25 five-year plan to show the increase in funding on

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2 that chart and the other charts to show the relative
3 position of the District Attorney over non-criminal
4 justice funding.

5 And if you go two more charts after the
6 one Councilwoman Blackwell is referring to, the
7 proposed increase in the criminal justice program
8 indicates that the police department will be
9 receiving almost \$30 million in proposed funding,
10 general funding; the prisons, about 15 million; the
11 Sheriff's Department about, looks like, 2 million;
12 and the District Attorney's Office under that,
13 871,000, plus the cost of living which I previously
14 mention.

15 COUNCIL PRESIDENT VERNA: But I would
16 like the record to reflect that with DHS, they're
17 receiving more than \$53 million this year than they
18 received last year from both the state and federal
19 governments. So that I think what we're seeing here
20 does not reflect that.

21 MS. ABRAHAM: Well, what we are
22 attempting to show, Councilwoman, is not only
23 proposed funding, but where the District Attorney's
24 Office fits into the other agencies, such as
25 Recreation, DHS, MOIS, other agencies. And relative

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2 to the issues that I think are facing the city, I
3 believe that the purpose of these charts is to show
4 how we fit in the constellation of agencies or
5 departments that get funding from whatever source.

6 COUNCILWOMAN BLACKWELL: Madam

7 President, I agree with you in that on the next
8 sheet lists emergency shelters, and I know how
9 grossly far behind we are, and especially Welfare
10 cuts and all that that implies with DHS and
11 emergency shelters, and that is why I raised issue
12 because we're still going to be so far behind. I
13 mean, we might have 250,000 people who are displaced
14 come March 3rd. So we're very, very concerned and
15 certainly didn't want to give the impression that,
16 you know, we're kind out of the woods and have
17 really given these departments what they need to
18 function, because certainly that's not in our
19 budget. Thank you.

20 MS. ABRAHAM: I think it's important to
21 say, Councilwoman Blackwell, that this is not a
22 finger-pointing exercise or a criticism of any
23 department that's getting any funding that is
24 necessary to do their job. This is just for the
25 purpose of showing where the District Attorney's

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2 Office is in the placement of all those agencies
3 cited. This is not in any way pejorative statement
4 with regard to "Well, you're getting this; we're
5 only getting that." It's just to show where we are
6 relative to the position of other agencies. And
7 that's the importance, given the fact that what
8 makes cities livable in part is our degree of
9 comfort and safety. And since the citizens have
10 said so pointedly that they don't feel safe in their
11 own communities or any other communities in which
12 they work, given the fact that we took great pains
13 to attempt efficiencies and increase our
14 productivity trying to do more with fewer, our
15 budget request really, as we pointed out to the
16 Budget Director, if we received everything that we
17 would want and still not look as though we're on
18 some other planet, was double what we asked for.
19 But what we did was instead attorneys, we said, all
20 right, we can use clerks or paralegals or trial
21 listing clerks or some other kind of clerk in the
22 office, that we would try to substitute a
23 prosecuting assistant, for example, instead of an
24 assistant district attorney. And by managing our
25 efficiencies and economies, we thought that the

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2 figure of about 2.4 million on top of the cost of
3 living -- and I want to emphasize the 2.5 percent
4 cost of living is on top of the 2.4 million that we
5 asked for. We thought that was, given the crisis
6 the city is facing with all the cases coming into
7 the system flooding it, overwhelming it every week
8 and every month for the past year and a half, I have
9 to say that I thought it was kind of a modest
10 request that we were making.

11 COUNCILWOMAN BLACKWELL: Thank you,
12 Madam DA.

13 MS. ABRAHAM: My pleasure.

14 COUNCIL PRESIDENT VERNA: Thank you.

15 The chair recognizes Councilman Mariano.

16 COUNCILMAN MARIANO: Thank you, Madam
17 President.

18 Madam DA, you made a statement, "the
19 review of all summary offenses." That would be
20 people picked up for obstruction of highway, crimes
21 of that nature?

22 MS. ABRAHAM: All summary offenses.

23 COUNCILMAN MARIANO: How many people do
24 you have doing that?

25 MS. ABRAHAM: I'll tell you in one

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2 moment.

3 COUNCILMAN MARIANO: Let me ask you a
4 second question real quick. How many summary
5 offenses are there? Do you have any numbers on that
6 city-wide?

7 MS. ABRAHAM: I think we do, Councilman.
8 Mr. Toczydlowski will dig that out. And while he is
9 doing that, let me just suggest to you that because
10 of recent changes, all summary offenses now have to
11 be reviewed by the District Attorney's Office
12 because some quality of life crimes need to be
13 upgraded. In other words, the officer may consider
14 it a summary or a citation, but it may not come
15 under a summary or citation. So we look to all
16 quality of life summary citations to see if they are
17 appropriately designated under the new law. So that
18 means that in our Charging Unit, those people in
19 Charging, which is presently 10 assistant DAs in
20 charging plus some clerks are doing all of those
21 cases, and that amounts up to, not only a thousand
22 cases a week, but does not include the affidavits,
23 the probable cause that we have to review for search
24 and seizure warrants and the summary offenses that
25 you referred to.

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2 COUNCILMAN MARIANO: Let me ask you this
3 question before you get into in. Up on Kensington
4 Avenue, west side is my council district, the right
5 side Councilman DiCicco's, then it runs into
6 Councilwoman Krajewski's district. A year ago, a
7 year and a half ago, there was a lot going on there
8 with obstruction of the highway, prostitutes that
9 aren't getting arrested for prostitution. It was
10 something we worked out when this police
11 commissioner came, and I think you helped us with
12 it. When these women get picked up or these men get
13 picked up, usually women, when they get picked up
14 for the summary offense, a lot of them had -- some
15 had 60, 70 previous offenses for obstruction of the
16 highway. Now, this person will get taken in, taken
17 down the police station, and sometimes let go. Is
18 this one of the reason why you would need some more
19 money to make sure those people -- if it's a first
20 time, second time, maybe; but 70, 80 times?

21 MS. ABRAHAM: Well, it is a fact that
22 summary citations or obstructing the highway, minor
23 offenses, those persons, male or female, are not
24 generally held in custody even with bench warrants
25 because of the extreme press of the other potential

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2 inmates coming in. And since a lot of these people
3 are not locals, they may drift in and drift out, the
4 ability to have people, not only reviewing those
5 cases, but also making sure that at some of them
6 remain in custody so we can prosecute and where
7 appropriate give them, not only any sentence that
8 they deserve, but treatment, intervention, and the
9 other some social services that I think are
10 important, means it has to be much more manpower
11 intensive.

12 About 4,000 -- just to answer the
13 question I think you asked previously, there are
14 4,000 different summary offenses that we review for
15 upgrading, so there are quite a number.

16 COUNCILMAN MARIANO: How many DAs or
17 Assistant DAs do you have doing that?

18 MS. ABRAHAM: Well, remember, it's seven
19 days a week, 24 hours a day, 365 days a year, no
20 vacations, no holidays. In other words, we work all
21 the time.

22 COUNCILMAN MARIANO: Just like being a
23 City Councilman.

24 MS. ABRAHAM: We have a total of -- let
25 me get the number for you. The Charging Unit

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2 presently has 10 Assistant DAs, as I indicated
3 previously, and three clerical people; that's it.

4 COUNCILMAN MARIANO: It's my
5 understanding that they're actually photographing
6 and printing every one of these summaries, because
7 we had one enterprising individual up there that had
8 60 summaries under, like, 30 different aliases.

9 MS. ABRAHAM: Well, it seems to me,
10 Councilman -- I don't know what the police
11 department is doing, but --

12 COUNCILMAN MARIANO: That would be
13 police department. That would also help.

14 MS. ABRAHAM: Let me make the suggestion
15 that it is my position that every offense should be
16 photographed and fingerprinted for a whole variety
17 of reasons. If we're to take some lessons from New
18 York, which I think are instructive, it's amazing
19 what you can find out from fingerprinting and
20 photographing a person. For example, if a person X
21 is arrested and says, My name is Sue Smith and I
22 live at such and such address," there's no way to
23 find out who that person really is unless you
24 fingerprint and photograph that person. That means
25 that you will be able not only to plug that into the

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2 local Ibis System in Philadelphia and other crime
3 data bases, but also the NCI system and any other
4 cross boarder system so that we really do have an
5 idea of who this person is, what he or she may be
6 wanted for. And also, not only is it helpful to
7 keep tabs on who that person really is and what
8 address that person lives at and if it's a
9 legitimate address, but also for future criminality
10 thousands of cases can be solved by having a data
11 base of fingerprints, which is what the New York
12 experience showed. They found that turnstile
13 beaters, fare beaters, theft of services, corner
14 loungers, the panhandlers who are very aggressive,
15 many of them had outstanding warrants and were
16 wanted on wanted cards for parole and sentence
17 violations. And by fingerprinting and photographing
18 everybody, which is some expense and does create
19 manpower issues in the police department, they were
20 able to clear a lot of crimes and find out who these
21 people were and make them accountable.

22 COUNCILMAN MARIANO: One more question.
23 The nuisance property, it started out with nuisance
24 taverns, but now it's nuisance property. How many
25 DAs do you have in that and how many cases do we

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2 handle a year on that?

3 MS. ABRAHAM: We have seven attorneys in
4 the Public Nuisance Task Force. And let me just
5 give you the latest figures on the Public Nuisance
6 Task Force. I believe in the past few years,
7 Councilman Mariano, if my memory serves me, we have
8 closed, sealed, and forfeited well over 500
9 properties. And on an average week of late, we are
10 seizing and sealing about eight properties a week,
11 and that is with DAs assigned to a geographical
12 unit. You may remember last year when I spoke
13 about line and Public Nuisance Task Force that a
14 geographical approach to the city is best because
15 the community gets to know who is assigned to that
16 geographical area. So eight a week I think is
17 pretty much average for our Public Nuisance Task
18 Force.

19 Let me see, the week preceding, I think
20 we did eight. This week we're doing eight more.
21 And in addition to that, we have had a number -- I
22 think one of our community leaders who is here
23 indicated to one of my associates this morning that
24 five properties in the southwest area of
25 Philadelphia have been closed very recently. So

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2 this is a city-wide effort of hundreds of
3 properties, nuisance bars, houses of prostitution,
4 speakeasies and the like closed down. It's an
5 astounding, overwhelming, resounding success, and I
6 think all the community leaders who have known about
7 it and participated in it are just absolutely
8 pleased as can be.

9 COUNCILMAN MARIANO: As you speak, I'm
10 thinking of the face of the young DA that's up my
11 way.

12 MS. ABRAHAM: Is it Maura Wolf?

13 COUNCILMAN MARIANO: No. I forgot his
14 name, but in the east.

15 MS. ABRAHAM: Carl Anderson, are you
16 talking about Carl Anderson?

17 COUNCILMAN MARIANO: Yes, Carl.

18 MS. ABRAHAM: Mr. Kimmon says it's Maura
19 Wolf.

20 COUNCILMAN MARIANO: He does a great job
21 and he's always there.

22 MS. ABRAHAM: I think other
23 Councilpeople would say they all do a great job.

24 COUNCILMAN MARIANO: Thank you for your
25 help.

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2 COUNCIL PRESIDENT Verna: Councilman

3 Rizzo, I believe you want to piggyback on what was
4 said.

5 COUNCILMAN RIZZO: Yes. District
6 Attorney Abraham, you mentioned about the data bank.
7 Has your office considered, and I hope I'm not
8 confusing the issue, with DNA to be able to have DNA
9 into data bank? What's the situation with DNA?

10 MS. ABRAHAM: There are two sources for
11 DNA collection, typing, and storage. That is the
12 Pennsylvania State Police, the Philadelphia Police
13 department, and of course, the FBI. We do not do
14 DNA in the office; we're not a laboratory. But the
15 state certification of the State Police, the FBI, of
16 course, and the Philadelphia Police Department, they
17 are responsible for the collection, the evaluation
18 of all blood samples, not the DA's Office.

19 COUNCILMAN RIZZO: I guess what I'm
20 asking is, there are some states that I believe
21 after a person's incarcerated that part of the
22 process is to collect a DNA sample to kind of tie to
23 that person for future. There's been some successes
24 with DNA searches. Is that something that
25 Pennsylvania is doing? You just mentioned about the

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2 State Police. Are there people that are arrested
3 and convicted that they're DNA becomes a part of
4 their criminal record.

5 MS. ABRAHAM: Well, certainly there are
6 some people who have DNA records available. There
7 are some states, and I just don't remember off the
8 top of my head whether Pennsylvania requires a DNA
9 sample. Some offenders do, like sex offenders. But
10 I'll have to get back to you whether and to what
11 extent Pennsylvania requires a DNA sample for either
12 release or when they are incarcerated. I think
13 there are also some issues of privacy that other
14 people have raised that makes me unclear whether we
15 require it on every prisoner or just certain types
16 of prisoners like sex offenders and the like.

17 COUNCILMAN RIZZO: The prison system is
18 behind you, so I'll ask that question of them also
19 when it's their turn.

20 But you mentioned earlier how valuable
21 fingerprints and how valuable photographs are. I
22 assume if you had DNA information would also be very
23 helpful in the course of an investigation if it's
24 appropriate.

25 MS. ABRAHAM: Well, to the extent that

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2 DNA is available to law enforcement agencies, of
3 course. It does two things, it immediately has the
4 potential for excluding somebody who somebody may
5 have said mistakenly "that person is the one who did
6 X to me." A DNA sample of hair or skin or tissue or
7 whatever would immediately exclude that person from
8 the pool of people who would fit into those DNA
9 characteristics. On the other hand, it also would
10 point the finger of guilt of a person whose DNA
11 matches the DNA found at the crime scene. And those
12 percentages are highly accurate and desirable to
13 have because that means you're not chasing a false
14 lead and you're not needlessly finger-pointing at
15 someone who says, "I didn't do it," and the DNA
16 would provide that that person is not the person who
17 did it.

18 COUNCILMAN RIZZO: I'd please review
19 whatever information you can provide.

20 MS. ABRAHAM: What I will do is I will
21 make sure all Councilpeople are provided with what
22 requirements under Pennsylvania law are there for
23 DNA collection in all types of cases.

24 COUNCILMAN RIZZO: Great. Thank you
25 very much.

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2 Thank you, Madam Chair.

3 COUNCIL PRESIDENT Verna: Thank you.

4 The Chair recognizes Councilman Cohen.

5 COUNCILMAN COHEN: Thank you, Madam

6 President.

7 When did the explosion in the number of
8 cases begin? Did it begin prior to Commissioner
9 Timoney.

10 MS. ABRAHAM: Yes, it did.

11 COUNCILMAN COHEN: When did the
12 explosion in the number of cases resulting from
13 increased arrests begin? Was the prior to
14 Commissioner Timoney?

15 MS. ABRAHAM: Yes. I think if you --
16 just for record and for other Councilpeople's
17 edification, there is a chart, it says, "adult cases
18 referred weekly for prosecution."

19 COUNCILMAN COHEN: Could you tell me
20 about when it increased.

21 MS. ABRAHAM: Yes. It started
22 roughly -- it has been going steadily up. I don't
23 want to characterize it as an explosion, but
24 certainly exponentially it's been going up. From
25 October '96 to February of '97, the average number

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2 of cases -- bodies, I should say bodies, going
3 through the Charging Unit was average over the year
4 679 weekly average. From December of 1997 to
5 February of '98, it went to 862 weekly people going
6 through our Charging Unit. From December of 1997 to
7 April of 1998, it went to 885 people going through
8 the unit, weekly average.

9 COUNCILMAN COHEN: Those cases may be
10 quality of life and they may be felony cases?

11 MS. ABRAHAM: Well, they're misdemeanors
12 and felonies, drugs, guns, narcotics, all the cases.
13 From April of '98 to July of '98, 984 cases a week
14 average.

15 Since -- let's see. Let me just make
16 double sure. Between June of '99 and November of
17 '98, the average, the number of cases going through
18 per week averaged somewhere between 1075 cases a
19 week. So therefore, you went 679 to an average of
20 1075 per week. That's very significant.

21 COUNCILMAN COHEN: And that's the
22 current average now?

23 MS. ABRAHAM: The current average now is
24 up to last week or two weeks ago was 1075 people per
25 week going through my Charging Unit, that's correct.

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2 And that does not include the numbers of cases that
3 are juveniles, in our Juvenile Charging Unit, which
4 is another 8500 cases, affidavits of probable case,
5 quality of life review matters which do not go
6 through charging, they're summary citations and the
7 like, search warrants or other charging business.
8 So it is a significant, a very marked increase in
9 the number of crimes committed, arrests made,
10 prosecutorial intervention. It has gone up
11 dramatically.

12 COUNCILMAN COHEN: And during that time,
13 what has been the increase, if any, or decrease in
14 the staff that you usually use in the prosecution of
15 cases?

16 MS. ABRAHAM: Flat lined. None.

17 COUNCILMAN COHEN: It had no increase?

18 MS. ABRAHAM: None.

19 COUNCILMAN COHEN: I missed,
20 unfortunately, the earlier part of your testimony.
21 Do you know what the administration has done with
22 respect to budget approvals, with respect to the
23 staffs of other departments that get involved in the
24 handling of these criminal cases? For example, say,
25 the Defender's Association.

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2 MS. ABRAHAM: Well, we don't have any
3 knowledge of that other than what I heard from Ellen
4 Greenlee who preceded me. We don't compare -- in
5 other words, we don't compare apples and oranges.
6 We are presented with budget information in the
7 budget books, in the general fund booklets that are
8 put out by the City.

9 COUNCILMAN COHEN: With reference to
10 your own office.

11 MS. ABRAHAM: With reference to our own
12 office, we are not compared -- as far as I know, we
13 are not compared or contrasted with other criminal
14 justice agencies except that we know, for example,
15 that the police department will be getting, what is
16 it, \$30 million this year or close to \$30 million of
17 operating budget. You know, prisons will get more.
18 Everybody is get a tremendous uptick; we are not.

19 COUNCILMAN COHEN: I raised the same
20 kind of questions with the Public Defender during
21 the testimony this morning, and it seems that
22 there's a procedure of ongoing discussions during
23 the course of the year. Now, they are budgeted
24 differently in that they apparently come under
25 contract services.

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2 MS. ABRAHAM: Correct.

3 COUNCILMAN COHEN: And therefore, if
4 there is an increase in their funding, in the course
5 of the year they don't have to come to City Council
6 for a transfer ordinance.

7 MS. ABRAHAM: That's what I understand.
8 I may be mistaken about that. I'm not the world's
9 leading authority on --

10 COUNCILMAN COHEN: That's apparently
11 what it is. But it was indicated by the Defender's
12 Office that there is a process for ongoing
13 discussion of needs, that they meet with the Budget
14 Office on pretty much a continuing basis.

15 Does such a procedure exist here with
16 agencies that are City of Philadelphia employees?
17 We were told their procedure may be different
18 because they're technically not City of Philadelphia
19 employees. But do you know of any such procedure?

20 MS. ABRAHAM: We have had very little
21 ongoing discussion with the Budget Director over the
22 years. Only this year did we start the procedure
23 early by my sending a letter to the Budget Director
24 telling him that I wanted to be made aware of every
25 deadline, every requirement, everything, so we could

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2 respond with our budget process. And then
3 thereafter, we had some meetings with the Budget
4 Director and Chief of Staff of the Mayor.

5 COUNCILMAN COHEN: And I gather from
6 your statement with respect to Class 100, the
7 personnel, that following your discussion with the
8 Budget Office that they have allocated one half
9 approximately of what your request was.

10 MS. ABRAHAM: Permit me to observe it's
11 even worse than that. What we really needed was
12 many more people. What we thought that we could do,
13 managing efficiency and economies, was 56 positions.
14 What they gave us was half that number.

15 And I should say, it's not an answer to
16 your question but I do want to spread on the record
17 that with respect to the request for technology,
18 which we want in dollars, not future consideration,
19 the Budget Director -- I received a letter yesterday
20 afternoon, and I'm not sure whether the Mayor's
21 Chief of Staff's fax machine was on standard time,
22 but it came to my office, but it was marked 4
23 minutes after 5:00. I think it came in at 4 minutes
24 after 4:00. It's either 4 o'clock yesterday
25 afternoon or 5 o'clock yesterday afternoon,

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2 depending on whether their machine was right or
3 somebody in my office didn't see it until late. We
4 received a notice from the Mayor's Chief of Staff
5 that prior to yesterday we had a meeting a few weeks
6 ago with the Budget Director and the assistant to
7 the Mayor, what's he called, Chief of Staff, no
8 offense intended to Mr. Ross. They offered a
9 Productivity Bank loan, but we have raised issues
10 with regard to the Productivity Bank loan for the
11 District Attorney's office and in reading the
12 ordinance for the Productivity Bank plus the
13 five-year plan about the Productivity Bank, so far
14 no one has explained to us how we repay a money loan
15 plus interest to an agency that does not generate
16 revenues. The money that we're asking for is
17 something that we really need now. And the letter
18 that Mr. Ross sent to me was not a guarantee that I
19 would get the loan or when, it just said they would
20 support my application. Given the history of the
21 Productivity Bank loans and the requirements of the
22 Productivity Board, I don't believe that the
23 District Attorney's Office is an appropriate
24 candidate under current circumstances for a
25 productivity loan because we don't produce revenue.

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2 And valuation of savings is hard to quantify. In
3 order words, if a District Attorney's assistant gets
4 a computer so they can write a brief or look up some
5 information or prepare for court, I don't know how
6 you put a dollar figure on that. It can't prevent
7 me from asking for more people next year if we need
8 more people. And I wouldn't want to commit myself
9 to saying, "Oh, I won't ask for people next year,"
10 because I don't know how onto quantify that. So I
11 have some very fundamental reservations about the
12 Productivity Board and efficiencies and economies,
13 it's going to have to be explained to me. It hasn't
14 been to date. When we met a few weeks ago --

15 COUNCIL PRESIDENT VERNA: Can I
16 interject here, please? I have heard what has been
17 said, and I suggested to Ms. Greenlee and I am
18 strongly, strongly suggesting to the District
19 Attorney that she and Dean Caplan and Charley
20 McPherson work together, and do that sooner than
21 later. I would like this to happen before we put
22 this budget to bed.

23 MS. ABRAHAM: Madam Chair, just so that
24 you know, we intend to do that because we believe
25 that -- we don't want to brush off an attempt to get

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2 computerization. What needs to be done, we will do
3 to make sure that we put in the paperwork as quickly
4 as possible. We understand it's a somewhat complex
5 process, but you have my word that although I'm
6 expressing my skepticism, I'm not saying I'm not
7 interested in it, but I'm worried about it.

8 COUNCIL PRESIDENT VERNA: We're very
9 eager to work with you. And I know that Mr.
10 Caplan's back there nodding his head also. So I
11 think it's very imperative that you meet with both
12 Mr. Caplan and Mr. McPherson at your earliest
13 convenience --

14 MS. ABRAHAM: We will continue that
15 dialog.

16 COUNCIL PRESIDENT VERNA: -- so that
17 your concerns can be addressed.

18 MS. ABRAHAM: We will continue that
19 dialog, certainly.

20 COUNCIL PRESIDENT VERNA: I just want to
21 publicly thank you for always being available to
22 come out into the community and address the
23 community's concerns. And I know that Mr. Mosee has
24 been in several of the meetings with you. In all of
25 my years around here, I don't ever recall a district

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2 attorney personally going out into the community to
3 hear what the concerns of that community is. You
4 not only listen, but you certainly take the
5 appropriate action, and I want to publicly thank you
6 for that.

7 MS. ABRAHAM: Thank you, Madam Chair.

8 COUNCIL PRESIDENT VERNA: Councilman,
9 are you finished, because I just want to ask another
10 question or two?

11 COUNCILMAN COHEN: Go ahead. I
12 completed my question.

13 COUNCIL PRESIDENT VERNA: I note when
14 you were addressing Councilmen Mariano's one
15 question, you spoke about the amounts of clean and
16 seals that your department does on a daily basis.

17 MS. ABRAHAM: Yes.

18 COUNCIL PRESIDENT VERNA: I saw rather
19 recently a list of sheriff's sales that will be
20 occurring. When those sheriff's sales do occur, do
21 you get part of the money? Does your office get
22 part of it and the police get part of it once the
23 liens --

24 MS. ABRAHAM: We don't do sheriff's
25 sales. That's not us. We have a private

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2 auctioneer, common auction, the properties that we
3 seize through the civil asset forfeiture branch.

4 COUNCIL PRESIDENT Verna: Oh, I thought
5 that was your department. I saw a list rather
6 recently and I thought that was because of drug
7 activities that the houses were cleaned and sealed
8 and they were going up for sheriff's sale.

9 MR. MOSEE: We probably sent you a
10 notice of that private auction, but it's not
11 organized or run by the Sheriff's Office.

12 COUNCIL PRESIDENT Verna: Once that
13 occurs, what happens?

14 MS. ABRAHAM: We have worked out a very
15 nice arrangement with the City. They have forgiven
16 all of the taxes and the city liens that are placed
17 on the properties so that they can sold to home
18 buyers who then fix up the properties and move into
19 these houses. As a matter of fact, the last time we
20 put up those houses, I think we had about 135 or 140
21 houses. They were sold to home buyers within an
22 hour, all gone. And what they do is -- and we have
23 another group of 135 houses that will go up for sale
24 in March. If you'd like, we will supply Council
25 with a list of those houses that will go up to

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2 auction.

3 COUNCIL PRESIDENT Verna: I think the
4 district Councilpeople would like to be aware of
5 them.

6 MR. MOSEE: They are on our mailing
7 list.

8 COUNCILMAN COHEN: All Council.

9 MS. ABRAHAM: Everybody's on our mailing
10 list. District and Council-at-large are all on our
11 mailing list.

12 What happens with the money,
13 Councilwoman, as you may know and Councilman Cohen
14 as well, that the cost of investigation,
15 wiretapping, intensive investigation, nighttime,
16 weekdays, weekends to seize or seal the drug house
17 plus all the costs attended thereto, what happens
18 with the money is that goes back into our fund under
19 our asset forfeiture so that we can continue to do
20 long-term undercover and other investigations.

21 COUNCIL PRESIDENT Verna: So in fact,
22 what the over two million dollars that your office
23 collected in forfeiture, drug forfeiture, that all
24 went back into addressing the drug problems, such as
25 wiretapping, cleaning and sealing?

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2 MS. ABRAHAM: No. Don't get cleaning
3 and sealing and wiretapping together. What happens
4 is that --

5 COUNCIL PRESIDENT VERNA: Well, I'd like
6 you to clear the record for me. Because when I see
7 that there's over two million dollars in drug
8 forfeiture, how is that money used?

9 MS. ABRAHAM: That money is used to
10 further the drug investigations that we perform.
11 For example, if we are doing a long-term
12 investigation with overtime that is not covered by
13 our budget, the money that is generated from our
14 forfeitures goes back into our budget. And in
15 addition, we have -- we don't keep all the money.
16 We have an arrangement with the police department.
17 We share revenues with the police department. So
18 that we have a revenue sharing agreement with the
19 police department. So that money is not all
20 generated for us; it is shared with any other law
21 enforcement agency, including our police department,
22 that helps us with these narcotics investigations.

23 COUNCIL PRESIDENT VERNA: Your comment
24 about overtime leads me into my next question. And
25 I have asked the police commissioner and Judge

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2 Bonavitacola today. I think the cost of police
3 overtime to court-related issues is astronomical.
4 They tell me that you're all working together to try
5 to have that overtime reduced. When do you think
6 you'll have some plan that you'll be able to do
7 that?

8 MS. ABRAHAM: Mr. Toczydlowski has been
9 meeting with Chief Nestel, Deputy Commissioner
10 Johnson and other members of the police department
11 on that range of issues. In addition to that, I,
12 Mr. Toczydlowski, Police Commissioner, the Deputy
13 Police Commissioner will be meeting with the courts
14 at, for want of a better term, a round table. There
15 are several components to overtime, and we must
16 address all of them if we can see where additional
17 efficiencies can be brought. But since this is a
18 system, it can't be done --

19 COUNCIL PRESIDENT VERNA: Oh, I think
20 everybody's involved.

21 MS. ABRAHAM: Since it's a system, we
22 need to approach it on a systemic basis.

23 COUNCIL PRESIDENT VERNA: Very
24 definitely.

25 MS. ABRAHAM: I do want to mention,

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2 however, that one of the components that we must
3 keep in mind is when we are making thousands of new
4 arrests for whatever programs, whether it's a drug
5 or quality of life or felonies or whatever it is,
6 that huge numbers of arrests generate of necessity
7 overtime, and that is part of the problem. But
8 we're still anxious to work with the police
9 department and the courts to see where we can effect
10 efficiencies to cut the amount of time and monies
11 that are required to be spent in our budget for
12 police overtime.

13 COUNCIL PRESIDENT Verna: I don't know.
14 I think with the Court Administrator's Office having
15 computers if they know that Officers Abraham and
16 Verna work together and they've made any number of
17 drug arrests, why couldn't they just punch that into
18 the computer and list perhaps 12 or 15 of our cases
19 in one courtroom so it doesn't necessitate us to
20 jump from one courtroom to another on any given day?

21 MS. ABRAHAM: Well, one of the
22 efficiencies that the courts have done is move some
23 of my cases back to the districts to accomplish just
24 that. But I think what we really need to do,
25 Councilwoman, is I think we need to address the

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2 issue by looking to see how we can list cases
3 geographically. In other words, divide the city
4 into geography so that cases that arise in the
5 district are all addressed by the same group of
6 people in the same courtroom or courtrooms so that
7 you don't have officers in a million different
8 courtrooms and the cases are continued because the
9 officer's on the witness stand in one court when the
10 judge list in another room and the officer is marked
11 not present. They frequently put in notices that
12 they're in other courtrooms. They just can't get to
13 five or six or ten different courtrooms, so
14 certainly that should be looked at.

15 COUNCIL PRESIDENT VERNA: Are the police
16 on call on many of the cases, or is that just a
17 forgotten mode of doing things?

18 MS. ABRAHAM: No. It is accomplish in
19 the district somewhat easier than in Center City
20 because as numbers of people have been responding to
21 the consolidation of court cases at the Criminal
22 Justice System, hundreds of officers left their
23 districts or divisions to hang around someplace in
24 town, maybe walk a beat or, you know, do whatever
25 the assignments they did. But out in the districts

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2 if you have 50, 60, 70 cases on the list that
3 frequently occurs, in fact, almost on a daily basis,
4 what we can do is leave the officer out on his or
5 her beat or the detective can be upstairs, and when
6 the case is called, a few minutes prior thereto, you
7 call the officers in off the streets so that limits
8 the amount of time that an officer is sitting in a
9 courtroom.

10 COUNCIL PRESIDENT VERNA: I think it's a
11 very, very important issue that has to be addressed;
12 I really do. We've been saying that for a number of
13 years now. If we don't do it now, then I'd like to
14 know when. And it's only going to get worse.

15 Councilman Cohen, I'm sorry, I didn't
16 mean to interrupt you. Are you finished with your
17 line of questioning?

18 COUNCILMAN COHEN: Smaller questions I'd
19 like to address. Cleaning and sealing, when you do
20 that, does the City's L & I Department handle that?

21 MS. ABRAHAM: Some.

22 COUNCILMAN COHEN: And some you arrange?

23 MS. ABRAHAM: Private contractor, yes.

24 COUNCILMAN COHEN: With private
25 contractors.

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2 MS. ABRAHAM: Yes. I do want to say,
3 Councilman Cohen, just so that you know and other
4 councilpeople know, we have a very productive
5 ongoing relationship with many of the departments
6 under the City Managing Director's Office because
7 this is an effort which the city Managing Director
8 and his department heads work cooperatively with us,
9 health Department, Licenses and Inspections, Streets
10 and other departments, so that this is a cooperative
11 effort to achieve a beneficial goal.

12 COUNCILMAN COHEN: When License and
13 Inspection Commissioner testified, she testified
14 that the City is beginning a new plan to put in
15 roofs. If the houses are in good condition, the
16 City's making an effort to save them in that good
17 condition and the City has a plan and I think it
18 would be very good if you haven't already done so to
19 be in touch because I think many of the houses that
20 you would be involved in may well be well worth
21 saving, because I know one of our area 1535 Chew was
22 a very good house and it was saved and you disposed
23 of it promptly.

24 MS. ABRAHAM: Yes. And the benefit of
25 that, Councilman, is that people who are desperate

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2 for a house of their own are willing to come into a
3 new neighborhood and buy a home on, for example,
4 Chew Street if they know that they don't have to buy
5 a property and then put 50, 60, 70, \$80,000 into a
6 home that may have paid a modest price for. So
7 anything that we can do to save good and existing
8 housing stock to encourage people to repopulate a
9 neighborhood and to keep the people who are already
10 there in their neighborhood is a benefit, not only
11 to the community at large, but also as a very
12 effective crime-fighting tool because it's the
13 broken windows thing. Just as a broken left
14 unattended encourages a sense of hopelessness and
15 loss and creates a problem with crime, so also does
16 the idea that a house unsold will fester into that
17 problem and affect the rest of the community and the
18 block.

19 COUNCILMAN COHEN: Has Carl Anderson
20 been replaced?

21 MS. ABRAHAM: Yes.

22 COUNCILMAN COHEN: We called it the Carl
23 Anderson division of the District Attorney's Office
24 because communities depended heavily on the work of
25 this unit. It was very effective unit.

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2 MS. ABRAHAM: Well, let me say that Carl
3 Anderson, as all of the other DAs, are very
4 effective. You may have only have had experience
5 with him, but Maura Wolf and Pat King and others of
6 our office, Stephane Latour who works with
7 Councilwoman Verna in South Philadelphia, I think
8 she would say the same thing about Stephane, and the
9 people in Roxborough say the same thing and Council
10 Nutter's district to Pat King. These are wonderful
11 people.

12 What happened when Mr. Anderson was
13 lured away by a very substantial salary increase, he
14 did what Dave Castro, his predecessor, did. He went
15 to the Pennsylvania Commission on Crime and
16 Delinquency, and unfortunately we lost him.
17 However -- that's the bad news. The good news is
18 that we were able to achieve a substantial coup in
19 that Nancy Hartso who used to work in the DA's
20 Office and who left to raise her two small children
21 has come back to the Public Nuisance Task Force, and
22 you will be seeing a lot of her and the other PNTF
23 members of my office. They're all good.

24 COUNCILMAN COHEN: Thank you.

25 COUNCIL PRESIDENT VERNA: Are there any

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2 other questions or comments from Members of the
3 Committee?

4 I thank you very much. And again, I
5 would suggest to you that you meet with Mr. Caplan
6 and Mr. McPherson as soon as possible.

7 MS. ABRAHAM: We have every intention of
8 doing so, and I thank you, Madam Chairman, for
9 gracious intervention this morning.

10 COUNCIL PRESIDENT VERNA: Thank you.

11 At the request of the stenographer,
12 we're going to five-minute recess.

13 - - -

14 (Brief recess.)

15 - - -

16 COUNCIL PRESIDENT VERNA: We are now
17 back in session. The Chair recognizes Councilmen
18 Nutter.

19 COUNCILMAN NUTTER: Thank you, Madam
20 Chair. Could I possibly have Mr. Caplan at the
21 table to ask him a couple questions?

22 COUNCIL PRESIDENT VERNA: Is Mr. Caplan
23 in the room?

24 MR. DEAN CAPLAN: Yes.

25 COUNCILMAN NUTTER: I'm sorry I didn't

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2 get to you earlier with regard to the previous
3 testimony. Can you share with us for the record how
4 the county administration decides to fund the budget
5 for the District Attorney. Can you explain again
6 for the record the Relativity Bank, how it works,
7 and how it might work in this particular case?

8 MR. CAPLAN: Let me say for the record
9 that the overall increase from the 99 estimated
10 expenditure to the FY 2000 budget for the whole city
11 is 2.6 percent. The amount that we requested for
12 the DA was 6.2 percent.

13 COUNCILMAN NUTTER: I'm sorry, can you
14 explain that again?

15 MR. CAPLAN: The Administration's
16 recommended increase for the DA was well over the
17 average increase in the budget. If you look at the
18 graphs that were presented to Council, the DA was at
19 the bottom of every one of those graphs. I think
20 the Council President has pointed out that some of
21 the comparative departments are departments where
22 grants were included or funding sources were
23 different, apples to oranges comparisons. When you
24 look at the overall number, the increase recommended
25 for the DA by the Administration was well over two

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2 times the average increase in the budget. We could
3 go on from there some other time.

4 COUNCILMAN NUTTER: When you say the
5 increase in the budget, you're talking about the
6 overall increase in the city budget?

7 MR. CAPLAN: The overall increase in
8 expenditures recommended in the year 2000. The
9 Mayor's Office received a request, which I know
10 Members of Council also received a copy from the
11 District Attorney, for FY 2000 of \$2.38 million. We
12 reviewed that request. We sat down with the Mayor
13 and discussed it with him. And as you know, the
14 Mayor previously served in the District Attorney's
15 Office so he is, in fact, well aware of many of the
16 points that the District Attorney made today.

17 Contrary to the implication of the
18 testimony, in fact, the Administration recommended
19 that substantially all of the DA's requests be
20 funded, not in the method, however, that the DA had
21 requested it.

22 First of all, the Mayor agreed
23 immediately to fund half of the requested positions,
24 as the DA pointed out, for approximately \$871,000,
25 plus fringe benefits, which I would mention are not

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2 included in here anywhere but total approximately 35
3 percent in addition to the numbers we're talking
4 about.

5 The Mayor also suggested to the DA, as
6 was discussed, a Productivity Bank loan for the
7 technology increases that she was requesting of
8 about \$640,000. I agree, as the Council President
9 has suggested, that that's a loan which we believe
10 is very similar to a loan that Council approved last
11 year for the Law Department. Although, as the DA
12 pointed out, her department does not directly
13 produce revenue to the City's General Fund in the
14 same way that the Law Department might, we believe
15 that the DA's Office would be eligible for a loan as
16 a result of service enhancements which is a
17 criteria, one of the three criteria, that loans can
18 be granted for.

19 COUNCILMAN NUTTER: I'm sorry, I didn't
20 catch that word. Did you say service enhancements?

21 MR. CAPLAN: Service enhancements.

22 COUNCILMAN NUTTER: That's something
23 that you measure in terms of what results from
24 Productivity Bank loan; and in this particular case
25 it is being discussed in the context of computers

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2 and other equipment. You believe that you can
3 measure service enhancements that result from
4 further computerization of the office?

5 MR. CAPLAN: Yes. And in fact, in the
6 District Attorney's testimony today I believe she
7 laid out some of the basis of that in terms of the
8 ability for improved and enhanced prosecution in a
9 variety of areas.

10 Clearly, we will meet as soon as
11 possible with Mr. McPherson from the Council staff,
12 Mr. Toczydlowski from the DA's Office, and try to
13 bring a bill proposal, a joint proposal, back to
14 Council as soon as we can on that issue.

15 The remaining amount, the other half of
16 the positions the DA requested, the Mayor suggested
17 that he would be willing to fund those positions if
18 the DA would be able to work with us to reduce
19 police overtime, as the Council President has
20 discussed at some length here.

21 We were reluctant to approve the
22 positions in advance of seeing some sort of results
23 there, because as the Council President pointed out,
24 we've watched this number steadily climb for several
25 years. And while clearly there are multiple

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2 agencies involved in this, we felt that given our
3 experience, the leadership of the DA, and the
4 participation of the DA's Office was critical. And
5 to their credit, they have worked with us over the
6 last several months.

7 COUNCILMAN NUTTER: How would the DA
8 reduce police overtime?

9 MR. CAPLAN: Well, I am probably the
10 last person you should ask that question to.
11 However, one of the critical factors in police
12 overtime is how many police officers are required to
13 appear in court by the Assistant District Attorney
14 who handles the case. And in many cases, obviously,
15 this is something that all the agencies have been
16 working on for several years, but in many cases
17 there are numerous officers who have to appear for a
18 case.

19 COUNCILMAN NUTTER: And you're saying
20 that sometimes all of those officers don't
21 necessarily need to be there, and if there was --
22 not to use a term of art, but if there was enhanced
23 case management in a driving down of the number of
24 officers who physically have to show up, therefore,
25 driving down overtime, the Administration's

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2 positions is to the extent that you can track that
3 and measure that, if you see that there are
4 reductions in that particular area, you're saying
5 that some of those new "savings" would go to the
6 benefit of the District Attorney's Office; is that
7 your testimony?

8 MR. CAPLAN: Yes. The Mayor's
9 suggestion to the District Attorney was that he
10 would increase DA's -- he would support an increase
11 in the DA's Class 100 appropriation by up to a
12 million dollars as it was matched on a 2 to 1 basis
13 with a decrease in police overtime so that the
14 Administration and DA's Office would share the
15 benefit of the decrease in police overtime.

16 COUNCILMAN NUTTER: So your analysis and
17 testimony is that there are ways, in fact, to
18 supplement or increase the budget of the District
19 Attorney above and beyond the level that it was
20 introduced? You have a proposal or a plan by which
21 to do that, and that proposal and plan has been
22 rejected?

23 MR. CAPLAN: I believe that as it was
24 last year when we increased the DA's budget by
25 \$500,000 and the DA came to Council and asked for

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2 additional money, that's certainly within her right.
3 Obviously, the budget proposal is the Mayor's budget
4 proposal. The DA has chosen to accept the Class 100
5 request and ask for additional funding. And I
6 believe today she was willing to enter discussions
7 with us and Council about the Productivity Bank.

8 COUNCILMAN NUTTER: So there are some
9 opportunities there that just require some
10 additional discussion and kind of an opening of
11 minds and dialog?

12 COUNCIL PRESIDENT VERNA: I think
13 discussion and more of an understanding, too, about
14 the Productivity Bank.

15 COUNCILMAN NUTTER: You have done this
16 with other agencies that might not necessarily
17 immediately jump to mind as revenue generating
18 agencies or departments?

19 MR. CAPLAN: Yes.

20 COUNCILMAN NUTTER: Thank you very much.

21 COUNCIL PRESIDENT VERNA: One moment
22 please, Mr. Caplan.

23 The Chair recognizes Councilman Rizzo.

24 COUNCILMAN RIZZO: Thank you. I have a
25 question for Mr. Caplan.

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2 I just want to make sure that this issue
3 is clear in reference to the police overtime.

4 COUNCIL PRESIDENT VERNA: We're talking
5 court police overtime.

6 COUNCILMAN RIZZO: Yes. The part of the
7 process is not just a responsibility, obviously, of
8 the District Attorney's Office to manage the
9 overtime required police officers. I mean, I know
10 personally when an arrest is made, instead of that
11 arrest being managed properly, that four officers
12 get involved in one arrest. One looks in the trunk,
13 one looks under the seat, one looks in the glove
14 compartment, the other processes the paperwork.
15 Now, the District Attorney's put in a position that
16 they need to summon all four officers to court
17 because of the way the paperwork was processed
18 identifying four officers. That's not the fault of
19 the District Attorney; that's a problem that the
20 police department needs to fix. Am I right, Mr.
21 Caplan?

22 MR. CAPLAN: That is true. That is my
23 understanding and part of the discussion that's
24 going on between the Administration, the police
25 department, the DA, and the other criminal justice

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2 agencies.

3 COUNCILMAN RIZZO: Thank you, Madam
4 Chair.

5 COUNCIL PRESIDENT Verna: You're
6 welcome.

7 COUNCIL PRESIDENT Verna: Please don't
8 move, Mr. Caplan. I see Councilman Nutter has
9 another question or comment to make.

10 COUNCILMAN NUTTER: For clarification I
11 not sure whether the Councilman automatically
12 assumed that some blame was being laid. There's no
13 blame to be laid. The question has to do the
14 proposal by the Administration with regard to this
15 particular issue. If we're going to have a
16 discussion about who should do what, we could either
17 have separate or joint discussions between the
18 District Attorney and the Police Commissioner. The
19 Police Commissioner was here the other day. We can
20 discuss the matter with him.

21 The reason I raise the issue is because
22 I'm aware that there was a proposal from the Mayor's
23 office specifically regarding police overtime and
24 the District Attorney's Office. It was not my
25 determination as to who is the better party or the

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2 responsible party. I raise the question because I
3 know that the issue is put forward to the DA's
4 Office, and whether it's 50 percent responsibility,
5 75 percent responsibility, or what level of
6 responsibility, there is some amount of
7 responsibility to figure out how many officers need
8 to come to court. The DA does determine who comes
9 to court. If the paperwork is not done properly,
10 then I would generally agree that probably is a
11 police problem, but we're not talking about the
12 police department right now.

13 COUNCIL PRESIDENT VERNA: It is
14 essential, as we have said consistently during these
15 budget hearings, that all of the involved agencies
16 must meet together, meaning the courts and the
17 District Attorney and the police, to address this
18 because it does not fall on one department alone; it
19 falls on every department that's involved.

20 COUNCILMAN NUTTER: And they have to
21 understand the impact of their particular actions or
22 lack thereof as it relates to their brother or
23 sister agency. So it would seem to me that at a
24 minimum, the high level people at the police
25 department and the District Attorney's Office could

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2 engage in this discussion, figure out how we
3 continue with our excellent criminal justice
4 efforts. But as the District Attorney explains to
5 the police, that when you do the example that
6 Councilman Rizzo laid out, you affect my ability to
7 "save" on overtime, and what is the need for four
8 officers to come to court when we really maybe could
9 do with two.

10 Madam Chair, you are correct. There
11 does need to be some additional discussion. And to
12 the extent that there can be savings and can go to
13 the benefit of the District Attorney so be it.

14 Thank you, Madam Chair.

15 COUNCIL PRESIDENT VERNA: You're
16 welcome.

17 The Chair recognizes Councilman Cohen.

18 COUNCILMAN COHEN: I have to take issue
19 with Councilman Rizzo. I don't see any paperwork
20 involved in this. If four different police were
21 engaged in a search of a car, it's not a matter of
22 the paperwork that's involved. Defense counsel may
23 very well be -- the police officers involved may
24 have to be witnesses. Defense Council will want to
25 interrogate those officers. There may be just

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2 paperwork, then I would agree every effort ought to
3 be taken to eliminate it if it's going to produce
4 police overtime. But it may be a question beyond
5 paper; it may be a question of how the police
6 conduct their searches. And for safety reasons, I'm
7 sure the police often do have a number of different
8 officers working on a particular arrest.

9 So I just want to make that comment. I
10 think it's a much more difficult problem than just
11 rearranging paper.

12 Secondly, Dean Caplan, from the point of
13 view of the Mayor, I detected in just the answers
14 that the District Attorney gave and including
15 information about the Budget Office, that there
16 seems a closer element or cooperate between the two
17 offices, the Budget Office of the Mayor and the
18 District Attorney's Office, and that you seem to be
19 working together to try to achieve satisfactory
20 results that you both feel produces results; would
21 that be accurate? If not, could you say why not?

22 MR. CAPLAN: Yes, I believe that would
23 be accurate. I think last year when the District
24 Attorney was here, both the District Attorney and
25 the Mayor's Office and the Budget Office all agreed

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2 that a lot of benefit could come from greater
3 cooperation. I would not say that we're there, but
4 I think this year clearly the District Attorney
5 exhibited an awful lot of good faith. She
6 participated in the budget process along with the
7 other agencies on the normal time lines. And while
8 I don't think we agreed about all of the outcomes, I
9 think that's perfectly fine, you know, I think we've
10 been pleased by her willingness to participate and
11 we agree with her statements to that regard.

12 COUNCILMAN COHEN: I suspect were she
13 back here testifying, she might state she was
14 pleased by the changed attitude of the Budget
15 Office.

16 MR. CAPLAN: Well, I think probably both
17 of us think we have more work to do, but the
18 relationship has gotten better.

19 COUNCILMAN COHEN: We're concerned
20 because if there is a dispute by city agency and
21 it's left to City Council, it's very difficult for
22 us to deal with it because only the Mayor has the
23 power to change the revenue estimate which is always
24 an easy way to accommodate an additional
25 appropriation. Council has no such power. So that

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2 if we raise one appropriation, we've got to lower
3 another one in order to maintain a balance, to
4 maintain a balanced budget. I think that's one of
5 our driving forces in hoping that the Budget Office
6 and all of the independent offices, all the
7 departments, can work together very effectively.

8 I understand the authority of the Mayor
9 is different with independent offices than it is
10 where he appoints the Commissioner; and that's
11 rightfully so. The person who was elected by the
12 people is in a different position than a
13 commissioner who is appointed by the Mayor. But
14 we're all pleased to note that maybe things are
15 going to work out in a cooperative fashion. And
16 that is your conclusion, too, I gather, that you
17 think that would be possible.

18 MR. CAPLAN: Yes, I think the intent of
19 the Mayor's proposal to the District Attorney which
20 Councilmen Nutter asked me in detail was in fact to
21 find a way to, given the many pressures in the
22 budget, to accommodate her entire request, perhaps
23 not in the way she would have seen it, but to
24 accommodate that entire request without changing the
25 budget.

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2 COUNCILMAN COHEN: But as a layman, you
3 know -- and I guess I don't call for that since I'm
4 a lawyer and been in the courts. It does seem
5 strange to expect the same amount of personnel to
6 perform the different levels of work that the
7 District Attorney described, and I haven't heard any
8 contradiction from the Budget Office in any way to
9 indicate that the facts were other than stated by
10 the District Attorney with respect to the increased
11 volume.

12 MR. CAPLAN: Well, I think, again, this
13 gets back to my original comment. We just had the
14 Defender come in and tell us she had an increase of
15 eight personnel over the last year. The Mayor's
16 proposal, aside from the fact that the District
17 Attorney did not mention in her testimony anywhere
18 that we increased her budget a half million dollars
19 in the General Fund and \$125,000 in the Grants Fund
20 last year which was Class 100, we proposed an
21 additional increase of 23 positions for the District
22 Attorney for 2000, plus what we think is a
23 reasonable method for providing an additional 23
24 people with the savings from the police overtime. So
25 I think it would be disingenuous to say --

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2 COUNCIL PRESIDENT Verna: Excuse me. I
3 don't mean to interrupt. Supposing there is no
4 savings with police overtime because of the
5 additional activity that we have in the courts?
6 What happens then?

7 MR. Caplan: Well, I think that if
8 overtime is down in terms of the number of people
9 who are appearing in court and the length of time
10 that they're there but up because there are more
11 case, I think that's a reasonable trade-off.
12 Obviously, I think we would be willing to support
13 that request even under those conditions. But I
14 think it's a little bit unfair to us to say that we
15 have not provided a significant level of resources
16 to the District Attorney over the last two years.
17 If fact, if you go back and look at the actual --

18 COUNCILMAN COHEN: Before you do that,
19 Mr. Budget Officer, you're getting my attorney
20 juices started. It seems to me that you can see the
21 need for the additional staff when you say that this
22 additional staff would be provided if we can get
23 compensating savings. Now, it seems to me staff is
24 needed whether there are savings or not. You know,
25 if staff is needed -- if the Mayor's conclusion,

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2 your conclusion is that staff is needed, I can
3 understand that you're doing your work properly in
4 trying to effectuate savings elsewhere and you're
5 right in seeking cooperation to do it, but it seems
6 to be clear that the Budget Office and the Mayor is
7 accepting the need for these additional positions,
8 and I don't think that if there is a need that there
9 ought to await performance on police overtime
10 because that may be beyond anybody's control. We
11 don't know yet if anybody can control that situation
12 or how much of it can be controlled. So I'm just
13 urging that I think in these discussions that take
14 place, I think the budget ought to be dealt with
15 realistically. What's needed ought to be provided.
16 You ought to try to get cooperation to cut costs
17 wherever they can, but I don't think there ought to
18 be any less given than what the job really requires
19 to be done.

20 MR. CAPLAN: I couldn't disagree with
21 you more. I think that the entire financial
22 recovery of the city is based on the idea that we
23 can do more if we can use the resources we already
24 have more efficiently. And I think that to,
25 especially in a case like this where we've seen

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2 police overtime just skyrocket over the last several
3 years, we know that there are efficiencies to be
4 made. And in fact, having now tried --

5 I was in the a meeting with all of the
6 parties we've just mentioned two years ago to talk
7 about this. Without some significant incentives to
8 reduce it, I don't think it's going to happen. And
9 I think that, in fact, tying additional funding and
10 staffing to some sort of results on the other side
11 of the ledger is very effective and a reasonable way
12 to achieve change and is, in fact, why the city is
13 not in a deficit situation today.

14 COUNCILMAN COHEN: Well, I appreciate
15 your honesty in saying you couldn't disagree with me
16 more. That makes for very interesting questions and
17 answers. But it seems to me -- I applaud the
18 efforts, as I said before, to try to economize, but
19 I don't know how that deals with what the needs are
20 in the criminal justice system. If there is a need
21 for additional staff to efficiently handle matters,
22 it serves no purpose to say, "Well, you haven't done
23 what you ought to do in some other field, therefore,
24 we're not going to give you the staff that you need
25 to carry out your duties."

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2 It's in that area that I disagree with
3 you. I see nothing wrong in your trying every way,
4 and I think all of us want to try every way to be as
5 efficient and do more with less to the extent that's
6 possible. I've never quite understood that theory
7 of doing more with less, but assuming theoretically
8 that it is possible to do more with less, I applaud
9 those efforts in the direction of economy and
10 efficiency. But I think they're two separate things
11 and I don't think you can mix them if you're going
12 to have an administration work most effectively.

13 So, Madam President, I thank you because
14 I think that's the subject that Mr. McPherson on
15 behalf of City Council will be representing
16 Council's view and the budget and the District
17 Attorney, but we do hope that it all gets resolved
18 in a way that permits every agency to do its job as
19 effectively as possible.

20 MR. CAPLAN: I don't see why that
21 wouldn't be possible.

22 COUNCIL PRESIDENT VERNA: Thank you, Mr.
23 Caplan.

24 Gentleman, thank you for your patience.
25 We will now hear from the Philadelphia Prisons.

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2 COMMISSIONER THOMAS COSTELLO: Good
3 afternoon, President Verna, Members of City Council.
4 My name is Thomas Costello, I am the Commissioner of
5 Prisons in Philadelphia. Thank you for the
6 opportunity to present this testimony regarding our
7 FY 2000 operating budget today.

8 Seated to my left is Diane Granlund,
9 Deputy Managing Director for Population Management
10 within the city. To my right is Press Grooms, First
11 Deputy Commissioner. Seated behind Mr. Grooms is Ed
12 Szymanski, our fiscal officer; and next to him, Dan
13 Ricowski, our Director of Administrative Services.

14 At the Philadelphia Prison System, our
15 greatest challenge is to provide the cost-effective
16 service for the taxpayers of the City of
17 Philadelphia while providing a secure, safe, and
18 humane correctional environment.

19 During FY '99, we have been challenged
20 to provide these services to a large inmate
21 population that at times have exceeded 6400, well
22 above the 5600 average level originally projected
23 and budgeted for that year. Despite the increased
24 inmate population to the first half of FY '99, the
25 prison system has provided safe and secure housing

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2 for an average of almost 6200 inmates. The 127 and
3 a half million dollar operating budget request for
4 this year, for this upcoming year, is based on the
5 projected inmate average population of 6300.

6 The FY 2000 general Class 100 request
7 contains an increase of almost \$6 million from FY
8 '99. This funding will support the 4 percent
9 negotiated wage increase that goes into effect March
10 16, 2000, and the hiring of 200 correctional
11 officers and support staff to both staff the new
12 female facility and to bring all of the other
13 staffing levels to post requirements.

14 The FY 2000 General Fund Class 200
15 request includes a net increase of 3,644,000 from
16 34,000,000 in FY '99 to 37,600,000 in FY 2000. This
17 increase is due mainly to the rise of the inmate
18 population. The food service contract will cost
19 about 484,000 more during this fiscal year, and the
20 system will also see an increase of a million
21 dollars in health service contracts for FY 2000 and
22 an additional 200,000 for community house. Funding
23 for repair maintenance expense will increase by
24 246,000. The remaining increased costs are due to
25 purchase of various other services associated with

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2 the overall operation of the prison system.

3 In FY 2000, the Philadelphia Prison
4 System will continue its efforts to improve service
5 and control costs. FY 2000 funding will also allow
6 the prison system to continue to provide the many
7 services our population requires, including
8 educational, vocational, drug treatment, and
9 employment programs. We will continue to maintain
10 our substance abuse program known as Options. And
11 we will continue to maintain a smoke-free
12 environment and continue to reduce health risks and
13 possibility of fire and property damage throughout
14 the system.

15 In view of the current population
16 increase, the City has announced plans to open a new
17 female facility that will be opened the first
18 quarter of the year 2000 and will provide the system
19 with a minimum number of 500 beds. Additionally,
20 the PPS will open a new community housing center
21 with an increase capacity of 50 beds scheduled next
22 month in March of 1999, which will expand the
23 capacity of the work-release program by 35 percent.
24 The Prison System is constantly pursuing various
25 methods to help control the prison population and

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2 use resources more efficiently.

3 Like all public entities, our department
4 is faced with limited resources. The most serious
5 problem facing the prison system over the coming
6 years is the possibility of further growth in the
7 inmate population and its resulting financial impact
8 on the City. Ultimately, the number of accused and
9 convicted individuals sent to the Philadelphia
10 Prison System by the local courts is outside of the
11 City's control. Although the City has developed
12 strong population management initiatives, these
13 initiatives can only partially mitigate the demand
14 for prison capacity. All participants in the
15 criminal justice system will need to do their part
16 in order to prevent the Philadelphia Prison System's
17 budget from expanding beyond what the City's tax
18 base can support.

19 This concludes my testimony, and I'm
20 available now for any questions you may have,
21 President Verna.

22 COUNCIL PRESIDENT VERNA: Thank you,
23 Commissioner. In your testimony, you indicate that
24 there will be a new female correctional facility.
25 Where will that be located? Is it being presently

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2 constructed? When do you anticipate construction to
3 be completed?

4 COMMISSIONER COSTELLO: It will be
5 located behind the grounds of the House of
6 Correction in an area that is now housing an older
7 building, a garage and another building that's used
8 for administrative purposes. The architect and
9 engineering firm and the construction management
10 firm has been named as of last week and we plan to
11 start activities within the next two weeks, probably
12 certainly the middle of March.

13 COUNCIL PRESIDENT VERNA: I'm sorry, I
14 don't quite understand, if you don't mind
15 elaborating and clarifying for us. Is an existing
16 or are you going to have to construct a new
17 building?

18 COMMISSIONER COSTELLO: We will have to
19 raise three buildings, President Verna. We'll have
20 to raise three buildings and then construct
21 brand-new housing and attach one other existing
22 housing area, one other building, to make one
23 complex. So in essence, we are replacing three
24 buildings, one of them being a housing facility that
25 houses about a hundred inmates, and we're going to

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2 build a new building or three or four buildings as
3 part of the overall complex. It will be new
4 construction and we will add one existing housing
5 building besides that to make for the entire female
6 complex.

7 COUNCIL PRESIDENT VERNA: And you
8 anticipate that will be completed by March?

9 COMMISSIONER COSTELLO: No, I anticipate
10 starting on it in March and completion by March of
11 the following year 2000.

12 COUNCIL PRESIDENT VERNA: You're going
13 to start next month or next week?

14 COMMISSIONER COSTELLO: Yes, ma'am.
15 Next week, next month.

16 COUNCIL PRESIDENT VERNA: And you
17 anticipate that it will be completed by the March
18 2000?

19 COMMISSIONER COSTELLO: By the end of
20 March 2000, that's correct. It is a very
21 accelerated and very aggressive program we're
22 pursuing.

23 COUNCIL PRESIDENT VERNA: How many
24 female prison inmates do we have today?

25 COMMISSIONER COSTELLO: As of today we

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2 have a total of 651, and of the 651, 648 are
3 in-house, being housed today in our facilities.

4 COUNCIL PRESIDENT VERNA: And you're
5 opening a facility that will accommodate 500?

6 COMMISSIONER COSTELLO: No. The
7 facility will add an additional 500 beds to the
8 system. The overall facilities will probably be
9 approximately 750 to 775 beds.

10 COUNCIL PRESIDENT VERNA: I'm confused.
11 I am very confused.

12 COMMISSIONER COSTELLO: Currently we
13 know that we're going to have a minimum of 500
14 brand-new beds. We may increase that to almost 700
15 new beds depending how it can be retrofitted within
16 the site. We're also going to add an existing
17 building which currently does house female inmates.
18 It has a capacity of about a hundred.

19 COUNCIL PRESIDENT VERNA: And we're
20 presently housing -- how many did you say we were
21 housing?

22 COMMISSIONER COSTELLO: Currently we are
23 housing 650. And the plans will be ultimately at
24 this point to have about 775 total female beds for
25 the facility itself.

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2 COUNCIL PRESIDENT Verna: In the new
3 facilities?

4 COMMISSIONER Costello: Well, in the
5 complex. We're going to use one existing facility
6 as part of the overall complex. So there will
7 probably be more than one building under one roof,
8 so to speak.

9 President Verna, currently the female
10 inmates are being housed in four separate facilities
11 today, and our plan would be obviously to construct
12 new buildings that would house a minimum of 500 to
13 700 beds, brand-new facility, or it may be two or
14 three buildings in one complex and use an existing
15 100-bed facility as part of the overall. So the
16 overall new beds to the system would be
17 approximately 696 additional beds. We would add
18 another building to complete the complex of over 700
19 beds.

20 COUNCIL PRESIDENT Verna: Commissioner,
21 you mentioned a community housing center with 50
22 beds for your inmate population. Please explain.
23 Is that like a halfway house?

24 COMMISSIONER Costello: That is a
25 community center where we house work-release

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2 inmates.

3 COUNCIL PRESIDENT Verna: Where is this
4 going to be located?

5 COMMISSIONER Costello: It's going to be
6 located at 600 University Avenue.

7 COUNCIL PRESIDENT Verna: 600 --

8 COMMISSIONER Costello: University.

9 COUNCIL PRESIDENT Verna: Is the
10 district councilperson aware of that?

11 COMMISSIONER Costello: Yes, she is,
12 President Verna.

13 COUNCIL PRESIDENT Verna: The Chair
14 recognizes Councilman Rizzo.

15 COUNCILMAN Rizzo: Thank you, Madam
16 Chair.

17 Commissioner Costello, could you explain
18 to me, do we have prisoners incarcerated in your
19 system outside the County of Philadelphia?

20 The reason I ask this, I got a call from
21 Carbon County indicating they hadn't gotten paid for
22 housing Philadelphia's prisoners. Now, when you
23 talk about your population, this is a surprise to me
24 to find out that we've got prisoners in other
25 counties and I don't see it anywhere in the budget.

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2 It might be there, but I'm missing something. How
3 many prisoners do we have scattered in other
4 counties throughout the State of Pennsylvania that
5 we pay to house and how much do we spend?

6 COMMISSIONER COSTELLO: We did contract
7 with Carbon County about -- we terminated the
8 contract about a year and a half ago. So we have
9 not had any prisoners at Carbon County for over a
10 year and a half. I'm surprised -- to the best of my
11 understanding, we have paid them. So we had not had
12 any prisoners out of county, period, up until last
13 week.

14 Last week we started housing inmates,
15 because of the number of inmates we have currently
16 in the system, we started housing inmates in
17 Delaware County. We have a contract with Delaware
18 County similar to the contract we have with Carbon
19 County to house a number of inmates in their
20 facilities.

21 COUNCILMAN RIZZO: Well, I guess that
22 leads me to a question. If we have an overcrowding
23 problem and we have an aggressive police department
24 that's dealing with issues, why aren't we expanding
25 that option? Why aren't we putting them in Carbon

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2 County and why aren't we putting more inmates in
3 Delaware County. I mean, if you're dealing with a
4 crisis, apparently you've got an answer to the
5 overcrowding problem you're in unless it's a matter
6 of money.

7 COMMISSIONER COSTELLO: We have dealt
8 with the overcrowding issue with solutions other
9 than sending inmates out of county. There's a
10 number of steps that we have taken over the last six
11 to eight months in view of the population spike.
12 One of the solutions that we had and we're using it
13 is to house inmates out of county. But we've been
14 able to provide housing, safe, humane housing, for
15 the overflow up until this point. We're at a point
16 right now where we do have long-term solutions in
17 place, but they will not kick in until March of the
18 year 2000. So we have dealt with the population
19 spike without using out-of-county housing up to this
20 point, up to actually last week. Last week we had
21 to place, and actually we continued it this week --
22 in fact, we have exactly 74 inmates in Delaware
23 County as we speak today.

24 The other initiative that we have
25 concerns we do have some inmates that are housed in

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2 state, but that's basically -- we don't pay for
3 those inmates.

4 COUNCILMAN RIZZO: Commissioner, is it
5 correct -- do I have correct information that the
6 problem you're experiencing here in Philadelphia
7 County, there are facilities -- you just mentioned
8 the state. Is there space in the state facilities?

9 COMMISSIONER COSTELLO: There really is
10 no space. The state facilities are 130 percent at
11 capacity.

12 COUNCILMAN RIZZO: So they're not in a
13 position to help?

14 COMMISSIONER COSTELLO: They're not in a
15 position. We have a couple of inmates, a few
16 inmates housed, about 30 right now, but they're to
17 ensure that we have room coming down on writ cases.

18 COUNCILMAN RIZZO: You're talking about
19 the need to build an additional building for the
20 female prisoners. Would it be possibly more
21 economical to pay Delaware County, pay Carbon County
22 to house those prisoners rather than build a new
23 facility because maybe, hopefully, this problem will
24 some day correct itself? Has anybody did a study of
25 what's the best way to go here rather than spend

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2 millions of dollars for a building or spend some
3 money to house a couple prisoners in other places?

4 COMMISSIONER COSTELLO: We've looked at
5 that, and basically it is more economic to utilize
6 the space that we have or to build new facilities to
7 house whatever additional population.

8 The other issue comes up as to the
9 number of spaces that are even available to the
10 prison system. For instance, if we wanted to house
11 500 prisoners, there is no prison space anywhere
12 near our city that we could utilize, including the
13 state facilities, even if we wanted to pay \$57 a
14 day, as we're paying right now for those inmates.
15 Delaware County is allowing us up to 200 beds, and
16 that is it. There are a few beds available in
17 Carbon County and Luzerne County, but the total beds
18 available between those facilities are about 50 or
19 60. So in essence, right now if we were to utilize
20 all the beds available to us, we would probably have
21 about 260, maybe 275 available, period.

22 COUNCILMAN RIZZO: Commissioner, you're
23 telling me it costs us \$57 a day to house a prisoner
24 in Delaware County? Could you tell me how much it
25 costs a day to do it in our system?

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2 COMMISSIONER COSTELLO: Well, the cost
3 per day in our system is about \$75 a day, but that
4 incurs all of the court costs that we have to
5 provide for the entire system. In essence, when we
6 added additional space to accommodate the spike in
7 the population over the last year, our basic cost
8 was about \$32 per prisoner for the first 600 inmates
9 over our projected capacity.

10 COUNCILMAN RIZZO: My last question, and
11 again, I'm just looking down the road. I'd like to
12 know what we're doing or what we're allowed to do,
13 not allowed to do in the area of a DNA data bank.

14 COMMISSIONER COSTELLO: Well, I have
15 First Deputy Commissioner Grooms here who is in
16 charge of that project for the City. I'll have him
17 answer that question.

18 COUNCILMAN RIZZO: Could you just kind
19 of give us a little thumbnail of what we're allowed
20 to do and not do, please?

21 DEPUTY COMMISSIONER PRESS GROOMS: The
22 name is Press Groom, P-R-E-S-S, G-R-O-O-M-S, First
23 Deputy Commissioner. About three years ago Act 15
24 was passed, and as a result of that Act we had
25 several meetings with the State Department, it was

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1
2 Pennsylvania State Prisons. And as a consequence,
3 of that we also began to take blood for DNA samples.
4 We currently take for DNA samples between 19 and 15
5 inmates per month. Those are the inmates that have
6 been to court and have been found guilty of sexual
7 offenses, also including murder. Basically, murder,
8 rape, child abuse, and other sex offenses. That
9 blood is taken with the assistance of our medical
10 contractor and it's packaged up and mailed to the
11 State Police Department. And we do that during the
12 week, five days a week.

13 COUNCILMAN RIZZO: Are you limited to
14 the classification of inmate that you just described
15 or could that be expanded to any person that's
16 convicted and housed in your facility that you could
17 do a DNA and put it in a national data bank.

18 DEPUTY COMMISSIONER GROOMS: We are
19 limited based on the law. The law clearly states
20 that inmates in that category, and we take the blood
21 from those inmates in that category, and that
22 category alone, and send it to the State for the
23 data bank. So the State maintains the data bank.
24 And also, the law clearly states that those inmates
25 that have been found guilty of those charges cannot

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2 be discharged, they cannot even go out on work
3 release or any kind of release until they have given
4 blood for the DNA sampling to be placed in the data
5 bank.

6 COUNCILMAN RIZZO: So that information
7 is sent to the State Police, and I assume -- but
8 I've learned not to do that. I assume that that is
9 an investigative tool that all law enforcement
10 agencies have access to nationally?

11 DEPUTY COMMISSIONER GROOMS: That is
12 correct. All law enforcement have access to that
13 data base at their request.

14 COUNCILMAN RIZZO: I guess that's a step
15 in the right direction.

16 DEPUTY COMMISSIONER GROOMS: We
17 concluded it was an excellent idea, and there have
18 been some results in the State of Pennsylvania from
19 having the samples.

20 COUNCILMAN RIZZO: So that data
21 locally -- I know nationally there have been some
22 successes as an investigative tool. But you're
23 telling me that right here there have been some
24 cases, it's been helpful to bring --

25 DEPUTY COMMISSIONER GROOMS: There's at

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2 least two that's been brought to my attention the
3 DNA sampling has been very successful aiding to
4 arrest criminals.

5 COUNCILMAN RIZZO: Thank you both.

6 Thank you, Madam Chair.

7 COUNCIL PRESIDENT Verna: The Chair
8 recognizes Councilwoman Blackwell.

9 COUNCILWOMAN BLACKWELL: Thank you,
10 Madam President.

11 Mr. Commissioner, let me first
12 apologize. I meant to contact you after that
13 accident we had after the last meeting. I'm glad to
14 see you're doing well.

15 COMMISSIONER COSTELLO: Thank you.

16 COUNCILWOMAN BLACKWELL: And also, I
17 haven't any talks since maybe a month after we met,
18 and the same parties that we thought the
19 Administration might be involved in would feel the
20 same way. Just so you know, they kind of haven't
21 changed their opinion, so we'll just keep that in
22 mind and consider that and we may need, it seems to
23 me, that the Administration may need to intercede
24 there. Thank you.

25 COMMISSIONER COSTELLO: Thank you,

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2 Councilwoman.

3 COUNCILWOMAN BLACKWELL: Thank you,
4 Madam Chair.

5 COUNCIL PRESIDENT VERNA: Thank you.

6 The Chair recognizes Councilwoman
7 Krajewski.

8 COUNCILWOMAN KRAJEWSKI: Good morning.
9 What are the long-range plans regarding the prison
10 when this happens as far as non-incarcerated people,
11 or whatever you want to call it? What are the
12 plans? Because there will be no more prisons.

13 COMMISSIONER COSTELLO: The long-range
14 plan at this point is the new female -- the
15 additional beds for the female facility.

16 COUNCILWOMAN KRAJEWSKI: Is there
17 anything in the long-range plans in the future?

18 COMMISSIONER COSTELLO: At this point
19 there's none that I'm aware of. I know that it was
20 a plan to replace the House of Correction and I
21 don't know if Mr. Caplan would like to address that
22 issue today.

23 COUNCILMAN KRAJEWSKI: Well, you want to
24 tell me a little bit about replacing the House of
25 Correction.

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2 COMMISSIONER COSTELLO: Well, the
3 original 10-year plan called for a number of
4 renovations for the House of correction. In lieu of
5 that one of the options was to replace the facility,
6 replace the House of Correction facility, and that
7 has always been one of the projects that has been in
8 the forefront but has not been acted upon as of this
9 date. We do have funding for the facility. The
10 question at this point, as you are aware, is
11 location of the facility within the city. So at
12 this point, there is no active or initiative right
13 now as we speak concerning replacement for the House
14 of Correction.

15 COUNCILWOMAN KRAJEWSKI: You know, it's
16 been told to me many times about no more prisons,
17 but in the event that we are building what is
18 private beds for woman?

19 COMMISSIONER COSTELLO: Minimum, yes.

20 COUNCILWOMAN KRAJEWSKI: And replacing
21 them with the male population?

22 COMMISSIONER COSTELLO: That's correct.
23 The advantage of this facility would be placing the
24 current 400 population of female inmates over to the
25 new facility thereby allowing for additional space

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2 for the male prisoners.

3 COUNCILWOMAN KRAJEWSKI: Thank you,
4 Commissioner.

5 COMMISSIONER COSTELLO: Thank you.

6 COUNCIL PRESIDENT VERNA: Are there any
7 other questions or comments for the Commissioner?

8 Thank you very much. I appreciate your
9 patience.

10 This concludes the public hearings for
11 today. The committee will stand in recess until
12 Friday, February 26, 1999 at 9 a.m.

13 (Adjourned at 1:20 p.m.)

14 MS. JULIA CHAPMAN: This is an
15 announcement that the hearing by the Committee on
16 Commercial and Economic Development scheduled for
17 2:30 today on Resolution No. 980734 has been
18 canceled.

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of February 24, 1999, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE OF THE WHOLE

Lisa C. Bradley, RPR
and Notary Public