

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Via Microsoft Teams
Philadelphia, Pennsylvania
Wednesday, May 19, 2021
9:52 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN KENDRA BROOKS
COUNCILMAN ALLAN DOMB
COUNCILWOMAN JAMIE GAUTHIER
COUNCILWOMAN KATHERINE GILMORE RICHARDSON
COUNCILMAN DEREK S. GREEN
COUNCILWOMAN HELEN GYM
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN CHERELLE L. PARKER
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA
COUNCILMAN ISAIAH THOMAS

BILLS 210320, 210321, 210322, 210323, and
210324
RESOLUTION 210336

- - -

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you, and good morning to everyone.

4 I understand that the state law
5 currently requires that the following 00:00:08
6 announcement be made at the beginning of
7 every remote public hearing as follows:

8 Due to the current public
9 health emergency, City Council committees
10 are currently meeting remotely. We are 00:00:16
11 using Microsoft Teams to make these
12 remote hearings possible. Instructions
13 for how the public may view and offer
14 public testimony at public hearings of
15 Council committees are included in the 00:00:27
16 public hearing notices that are published
17 in the Daily News, Inquirer, and Legal
18 Intelligencer prior to the hearing, and
19 can also be found on PHLCouncil.com.

20 I now note that the hour has 00:00:39
21 come.

22 Mr. McDermott, will you please
23 call the roll to take attendance, and
24 members that are in attendance please
25 indicate so by saying present, whatever 00:00:45

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 you may choose, to ensure that your image
3 is displayed on the screen.

4 THE CLERK: Councilmember Bass.

5 COUNCILWOMAN BASS: Good 00:00:56

6 morning, Mr. President, colleagues, and
7 the City of Philadelphia.

8 COUNCIL PRESIDENT CLARKE: Good

9 morning.

10 THE CLERK: Councilmember 00:01:02

11 Brooks.

12 COUNCILWOMAN BROOKS: Good

13 morning, Council President and
14 colleagues.

15 COUNCIL PRESIDENT CLARKE: Good 00:01:09

16 morning.

17 COUNCILWOMAN BROOKS: I'm

18 present.

19 THE CLERK: Councilmember Domb.

20 COUNCILMAN DOMB: Good morning, 00:01:13

21 Council President and colleagues and
22 Philadelphia.

23 COUNCIL PRESIDENT CLARKE: Good

24 morning.

25 THE CLERK: Councilmember 00:01:18

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1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Gauthier.

3 COUNCILWOMAN GAUTHIER: Good

4 morning, Council President, colleagues,

5 and Philadelphia. Present. 00:01:24

6 COUNCIL PRESIDENT CLARKE: Good

7 morning.

8 THE CLERK: Councilmember

9 Gilmore Richardson.

10 COUNCILWOMAN RICHARDSON: Good 00:01:29

11 morning, Council President. Good

12 morning, colleagues. And good morning,

13 Philadelphia.

14 COUNCIL PRESIDENT CLARKE: Good

15 morning. 00:01:35

16 THE CLERK: Councilmember

17 Green.

18 COUNCILMAN GREEN: Good

19 morning, Council President. Good

20 morning, colleagues. Good morning, 00:01:40

21 Council staff. And good morning to the

22 City of Philadelphia.

23 COUNCIL PRESIDENT CLARKE: Good

24 morning.

25 THE CLERK: Councilmember Gym. 00:01:48

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1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILWOMAN GYM: Good
3 morning, Council President, and good
4 morning, colleagues. I am present.

5 COUNCIL PRESIDENT CLARKE: Good 00:01:55
6 morning.

7 THE CLERK: Councilmember
8 Henon.

9 (No response.)

10 THE CLERK: Councilmember 00:02:03
11 Johnson.

12 (No response.)

13 THE CLERK: Councilmember
14 Jones.

15 (No response.) 00:02:13

16 THE CLERK: Councilmember
17 O'Neill.

18 COUNCILMAN O'NEILL: Good
19 morning, everyone.

20 COUNCIL PRESIDENT CLARKE: Good 00:02:18
21 morning.

22 THE CLERK: Councilmember Oh.

23 COUNCILMAN OH: Good morning,
24 Council President, colleagues. I am
25 present. 00:02:24

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1 5/19/21 - WHOLE - BILL 210320, ETC.
2 COUNCIL PRESIDENT CLARKE: Good
3 morning.
4 THE CLERK: Councilmember
5 Parker. 00:02:28
6 COUNCILWOMAN PARKER: Good
7 morning, Mr. President, colleagues, and
8 Philadelphia.
9 COUNCIL PRESIDENT CLARKE: Good
10 morning. 00:02:32
11 THE CLERK: Councilmember
12 Quinones-Sanchez.
13 COUNCILWOMAN SANCHEZ: Good
14 morning, Council President and
15 colleagues. I'm present. 00:02:39
16 COUNCIL PRESIDENT CLARKE: Good
17 morning.
18 THE CLERK: Councilmember
19 Squilla.
20 COUNCILMAN SQUILLA: Good 00:02:46
21 morning, Council President, colleagues.
22 Present.
23 COUNCIL PRESIDENT CLARKE: Good
24 morning.
25 THE CLERK: And Councilmember 00:02:49

Committee of the Whole
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1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Thomas.

3 COUNCILMAN THOMAS: Good

4 morning, Council President. Good

5 morning, colleagues. 00:02:54

6 COUNCIL PRESIDENT CLARKE: Good

7 morning.

8 Thank you. We've established a

9 quorum of the Committee of the Whole.

10 This is a public hearing of the Committee 00:03:05

11 of the Whole regarding Bills No. 210320,

12 210321, 210322, 210323, 210324, and

13 Resolution No. 210336.

14 Mr. McDermott, please read the

15 titles of the bills and resolution. 00:03:22

16 THE CLERK: Bill No. 210320, an

17 ordinance to adopt a Capital Program for

18 the six Fiscal Years 2022 to 2027

19 inclusive.

20 Bill No. 210321, an ordinance 00:03:33

21 to adopt a Fiscal Year 2022 Capital

22 Budget.

23 Bill No. 210322, an ordinance

24 adopting the Operating Budget for Fiscal

25 Year 2022. 00:03:42

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Bill No. 210323, an ordinance
3 amending Chapter 19-2600 of The
4 Philadelphia Code, entitled "Business
5 Income and Receipts Taxes," by revising 00:03:50
6 certain tax rates, under certain terms
7 and conditions.

8 Bill No. 210324, an ordinance
9 amending Chapter 19-1500 of The
10 Philadelphia Code, entitled "Wage and Net 00:04:00
11 Profits Tax," by revising certain tax
12 rates, under certain terms and
13 conditions.

14 Resolution No. 210336,
15 resolution providing for the approval by 00:04:07
16 the Council of the City of Philadelphia
17 of a Revised Five Year Financial Plan for
18 the City of Philadelphia covering Fiscal
19 Years 2022 through 2026, and
20 incorporating proposed changes with 00:04:20
21 respect to Fiscal Year 2021, which is to
22 be submitted by the Mayor to the
23 Pennsylvania Intergovernmental
24 Cooperation Authority pursuant to the
25 Intergovernmental Cooperation Agreement, 00:04:27

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 authorized by an ordinance of this
3 Council approved by the Mayor on
4 January 3rd, 1992, by and between the
5 City and the Authority.

00:04:35

6 COUNCIL PRESIDENT CLARKE:

7 Thank you, Mr. McDermott.

8 Today we continue the public
9 hearing of the Committee of the Whole to
10 consider the bills read by the Clerk that
11 constitute proposed operating and capital
12 spending measures for Fiscal Year 2022, a
13 Capital Program, and a forward-looking
14 Capital Plan for Fiscal 2022 through
15 Fiscal 2027.

00:04:42

00:04:55

16 Before we begin to hear
17 testimony from the witnesses we have for
18 today, everyone who has been invited to
19 the meeting to testify should be aware
20 that this public hearing is being
21 recorded, and because the hearing is
22 public, participants and viewers have no
23 reasonable expectation of privacy. So by
24 continuing to be in the meeting, you are
25 consenting to being recorded.

00:05:03

00:05:12

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Additionally, prior to
3 recognizing members for questions or
4 comments they have for witnesses, I will
5 note for the record at this time that we 00:05:20
6 will use the Chat feature available in
7 Microsoft Teams to allow members to
8 signify that they wish to be recognized.
9 In order to comply with the Sunshine Act,
10 the Chat feature must only be used for 00:05:30
11 this particular purpose, and the Chat
12 feature shall be only used by members of
13 Council.

14 Today we will hear testimony
15 from the Controller, the Sheriff, First 00:05:41
16 Judicial District, District Attorney, and
17 the Public Defender.

18 Mr. McDermott, who do we have
19 up first?

20 THE CLERK: The first person to 00:05:53
21 testify is Rebecca Rhynhart, City
22 Controller.

23 COUNCIL PRESIDENT CLARKE:

24 Thank you.

25 Madam Controller, are you 00:05:59

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 connected?

3 CONTROLLER RHYNHART: I am.

4 Can you hear me?

5 COUNCIL PRESIDENT CLARKE: I 00:06:04

6 can hear you. Congratulations for your
7 tough-fought victory before we start, for
8 your nomination.

9 CONTROLLER RHYNHART: Thank
10 you. 00:06:13

11 COUNCIL PRESIDENT CLARKE:
12 Please just state your name for the
13 record and proceed with your testimony.

14 CONTROLLER RHYNHART: Thank
15 you, Council President. 00:06:17

16 Good morning, Council President
17 Clarke and members of City Council. I am
18 City Controller Rebecca Rhynhart. I am
19 pleased to provide testimony on the
20 Office of the City Controller's Fiscal 00:06:26
21 Year 2022 Operating Budget.

22 The City Controller is the
23 fiscal watchdog and chief auditor for the
24 City of Philadelphia. To fulfill our
25 mission to make City government work more 00:06:38

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 efficiently and effectively so that it
3 can best serve all residents, my office
4 uses the audit and investigative
5 functions. Under my leadership, the 00:06:47
6 office has audited every department every
7 year, something that has not always been
8 done in the past. We have completed
9 special audits covering a range of issues
10 from examining problems with the City's 00:06:59
11 new payroll system, One Philly, to ensure
12 employees were paid correctly, to
13 reviewing the Philadelphia Parking
14 Authority's on-street parking expenses to
15 determine if more funds could go to the 00:07:11
16 School District. We have investigated
17 missing guns at the Sheriff's Office and
18 the City's response to the civil unrest
19 last year.
20 Additionally, my office has 00:07:20
21 worked on critical policy issues such as
22 gun violence and the economic impact of
23 the COVID-19 pandemic, and my office
24 continues to perform the Charter-required
25 monitoring of payments to ensure 00:07:33

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 contractual compliance before payments
3 are issued.

4 For Fiscal '22, Mayor Kenney
5 has proposed an operating budget of 00:07:42
6 \$9,478,289 for my office. This level of
7 funding makes permanent a Fiscal '21 cut
8 of \$571,814 that my office agreed to take
9 during the pandemic for one year. Like
10 so many other departments, we wanted to 00:08:04
11 do our part to ensure that the City was
12 able to balance its budget while
13 minimizing the impacts on residents.

14 On April 5th of this year, my
15 office requested that the cut be 00:08:16
16 restored, but it was not added back to
17 the budget. As such, the Mayor's
18 proposed budget, which continues Fiscal
19 '21's reduced funding, is insufficient.
20 I am requesting that the Office of the 00:08:29
21 City Controller's \$571,814 reduction in
22 Class 100 funding be restored.

23 Approximately 95 percent of the
24 Office of the City Controller's budget is
25 Class 100, with the remaining 5 percent 00:08:44

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 in Class 2 to 400. Over the last fiscal
3 year, my office did not fill key
4 vacancies in order to meet the reduction
5 in Class 100 spending. These vacancies, 00:08:55
6 primarily in our audit function, have
7 created a strain in our operations.
8 Continuing to operate at this staffing
9 level will result in a severe impact of
10 my office's ability to perform its 00:09:08
11 duties.

12 I am appealing to City Council
13 to ensure that my office has adequate
14 appropriations to perform the duties of
15 our office as outlined in Section 00:09:18
16 2-300(4)(b) of the Philadelphia Home Rule
17 Charter, which states, "The amount
18 appropriated to the Auditing Department
19 shall be adequate to enable the City
20 Controller to perform the duties of his 00:09:32
21 office and of the Auditing Department."
22 As such, I am requesting that my office's
23 budget be restored to \$10,140,103 for
24 Fiscal '22.

25 I believe we as a government 00:09:47

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 can operate better for all residents. It
3 is a belief I know this body shares, and
4 it is what we all work toward every day.

5 As City Controller, it is my 00:09:57

6 goal that the Controller's Office be seen
7 as a resource, helping to move the City
8 forward and address some of our greatest
9 challenges by providing valuable

10 information, data, and audits. 00:10:08

11 Thank you. This concludes my
12 testimony, and I'm happy to answer any
13 questions that you may have at this time.

14 COUNCIL PRESIDENT CLARKE:

15 Thank you, Controller. 00:10:19

16 The issue with respect to the
17 Charter and its mandated appropriations,
18 there's not a dollar figure associated
19 with that, but it does clearly state that
20 the Controller must be in a position to 00:10:33
21 adequately perform its duties and
22 responsibilities of oversight, waste, and
23 efficiency, all the things associated
24 with your role.

25 Can you talk to me in any level 00:10:43

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 of specificity about, or talk to us,
3 about the shortage of funding that you
4 received in the past fiscal and
5 potentially the next fiscal, what would 00:10:56
6 you not be able to do and what would you
7 be able to do if you got restoration of
8 the \$600,000.

9 CONTROLLER RHYNHART: Sure. So
10 the vacancies -- so our overall staffing 00:11:08
11 position has gone down from last year's
12 budget testimony when we reported on 135
13 staff members to 118 in our office, and
14 this reduction is primarily in our audit
15 function. So for one year, we managed 00:11:27
16 through, but what it would do if it stays
17 that way is limit our ability to perform
18 the audit function.

19 So, for example, my office has
20 been auditing every department every 00:11:45
21 year, which is something that hadn't
22 always been done in the past. I think
23 that our audit staff would be severely
24 strained to do the audits required
25 without building that staff level up 00:12:00

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 again.

3 So I do think that we need the
4 funds. And I'm all for efficiencies
5 where we can find them, but it does 00:12:09
6 deeply concern me that we wouldn't be
7 able to do the required audit work that
8 my audit staff does in the Class 100
9 function.

10 COUNCIL PRESIDENT CLARKE: 00:12:25
11 Okay. Talk to me a little bit about your
12 relationship with PICA and the direction
13 as we allegedly wind down on PICA.

14 CONTROLLER RHYNHART: Sure.

15 COUNCIL PRESIDENT CLARKE: And 00:12:44
16 I know the Controller as having a role in
17 that. A number of us are looking forward
18 to that potential roll-down.

19 CONTROLLER RHYNHART: Okay.

20 COUNCIL PRESIDENT CLARKE: Can 00:12:52
21 you talk about the benefits associated
22 with it and then the possibility of it no
23 longer playing its particular role?

24 CONTROLLER RHYNHART: So great
25 question. PICA is set to go away in 00:13:06

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 Fiscal '23, and when it was set up, as
3 you know, when it was set up during
4 the -- when the City was almost bankrupt
5 at the late '90s, 2000 timeframe, it was 00:13:20
6 always meant to roll off. It was always
7 meant to expire and to give the power
8 back to the City.

9 There are some good features
10 built into that PICA oversight I think, 00:13:35
11 in my opinion, such as quarterly
12 reporting and five-year budgeting. Those
13 are best practices. A lot of governments
14 do those best practices, though, without
15 having a state oversight board such as 00:13:50
16 PICA.

17 So I know there's been a debate
18 around if PICA should be reupped, and
19 I've spoken at a panel on it. I think
20 that we as a city should be able to 00:14:06
21 govern ourselves, but with that said,
22 there's a lot of good things built into
23 PICA that we should just adopt as a city.

24 COUNCIL PRESIDENT CLARKE:
25 Okay. 00:14:19

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILMAN GREEN: Council
3 President, I have a point of information.

4 COUNCIL PRESIDENT CLARKE: The
5 Chair recognizes Councilman Green for a 00:14:24
6 point of information.

7 COUNCILMAN GREEN: Thank you,
8 Council President.

9 Thank you, Controller Rhynhart.
10 We actually have a resolution for 00:14:31
11 hearings on that issue. I know we've
12 been talking with the Administration
13 regarding PICA and what steps and what
14 impact that may have on the City as an
15 entity. So definitely look forward to 00:14:45
16 continuing the conversation.

17 I also participate in a panel
18 with Controller Rhynhart, and look
19 forward for her conversation, engagement,
20 and all of our engagement in this issue. 00:14:55

21 Thank you, Council President.

22 COUNCIL PRESIDENT CLARKE:

23 Thank you, Councilman.

24 Thank you, Controller.

25 CONTROLLER RHYNHART: Thank 00:15:03

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 you.

3 COUNCIL PRESIDENT CLARKE: I'm
4 going to recognize Councilman Oh.

5 COUNCILMAN OH: Thank you very 00:15:06
6 much, Council President.

7 I just first completely agree
8 that budgets that were cut of independent
9 elected offices should be restored to
10 pre-pandemic levels. So I certainly 00:15:23
11 would like to see your office fully
12 restored as well as the others so that
13 you can carry on the important functions
14 of your office.

15 I do myself find it alarming 00:15:34
16 that our city has gotten a windfall of
17 \$1.4 billion and we are not doing those
18 type of things. As the Controller, what
19 do you think is the role of this
20 \$1.4 billion coming to the City of 00:15:55
21 Philadelphia?

22 CONTROLLER RHYNHART: That is a
23 great question, Councilmember Oh, and the
24 1.4 billion is a huge opportunity for the
25 City, both -- obviously it's needed to 00:16:10

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 fill budget shortfalls because of COVID,

3 but it also is an opportunity to make

4 strategic investments, and I know that

5 Council will be looking at this as part 00:16:24

6 of the budget process, and my office is

7 looking at this as well in terms of the

8 1.4 billion and what could be some best

9 practices around utilizing that money.

10 So we will be releasing something in the 00:16:39

11 coming weeks on that just to be used as a

12 source of information as you deliberate

13 about the budget that you pass.

14 COUNCILMAN OH: Thank you. I

15 hope your office is fully funded and then 00:16:52

16 some to keep an eye on this \$1.4 billion

17 so we know where it's being spent.

18 CONTROLLER RHYNHART: Thank

19 you.

20 COUNCILMAN OH: Thank you very 00:17:02

21 much, Council President.

22 COUNCIL PRESIDENT CLARKE: I'm

23 sorry, Councilman.

24 The Chair recognizes Councilman

25 Domb. 00:17:10

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILMAN DOMB: Thank you,
3 Council President.

4 Good morning, Controller
5 Rhynhart, and congratulations. 00:17:16

6 CONTROLLER RHYNHART: Thank
7 you, Councilmember Domb. I appreciate
8 it.

9 COUNCILMAN DOMB: So I don't
10 know if Rob Dubow is in the hearing, but 00:17:22
11 I guess I could ask you the question. If
12 he's here, he can chime in also. But I
13 wanted to talk about the schedule of
14 financial assistance like really briefly.

15 CONTROLLER RHYNHART: Okay. 00:17:33

16 COUNCILMAN DOMB: A few years
17 ago I think the federal government
18 changed some of the accounting rules and
19 now they require the submission of a
20 single audit of how our agencies and 00:17:39
21 organizations spend federal dollars
22 alongside the CAFR. We have yet to
23 successfully, though, complete this audit
24 on time.

25 The audit from Fiscal Year '19, 00:17:49

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 which was three budget cycles and a
3 pandemic ago, still isn't up on our
4 Finance's website. Do either of you have
5 any plan as to how we can get up to speed 00:17:56
6 on this?

7 CONTROLLER RHYNHART: Yeah. I
8 mean, this has been a finding in our
9 single audit for multiple years now, that
10 the Finance Department is not getting the 00:18:10
11 Controller's Office the materials to be
12 audited until way past when it needs to
13 be delivered. So we have cited this as a
14 weakness for multiple years and have
15 suggested that Finance hire additional 00:18:30
16 staff on that front. To me, I don't
17 fully understand why there's not more
18 urgency from Finance on that.

19 COUNCILMAN DOMB: Okay. Is
20 Mr. Dubow on the call today? Maybe he 00:18:45
21 could also answer. I don't know for sure
22 if he's here. No?

23 COUNCIL PRESIDENT CLARKE: No.

24 COUNCILMAN DOMB: All right.
25 I'll circle back with him, but thank you 00:18:52

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 for that answer.

3 I have a question. I know you
4 talked about the Sheriff's Office and the
5 firearms that were missing. Have the 00:18:59
6 recommendations been implemented that you
7 put forth and, more importantly, have we
8 found those guns that were missing?

9 CONTROLLER RHYNHART: So,
10 Councilman, you're referencing the audit 00:19:10
11 of the missing guns where we found over
12 200 missing guns in the Sheriff's Office.
13 It is important to note that this problem
14 we found -- we released this
15 investigation in 2020. We did find that 00:19:23
16 this problem was well before Rochelle
17 Bilal took office and that her people
18 were very cooperative in the
19 investigation.

20 We are going back in this 00:19:36
21 summer to see if the recommendations were
22 implemented, and it's basically to make
23 sure the recommendations are implemented.

24 In terms of finding all of
25 those -- finding the missing guns, I 00:19:55

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 can't answer that. I mean, we gave the
3 information and passed the information,
4 but I don't think we have an answer on
5 that, which is very concerning around the 00:20:07
6 process. I mean, we did find some
7 evidence of some gun sales, and it's all
8 very concerning.

9 So I do know, though, that
10 Rochelle Bilal and her team were starting 00:20:22
11 to fix it already, so I am hopeful that
12 when we go back in, that hopefully it
13 will be fixed, and I'm happy to get back
14 to you after that time.

15 COUNCILMAN DOMB: Okay. 00:20:35
16 Another question for you. Thank you for
17 that.

18 CONTROLLER RHYNHART: Sure.

19 COUNCILMAN DOMB: This is an
20 issue for the City, but is there a role 00:20:41
21 your office can play in kind of
22 mitigating problems before they occur?
23 And I'm referring to like the One Philly
24 issue. I know you've previously reported
25 on it. 00:20:49

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 CONTROLLER RHYNHART: Sure.

3 COUNCILMAN DOMB: You have a

4 lot of experience I know in this area and

5 in various capacities. Like what 00:20:54

6 guardrails could we put in place to make

7 sure we're spending taxpayer dollars in a

8 manner that's responsible, impactful,

9 especially when we undertake these big

10 projects? Like I know we're looking at 00:21:05

11 the legacy systems we have as a city.

12 CONTROLLER RHYNHART: Really

13 good question, and that is -- I share

14 your concern. The issues with One

15 Philly, some of which have been fixed but 00:21:15

16 some haven't yet, and at the same time,

17 the City is starting to embark on a

18 project to replace other legacy systems,

19 the accounting system, the procurement

20 system, that will cost over \$100. One 00:21:32

21 Philly cost 40 million. They're starting

22 something that will cost over 100, and I

23 don't have full confidence that at this

24 point that they have a good process in

25 place to do that type of large-scale 00:21:45

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 project, and I have called for them to
3 halt that hundred million-plus project
4 until they fully sort out all of the
5 problems with One Philly. They have not 00:21:55
6 done that to date.

7 I do think it might be
8 worthwhile and maybe there's something we
9 could talk about more around creating
10 some sort of guardrails there, because it 00:22:07
11 is a continuing problem, in my view.

12 COUNCILMAN DOMB: And have you
13 spoken to them about creating that so we
14 can kind of work together and not have
15 issues in the future? 00:22:20

16 CONTROLLER RHYNHART: My office
17 has been pretty direct with what we view
18 as the concerns and the issues, so...

19 COUNCILMAN DOMB: Okay. Let me
20 ask another question. I know you've been 00:22:35
21 the Controller now for four years, and it
22 looks like it will be another four years
23 as Controller. And so what would you say
24 in the area of -- there's so many things
25 that the Controller's Office does, but in 00:22:45

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 the area of saving money for the City,
3 what would you say -- how much money have
4 you really saved Philadelphia over the
5 last four years that you've actually 00:22:53
6 proposed and how much have they
7 implemented?

8 CONTROLLER RHYNHART: Yeah. So
9 a lot of our audits have found
10 opportunities for savings that are not 00:23:02
11 yet implemented, such as even the
12 alternative budget proposal that my
13 office released last year which said the
14 City could save 40 million a year on
15 overtime management if we just got it 00:23:18
16 down to \$6,000 per employee on average
17 across the workforce instead of 8,000 per
18 employee on average across the workforce
19 as it was a year ago.

20 There are many, many things 00:23:33
21 like that that we have identified that
22 have not actually been implemented, and
23 that is one of the things -- that's one
24 of -- as the Controller, I can find the
25 problem, recommend the solution, but I 00:23:49

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 can't force the execution of it. So the
3 way I view my role is to constantly be
4 looking for those savings opportunities,
5 those efficiencies and laying them out to 00:24:05
6 say we can do this better. This
7 Administration hasn't really, I think,
8 done that with the urgency that I think
9 there needs to be.

10 COUNCILMAN DOMB: Okay. Is it 00:24:21
11 possible you can send to us an overview
12 of the recommendations you've made?
13 Minute details just (connection issues)
14 and what we can continue to try to look
15 to find savings in the budget. 00:24:38

16 COUNCIL PRESIDENT CLARKE:
17 Councilman, say that again. You froze
18 for a second. Ask that question.

19 COUNCILMAN DOMB: Oh, I'm
20 sorry. If we could just get a list from 00:24:43
21 you, Controller Rhynhart, of the
22 implementations that you've suggested and
23 the dollar savings.

24 CONTROLLER RHYNHART: Sure.
25 Yeah. We can do that. We can put that 00:24:50

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 together.

3 COUNCILMAN DOMB: All right.

4 Thank you very much.

5 Thank you, Council President. 00:24:53

6 CONTROLLER RHYNHART: Thank

7 you.

8 COUNCIL PRESIDENT CLARKE:

9 Thank you, Councilman.

10 The Chair recognizes 00:24:56

11 Councilwoman Bass.

12 COUNCILWOMAN BASS: Good

13 morning. How are you?

14 CONTROLLER RHYNHART: Good

15 morning, Councilwoman Bass. How are you? 00:25:04

16 COUNCILWOMAN BASS: I'm very

17 well today. Thank you.

18 So a couple of quick questions

19 for you, and one is that I know that you

20 said that your office does audits every 00:25:10

21 year. And can you talk about any audits

22 that you've done in the most recent years

23 regarding the Health Department and also

24 the Medical Examiner's Office and what

25 you may have found. And obviously I 00:25:25

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 wanted to talk specifically about the
3 situation where we lost remains or we
4 thought had cremated remains and then
5 they were sitting on a shelf for the last 00:25:36
6 35, 37 years. These kinds of things
7 really do cause the public to lose faith
8 in government, in us, in all the work
9 that's done.

10 So can you talk about any 00:25:51
11 findings that may have come out of
12 previous audits from those two
13 departments?

14 CONTROLLER RHYNHART: So it is
15 so horrible and disturbing the facts that 00:26:02
16 have come out over the last week, week
17 and a half, and, yeah, it's very, very
18 troublesome, and I think that there are a
19 lot of questions around the Medical
20 Examiner's Office, around their -- I 00:26:23
21 mean, why the remains were there and then
22 the fact that there was a policy to hold
23 some -- it just -- there's so many
24 different facts that are disturbing that
25 my office is looking at the possibility 00:26:40

5/19/21 - WHOLE - BILL 210320, ETC.
of doing an investigation there. I do
know the Administration has announced
that they're doing one, but I think that
there might be something gained. 00:26:57

COUNCILWOMAN BASS: They're interested in doing one with an outside law firm, and I think it's very important that we look from an internal perspective as well. And so even though your office is independent --

CONTROLLER RHYNHART: Right.

funded by the taxpayers, and very much would appreciate your findings on these matters and others, I'm sure. And I know you and I spoke, just a matter of transparency, you and I did speak about my request to you that your office, the Controller's Office, actually oversee an audit of particularly the Medical Examiner's Office in terms of practices, policies, procedures, what is happening, what is supposed to happen.

And it's just mind-boggling. 00:27:46

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 When I first heard about it, it was
3 almost like a gut punch, the idea that
4 someone's remains would be so cavalierly
5 discarded, and then to find out, oh, no, 00:27:58
6 they weren't discarded, here they are
7 right here in the box. I just came back
8 from vacation and I found this box that's
9 been sitting here for 37 yeas. Like the
10 whole thing just sounds really 00:28:09
11 ridiculous.

12 CONTROLLER RHYNHART: It's
13 horrible.

14 COUNCILWOMAN BASS: It leads to
15 a lack of confidence in government and 00:28:15
16 operating systems.

17 So my office is putting
18 together a letter to you, as we spoke
19 about, and requesting, formally
20 requesting, an audit from your office on 00:28:25
21 the Medical Examiner's Office and what is
22 occurring within their operations. So
23 I'm sure we'll have more conversation
24 about this as your findings become
25 public, but if you could shed any light 00:28:40

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 on anything you may have noticed in past
3 audits around this office or the Health
4 Department, I think we would all
5 appreciate it.

00:28:49

6 CONTROLLER RHYNHART: Okay.

7 Thank you, Councilwoman Bass, and
8 appreciate that formal request to do an
9 investigation or special audit into the
10 Medical Examiner's Office so that -- we
11 will do that.

00:29:00

12 COUNCILWOMAN BASS: Thank you.

13 COUNCILWOMAN GAUTHIER: Point
14 of information, Council President.

15 COUNCIL PRESIDENT CLARKE: The
16 Chair recognizes Councilwoman Gauthier.

00:29:08

17 COUNCILWOMAN GAUTHIER: Thank
18 you so much.

19 I just wanted to state on
20 record that my office will be joining
21 Councilmember Bass in making that formal
22 request of the Controller to examine what
23 happened with the MOVE remains.

00:29:15

24 Thank you.

25 COUNCILWOMAN BASS: Thank you,

00:29:27

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 Council Lady. And what we'll do is, we
3 will circulate it to all members of
4 Council who would like to sign on, but
5 thank you, Councilwoman Gauthier, for 00:29:34
6 your leadership on this. We know that
7 this is in your district and you've been
8 at the forefront of this issue, so thank
9 you so much for your support.
10 COUNCILWOMAN GAUTHIER: Thank 00:29:41
11 you too.
12 COUNCIL PRESIDENT CLARKE:
13 Thank you, Councilwoman.
14 COUNCILWOMAN BASS: Thank you,
15 Mr. President. 00:29:45
16 Thank you, Madam Controller.
17 CONTROLLER RHYNHART: Thank
18 you, Councilwoman.
19 COUNCIL PRESIDENT CLARKE:
20 Thank you, Councilwoman. 00:29:49
21 The Chair recognizes
22 Councilwoman Quinones-Sanchez.
23 COUNCILWOMAN SANCHEZ: Good
24 morning, Controller. Thank you so very
25 much and, again, congratulations -- 00:29:58

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 CONTROLLER RHYNHART: Thank

3 you.

4 COUNCILWOMAN SANCHEZ: -- on

5 your service. 00:30:03

6 I also just want to kind of
7 echo that traditionally in Council the
8 independent elected officials should have
9 the ability to have a budget that allows
10 them to function based on the electoral 00:30:13
11 mandate that they have been given as
12 independent elected officials. So I look
13 forward to working with you on that,
14 because it's important and it helps us
15 divide -- \$10 million for \$15 billion in 00:30:24
16 operations when you consider some of our
17 authorities and funds is not a whole lot
18 of money just given this.

19 So I want to talk to you
20 because one of the important things that 00:30:38
21 you mention is the issue of the annual
22 audits and how important that is, and I
23 know Councilmember Domb kind of alluded
24 to this, but I want to kind of drill down
25 on the specific issues of savings. 00:30:48

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 If you can just big picture
3 tell us what are the challenges that you
4 see, right -- you have the experience of
5 being on the other side for ten years -- 00:31:01
6 around the bureaucracy in aligning,
7 right? And then in the context of COVID,
8 right, what are we doing, what did we
9 learn from COVID around our ability to
10 deliver services and develop those 00:31:15
11 efficiencies so we really are serving the
12 citizens? Anything that you can
13 highlight that you've seen in your
14 experience given the annual audits, which
15 I believe are a good way of refreshing 00:31:24
16 what is going on versus what we're
17 seeing.

18 CONTROLLER RHYNHART: Right.
19 Thank you, Councilwoman, for that
20 question. There is a lot of opportunity, 00:31:30
21 as we all know, to improve operations at
22 the City. I think what truly needs to
23 happen is for operations to be looked at
24 from the Mayor's Office, Managing
25 Director's Office of each function of 00:31:52

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 government, homeless service delivery,
3 streets, looking at everything and saying
4 what would be a best in class, how would
5 we get to where we ideally want to go and 00:32:03
6 then where are we right now and how do we
7 get there. And that's really looking
8 under every contract, everything that's
9 been funded forever to say what is
10 actually moving the needle on the biggest 00:32:22
11 challenges facing our city, because we
12 all know that we have these big
13 challenges, and there's also community
14 groups that are doing a great job with
15 small funds and they would do better if 00:32:34
16 they had more, and then there's some
17 funds that are wasted, right?

18 So I do think that more of a
19 sort of overview of all of that, like to
20 go under the belly of it, needs to 00:32:44
21 happen. But that needs to happen --
22 that's a disruptive process. Disruption
23 I think in a positive way, but there
24 would need to be some strong mayoral
25 backing for that, the Mayor's Office, 00:32:58

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Managing Director's Office.

3 And then I also think that the
4 overtime issue is a big, big issue. That
5 is something that could be tackled, and 00:33:06
6 we have seen in the past overtime, we can
7 get it down, and it's majority in the
8 Fire and Streets -- I'm sorry; Fire and
9 Police, and in Streets to a lesser
10 degree, but it's just grown because I 00:33:21
11 don't think it's been managed in the way
12 it should.

13 So that is something that I
14 think could be tackled pretty quickly for
15 a good dollar savings in the tens of 00:33:32
16 millions.

17 COUNCILWOMAN SANCHEZ: Yeah.
18 No; I agree with you. When you were in
19 your previous role, you know how strongly
20 I felt around procurement reform, right, 00:33:43
21 and the issue of how we contract and how
22 we manage.

23 We sent over a request to PICA,
24 and we'll send a similar request over to
25 you. One of the things I believe is even 00:33:54

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 more challenging to us even than overtime
3 is the cost of doing business, right?
4 How do we compare with other cities for
5 the same delivery of services, 00:34:04
6 particularly in the contract world. Has
7 your office looked at what, as you're
8 looking at departmental audits, what it
9 costs for them to deliver something basic
10 and how that compares with our peer 00:34:16
11 cities as part of your audit process?
12 CONTROLLER RHYNHART: So that
13 would be more of a special audit. The
14 annual departmental audit looks at
15 controls and certain areas, revenue and 00:34:28
16 sick leave abuse and different issues,
17 but you ask a very good question and,
18 that is, how efficient is service
19 delivery occurring and what could we be
20 doing better and differently, and that is 00:34:46
21 something that, for example, the audit of
22 the Parking Authority touched upon for
23 the Parking Authority, that there are
24 parking entities across the country that
25 spend much less than ours does for 00:35:01

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 service delivery. And there's various
3 issues around any of it about
4 implementation, but I think that
5 throughout the City, there are 00:35:13
6 opportunities like that, and we
7 definitely need to also -- the
8 procurement issue is one that we have
9 been discussing internally about the
10 possibility of doing some work around 00:35:26
11 that, more work. I mean, we definitely
12 worked on that years ago, Councilwoman,
13 and it is something that needs a lot of
14 help, especially to grow small business
15 in Philly. 00:35:40
16 COUNCILWOMAN SANCHEZ: So we'll
17 send over an official request. We sent
18 something over to PICA. I really want to
19 look at particularly in our capital
20 budget. We have an \$11 billion capital 00:35:49
21 budget. You know how strongly I felt in
22 this space, because if we keep talking
23 about supporting Black and Brown
24 businesses but procurement is still the
25 same 12 companies, the same, you know -- 00:35:59

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 and this issue of what a responsible bid
3 is is something that needs to be better
4 defined, but I'm very concerned about the
5 additional levels of bureaucracy and the 00:36:12
6 capital expense under the guise that we
7 want to be open, but really what we've
8 done is created a situation where even
9 minority bidders don't want to be
10 minority bidders, right, because it comes 00:36:26
11 with so many different caveats.

12 And, again, you and I spend a
13 lot of time in this space, and I think
14 that if we're going to get all these
15 billions of dollars of infrastructure, 00:36:35
16 we're committed to 6 billion at the
17 School District, we have our capital
18 budget, if we don't change fundamentally
19 that structure, who gets those contracts
20 and how that money circulates is not 00:36:46
21 going to change, right? And shame on us
22 if we expect a different result and if
23 we're not able to openly talk about what
24 are some of the structural challenges
25 within those frameworks and bureaucracy. 00:36:57

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 So thank you very much. We'll
3 send something officially as we did with
4 PICA, because I believe that we're out of
5 whack with peer cities around the cost of 00:37:07
6 doing business.

7 Thank you, Controller.

8 CONTROLLER RHYNHART: Thank
9 you.

10 COUNCIL PRESIDENT CLARKE: 00:37:11
11 Thank you, Councilwoman.

12 The Chair recognizes
13 Councilwoman Gilmore Richardson.

14 COUNCILWOMAN RICHARDSON: Thank
15 you so much, Council President. 00:37:18

16 And good morning, Madam
17 Controller. Congratulations to you.

18 I just wanted to get one
19 question on the record quickly around
20 some of the work that your office has 00:37:28
21 been engaging in relative to research and
22 providing statistical data around gun
23 violence here in the City of
24 Philadelphia.

25 Could you just talk to us more 00:37:41

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 about that side of your work and how your
3 office is engaging with members of the
4 community around the work in that arena.

5 Thank you so much. 00:37:52

6 And thank you, Council
7 President.

8 CONTROLLER RHYNHART: Sure.

9 Good morning, Councilwoman. It's great
10 to see you. 00:37:56

11 Yeah. Gun violence is an issue
12 that my office has done a good amount of
13 work around -- work on, and this is --
14 obviously it's an issue that we all feel
15 strongly about and need to tackle. I 00:38:17
16 mean, it's horrible what's going on here.

17 So my office has done work
18 around this. In 2019, we released an
19 analysis called The Economic Impact of
20 Homicide of Gun Violence on our City. 00:38:32

21 And of course the moral impact, the human
22 impact is by far the greatest impact, of
23 course. Of course. But as the City
24 Controller, I needed to look at it from a
25 financial lens, and there is a cost to 00:38:45

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 allowing this violence to continue. And
3 I say allowing it to continue because
4 there are programs that have been shown,
5 as you know, to work very successfully in 00:38:59
6 other cities. Other cities are funding
7 their gun violence initiatives at much
8 larger scale amounts than we fund our
9 anti-violence initiatives.

10 Obviously I have a financial 00:39:13
11 background, but I think that this is one
12 of those areas where we shouldn't be
13 saying we don't have the funds for that,
14 that it needs to be something that we
15 invest in. It's investing in fixing this 00:39:25
16 issue and saving lives and propelling our
17 city forward.

18 So my office has also done a
19 mapping around the gun violence. We have
20 on our website, controller.phila.gov, we 00:39:38
21 have a map that updates daily
22 automatically with every homicide victim,
23 every shooting that occurs in our city,
24 and it's mapped block by block across the
25 City just to keep heightened awareness on 00:40:00

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 the issue so that everyone -- it's on
3 front of mind of everyone. And I know
4 it's front of mind on you and all of the
5 members of Council, but to the public in 00:40:12
6 general I wanted to do that.

7 COUNCILWOMAN RICHARDSON: And
8 to your point, Madam Controller, as we
9 prepare to continue down this road
10 regarding budget, if you could give us 00:40:23
11 specific figures around the economic
12 impact of gun violence here in the City
13 of Philadelphia so that helps us as we
14 look to ensure that we are funding
15 anti-violence initiatives, that would be 00:40:36
16 helpful.

17 Thank you so much, Madam
18 Controller.

19 And thank you, Mr. President.

20 CONTROLLER RHYNHART: Thank 00:40:44
21 you.

22 COUNCIL PRESIDENT CLARKE:
23 Thank you, Councilwoman.

24 I actually had a couple of
25 quick questions, Madam Controller. 00:40:48

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Parking Authority, you referenced them on
3 a couple of occasions in terms of audits.

4 To what degree do you have jurisdiction

5 or the ability to audit the red light 00:40:59

6 camera program?

7 CONTROLLER RHYNHART: I don't

8 think I do have that authority, because

9 my office's authority is -- and we did

10 have lawyers look at this -- is limited 00:41:15

11 specifically to the on-street parking,

12 and the red light -- since the revenue

13 goes to the state, we don't have that

14 jurisdiction, is what I've been told.

15 And I also know because I wanted to push 00:41:29

16 on it a little bit when we were doing the

17 audit of the Parking Authority to look at

18 more and was told, in no uncertain terms,

19 that I don't have that legal authority,

20 unfortunately. 00:41:43

21 COUNCIL PRESIDENT CLARKE:

22 Well, red light cameras are on-street.

23 Who told you that?

24 CONTROLLER RHYNHART: I mean, I

25 believe it was -- 00:41:52

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCIL PRESIDENT CLARKE: Is

3 it a state prohibition or is it --

4 CONTROLLER RHYNHART: Yeah.

5 It's state law. 00:41:56

6 COUNCIL PRESIDENT CLARKE:

7 Parking Authority lawyer or what?

8 CONTROLLER RHYNHART: Yeah. I

9 mean, I'm happy to check back with Law

10 and get the opinion, but I do think that 00:42:03

11 was what I heard from a few different

12 places, that I didn't have that authority

13 because of the revenue flow.

14 But, yeah, we can -- look, I'm

15 happy to do more around that area if I 00:42:20

16 have that authority. So I can circle

17 back, have my office circle back with Law

18 and get a concrete answer there, because

19 if there's some ambiguity, I'd be more

20 than happy to talk further about that. 00:42:31

21 COUNCIL PRESIDENT CLARKE:

22 Yeah. I mean, there's going to be an

23 increasing number of red light cameras

24 and they are generating a decent amount

25 of revenue and causing people to pause 00:42:41

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 when they get to intersections, but we
3 would like to see where the money flows.

4 That was understandably a state

5 initiative, but I do believe that a 00:42:52

6 portion of the revenue will come to the
7 City of Philadelphia, not nearly enough.

8 But we'll check also.

9 CONTROLLER RHYNHART: Okay.

10 That sounds good. 00:43:04

11 COUNCIL PRESIDENT CLARKE:

12 Thank you.

13 All right. There appears to be
14 no additional questions from members of
15 the Committee for this witness. 00:43:09

16 COUNCILMAN JONES: Mr.

17 President?

18 COUNCIL PRESIDENT CLARKE: The
19 Chair recognizes Councilman Jones.

20 COUNCILMAN JONES: Thank you so 00:43:15
21 much. And for the record, I am present.

22 Please excuse my voice, Madam
23 Controller. Had a rough day yesterday,
24 but I want to follow Member Gilmore's
25 line of questioning about cost of gun 00:43:34

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 violence, but I want to shift it to the
3 many programs, not just grassroot but
4 many programs that are funded to address
5 it.

00:43:53

6 Could there be a matrix
7 developed to look at the efficiencies of
8 said programs so that we get a better
9 measurement of what works, what doesn't,
10 pound for pound, penny for penny of the 00:44:10
11 taxpayers' money?

12 CONTROLLER RHYNHART: So good
13 morning, Councilman Jones.

14 My office did look at the
15 City's \$15 million anti-violence spend in 00:44:24
16 January of 2020 and did release as part
17 of a data release a statement that the
18 majority of that anti-violence money was
19 not going to the programs that were found
20 to work the best across the country, and 00:44:44
21 those are programs that specifically
22 target those most likely to shoot or be
23 shot.

24 So I think that is something
25 that my office will continue to monitor, 00:44:55

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 and I appreciate that request, and I
3 think that it is something we could do
4 again to evaluate. But, yes. The answer
5 is yes. It's deserving of evaluation. 00:45:12
6 We have done it and we'll continue to do
7 it.

8 COUNCILMAN JONES: The
9 President often talks about we get paid
10 to make difficult decisions, and one of 00:45:23
11 them is, we have all of these programs
12 and we want to fund them, not just fund
13 them but fund them to scale, but you need
14 that empirical data that says this is
15 working, this is effective or, 00:45:42
16 conversely, this does not, and that will
17 aid us in making tough choices about who
18 to fund.

19 CONTROLLER RHYNHART:
20 Absolutely. 00:45:54

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

23 COUNCIL PRESIDENT CLARKE:
24 Thank you, Councilman. Good question.
25 We do need to get that information. 00:45:59

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 I believe now there are no
3 additional questions. Madam Controller,
4 thank you very much for your testimony,
5 look forward to continuing to work with 00:46:10
6 you on these very, very critical issues.
7 Thank you very much.

8 CONTROLLER RHYNHART: Well,
9 thank you for having me this morning. I
10 appreciate being here. Thank you. 00:46:19

11 COUNCIL PRESIDENT CLARKE:
12 Thank you.

13 Our next witness will be the
14 Sheriff of the City of Philadelphia, Ms.
15 Rochelle Bilal. 00:46:28

16 Sheriff, are you connected?
17 (No response.)

18 COUNCIL PRESIDENT CLARKE:
19 Sheriff?

20 SHERIFF BILAL: We're checking 00:46:39
21 in.

22 COUNCIL PRESIDENT CLARKE: Are
23 you connected?

24 SHERIFF BILAL: Can you hear
25 us? 00:46:44

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCIL PRESIDENT CLARKE: Yes,
3 we can hear you.

4 SHERIFF BILAL: Can you see us
5 also?

00:46:47

6 COUNCIL PRESIDENT CLARKE: Yes.
7 Just state your name for the record and
8 you can proceed with your testimony.

9 SHERIFF BILAL: Okay. Good
10 morning, President Clarke and members of 00:46:52
11 Council. I am Sheriff Rochelle Bilal. I
12 am pleased to provide testimony on the
13 Philadelphia Sheriff's Office Fiscal Year
14 2022 Operating Budget.

15 The Fiscal Year '22 budget 00:47:10
16 General Fund request for Philadelphia
17 Sheriff Department is \$26,795,874. This
18 past year we have focused on modernizing
19 our office infrastructure, improving
20 performances in all phases of operation, 00:47:28
21 and overall enhancing our services
22 provided to the City of Philadelphia.

23 Under my leadership, there has been a
24 renewed focus on community outreach and
25 constituent services. The Philadelphia 00:47:43

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Sheriff's Office and its partners have
3 distributed more than 16,000 food to
4 families in the City.

5 With the requested funds for 00:47:54

6 Fiscal Year 2022, the Philadelphia

7 Sheriff Office plans to increase the

8 number of deputies on the force so that

9 we can better serve the courts and the

10 City with law enforcement requests. Our 00:48:08

11 sworn employees are an integral part of

12 every large event that happens in the

13 City, and requests for our presence at

14 the events, like concerts, festivals, and

15 other gatherings, were rapidly increasing 00:48:23

16 before the pandemic.

17 Support the professional

18 development of all deputies. This goal

19 will be accomplished through continuing

20 our training program, which includes 00:48:34

21 tactical training, active shooter

22 training, as well as training for crisis

23 management, crisis intervention, and

24 mental health crisis.

25 Here are just a few examples of 00:48:48

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 what our deputies confront on a regular
3 basis:

4 While serving a warrant on a
5 probation violation, they received 00:48:54
6 information from the Special Victims
7 Unit, Philadelphia Police Department that
8 a missing female believed to be part of a
9 trafficking situation was in a basement
10 of a location. They found the missing 00:49:06
11 female, who was deceased.

12 While out serving warrants,
13 deputies heard gunshots and observed a
14 body and a male running away from the
15 scene. They gave chase while also 00:49:19
16 providing information on the male fleeing
17 the scene. They pursued the male, who
18 ran down into the subway, with the
19 description provided by the deputies.
20 Philly PD arrested the male and recovered 00:49:33
21 the gun.

22 A deputy was in his home when
23 he heard somebody screaming outside. He
24 went outside and noticed an elderly
25 neighbor yelling, He tried to rob me. He 00:49:44

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 detained that male and held him for
3 Philly PD, and subsequently the male was
4 arrested.

5 A crucial part of our budget 00:49:53

6 will be devoted to finding a way to bring
7 all training home to Philadelphia,

8 including the 19-week program currently
9 occurring in State College. By having

10 this program occur within the City 00:50:09

11 limits, it would greatly expand the

12 number of prospective applicants, fathers
13 mothers, guardians, who would be able to

14 come home after a day of training to

15 their families instead of having to stay 00:50:21

16 or live on campus or in a hotel for the

17 rest of the week or drive three hours

18 back home over the weekend. And we had

19 that conversation with the state, with

20 PCCD, prior to the pandemic, but once the 00:50:39

21 pandemic came on, all of that

22 conversation stopped, but they are

23 interested in ensuring that the trainings

24 be done here in Philadelphia for our

25 deputies. 00:50:50

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Increase the effectiveness of
3 our gun lock distribution and weapon
4 recovery program. You may want to look
5 on Slide 6 and 7 that we have in our 00:50:59
6 presentation. In these unprecedented
7 times of record gun violence, we plan to
8 ramp up our efforts on both of these
9 fronts as we continue to do our part to
10 make Philadelphia safer, including 00:51:13
11 through our continued support of serving
12 protection from abuse orders.

13 If you look at Act 79, that is
14 the duty of the Sheriff Office to not
15 only help serve those protection orders 00:51:26
16 but also confiscate guns for those who
17 are being served with this protection
18 order.

19 Educate property owners on how
20 to prevent sale of their properties, when 00:51:36
21 possible. We will be expanding our
22 informational outreach on the foreclosure
23 process and how to avoid it and to assist
24 previous homeowners in retrieving any
25 excess proceeds from the sale of their 00:51:50

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 properties. And if you would look on
3 Slide 12, I think we did more than 24
4 million from 2012 that went back to
5 homeowners.

00:52:02

6 Complete at least five sales --
7 and I know people had questions about
8 that, sheriff sales -- per month. This
9 would encompass one mortgage foreclosure
10 sale and four tax sales.

00:52:15

11 Broaden the marketplace and
12 increase the number of participant
13 buyers. By achieving this and making the
14 sheriff sale process fair and accessible
15 to all who want to participate, we make
16 the inroads in the battle to prevent
17 gentrification by ensuring that more
18 individuals have a fair shot at
19 purchasing homes, and the increased
20 number of bidders will result in higher
21 prices paid, which will return more money
22 to those who have lost their homes in a
23 foreclosure.

00:52:24

00:52:37

24 Continue to improve the system
25 of internal controls with respect to

00:52:49

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 financing and accounting, rectify all

3 audit expectations left over from the

4 previous administration, update computer

5 and technology equipment. 00:53:00

6 I am happy to fill in the

7 details if you would like on anything,

8 and the team that I have here today so

9 that we are clear, they can answer any of

10 these questions. I have Deputy Chief of 00:53:14

11 Operations, Richard Verrecchio; Deputy

12 Chief of Policy and Procedures, Mark

13 Carson; Deputy Chief of Training, Angela

14 Brown; Inspector of CJC, Joshua Perez;

15 Inspector of CJC, which is the Juanita 00:53:32

16 Stout Center, Vonda Hairston; Captain of

17 Family Court, William Hans; Captain of

18 Training, Willette Furtick; Captain of

19 Real Estate, Civil Division, Sean

20 Thornton; Captain of Traffic Court, 00:53:49

21 Nicole Nobles; Lieutenant of Internal

22 Affairs, Joanne Smith; Lieutenant of

23 Transportation, Daniel Greenwood; and

24 Lieutenant of Real Estate, William Moore.

25 Also with me is my new Undersheriff, 00:54:06

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Tariq Shabazz. I also have my CFO,

3 Patrick Lee. Also in here with me is

4 Craig Martin, my Budget Analyst; also

5 Deputy -- well, Director of Real Estate, 00:54:24

6 Darrell Stewart; and Deputy Director of

7 Real Estate, Melissa Simpson.

8 We welcome any questions you

9 have for us. Thank you.

10 COUNCIL PRESIDENT CLARKE: 00:54:37

11 Thank you. Thank you, Sheriff, and good

12 morning to you.

13 SHERIFF BILAL: Good morning.

14 COUNCIL PRESIDENT CLARKE:

15 Sheriff, I just had a couple of quick 00:54:42

16 questions for you.

17 A number of departments

18 throughout the City, particularly those

19 that had interaction with the public, had

20 had some high rates of COVID. How did 00:54:51

21 the COVID-19 virus impact your office in

22 terms of individuals being infected? Did

23 you have a high rate of infection among

24 the Sheriff's Department?

25 SHERIFF BILAL: Yes, we did. 00:55:07

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCIL PRESIDENT CLARKE: Did
3 it impact your ability to carry out the
4 functions? I know the Streets Department
5 and one in particular that we all pay 00:55:19
6 attention to, the trash doesn't get
7 picked up, we --

8 SHERIFF BILAL: Yeah. I live
9 in the City.

10 Yes, it did, but because the 00:55:28
11 courts was shut down and it was limited
12 courts, we were able to manage to at
13 least secure those courts and different
14 things that we needed to do, but the
15 COVID basically hit us all. It hit us 00:55:42
16 all hard. I still have people in the
17 hospital from COVID.

18 COUNCIL PRESIDENT CLARKE: This
19 thing is real. I keep trying to remind
20 people that despite what the CDC might 00:55:53
21 say about taking your mask off, it still
22 is real, it is still here.

23 Sheriff, with respect to some
24 of the functions that you traditionally
25 would do, like come to City Council every 00:56:06

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Thursday, courts were shut down. I'm not
3 sure -- well, I'm assuming that there was
4 no significant level of transport back
5 and forth, which was the Sheriff's
6 responsibility.

00:56:19

7 What other duties were you
8 called upon by the City in your
9 department to do as a result of the
10 pandemic and other things associated with
11 the City's function?

00:56:30

12 SHERIFF BILAL: We still did
13 transport to certain places, because we
14 still transport outside the City, and
15 I'll let our Transportation answer to
16 that, but the City called on us to fit in
17 where we could get in. So basically our
18 deputy sheriffs were around the City
19 ensuring those food places, the Sheriff
20 Program food places, distributed food,
21 that they made sure people were safe in
22 those areas. So they worked around the
23 City with all the food distribution
24 events that happened in the City. So
25 they did that.

00:56:42

00:56:54

00:57:05

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Greenwood, as far as
3 transportation during the pandemic?

4 LIEUTENANT GREENWOOD: Good

5 morning. Lieutenant Greenwood, 00:57:22

6 Transportation Unit of the Sheriff's
7 Office.

8 COUNCIL PRESIDENT CLARKE: Good

9 morning.

10 LIEUTENANT GREENWOOD: Good 00:57:26

11 morning.

12 During the pandemic, we still

13 have to adhere to court orders, so if

14 another county around the State of

15 Pennsylvania has an inmate that 00:57:33

16 Philadelphia still has an outstanding

17 warrant for or the judge wants to see

18 him, we still had to go pick them up. So

19 basically during the pandemic, we were

20 doing state trips. We also travel all 00:57:44

21 around the country. Since the flights

22 were basically shut down, they either

23 stayed the order, waited until the

24 flights basically opened back up, and

25 then we were able to go pick up the 00:57:56

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 inmate. But our Transportation Unit was
3 still working during the pandemic.

4 COUNCIL PRESIDENT CLARKE:

5 Okay. Was there any level of support, 00:58:02
6 Sheriff, on COVID-19 vaccination sites,
7 all the other things associated with what
8 we were doing? Were you all called to
9 assist in that?

10 SHERIFF BILAL: No. Nobody 00:58:17
11 called us to assist on the vaccination
12 sites.

13 COUNCIL PRESIDENT CLARKE:

14 Okay. I know that I saw a number of
15 people in uniforms assisting with the 00:58:26
16 various sites around the City. I didn't
17 know if they were Sheriff's Office.

18 SHERIFF BILAL: I think you
19 might have saw us around the election for
20 the President for the Commissioners 00:58:38
21 Office. We basically secured all of
22 their sites when it came down to the
23 Presidential election. So we were all
24 around the City in dealing with that
25 also. 00:58:49

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Okay. All right. I was going to ask
4 you. I know you were called into duty
5 because there was a significant shortage 00:58:54
6 around the Commissioners Office, City
7 Commissioners Office, relating to the
8 election process.

9 SHERIFF BILAL: And also the
10 civil unrest. Basically our sheriff's 00:59:04
11 deputies were out there assisting Philly
12 PD, transportation, because we had the
13 buses. And so my transportation crew was
14 called into all that. And basically we
15 kind of like held our own down here in 00:59:18
16 Center City as far as making sure the
17 buildings and structures here didn't. We
18 were working with Philly PD the whole
19 time on the civil unrest.

20 COUNCIL PRESIDENT CLARKE: 00:59:29

21 Okay. I just wanted to make sure.
22 Anyone who thinks that you are -- because
23 the courts were closed and some other
24 things, more traditional operations were
25 not functioning, that you all didn't have 00:59:37

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 anything to do. I want to make sure that
3 people know that you played alternative
4 roles in making sure that things
5 functioned properly. I just wanted to 00:59:46
6 get it on the record.

7 SHERIFF BILAL: Thank you.

8 COUNCIL PRESIDENT CLARKE: All
9 right. Thank you, Sheriff.
10 The Chair recognizes Councilman 00:59:52
11 Jones.

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

14 And, Madam Sheriff, excuse my
15 voice. It's a little raspy. But I would 01:00:07
16 like to follow the line of questioning
17 that President Clarke talked about. And
18 I was keenly aware of what you did during
19 the protests and were called to duty to
20 do transport and things like that, and we 01:00:25
21 thank you for that.

22 What I would want to know is,
23 are your duties and responsibilities
24 similar or different to other sheriffs in
25 the Commonwealth of Pennsylvania? 01:00:41

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 SHERIFF BILAL: Our duties --

3 thank you, Councilman Jones. Appreciate

4 that question. Our duties are similar to

5 all the sheriff departments around. We 01:00:51

6 just are not on patrol. So what -- we

7 are somewhat on patrol, because we have a

8 bike unit that patrols the Center City

9 area. We have K-9 that helps patrol

10 these areas. And so our deputies that 01:01:09

11 are at court make sure people that come

12 into the courts and leave from the courts

13 are safe.

14 So we do a lot. We are law

15 enforcement professionals, and for some 01:01:19

16 reason, some people may have thought we

17 were just security guards. No. We are

18 trained the same and we are law

19 enforcement professionals.

20 You're muted, Councilman Jones. 01:01:28

21 COUNCILMAN JONES: That

22 happens. I do it all the time.

23 To that end, on that point,

24 when we needed you for the protests, you

25 stepped up. In cases like where there's 01:01:45

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 severe shortages at the prison, to what
3 degree, without violating union
4 contracts, are you able to step up?

5 SHERIFF BILAL: We do not go 01:02:01
6 into the prisons, because we are not
7 violating anybody's contract, and we try
8 to stay in our lane, but if the prisons
9 needed us to assist them, we can, if that
10 comes into play. 01:02:19

11 COUNCILMAN JONES: To what
12 extent could you, similar to New York,
13 deal with traffic?

14 SHERIFF BILAL: Basically if we
15 are called into play, our people are 01:02:34
16 trained, and more are being trained in
17 that area as far as dealing with traffic
18 patterns and how to keep traffic moving,
19 especially dealing down here in Center
20 City, and we can basically step up to 01:02:48
21 that, if necessary.

22 COUNCILMAN JONES: What is the
23 Sheriff's Department's role within
24 dignitary protection, particularly
25 judges? 01:03:01

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 SHERIFF BILAL: You want to

3 maybe look at the slide, I think that's 6

4 or 7, which basically tells about our

5 Warrant Unit. Our Warrant Unit works 01:03:21

6 24 hours, seven days a week, and on Slide

7 6 or 7, it tells you everything that we

8 do, dignitary protection for the courts,

9 for yourself, and for any dignitary

10 coming into our purview, we basically 01:03:37

11 work to make sure that they are safe.

12 If you look on Slide 6, it says

13 our Fugitive Warrant Unit works seven

14 days a week, 24 hours a day. The Warrant

15 Unit travels. They have made numerous 01:03:50

16 weapons and narcotics arrests. We may

17 not hear about the great work that they

18 do, but I do, because they are very

19 impactful and significant in their effort

20 to make the streets safer for the 01:04:04

21 citizens of Philadelphia. As previously

22 noted, you don't hear about the great

23 work of this unit, but we also do hear --

24 we don't hear about complaints. And so

25 when you hear about our deputies, you may 01:04:19

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 not hear about the great work, but you
3 also don't hear about any complaints.

4 On 7, it tells you, Act 79 came

5 into play where the sheriffs are 01:04:29

6 responsible for serving protection from
7 abuse orders and also confiscating guns.

8 So our orders, protection from abuse

9 orders, custody orders; warrants, bench

10 warrants, fugitive of other 01:04:43

11 jurisdictions, other jurisdictions'

12 arrest warrants; probation violation and

13 custody, body warrants, governor

14 warrants, child support; delinquency,

15 dependency, scofflaw. We do it all 01:04:57

16 basically. So our unit works, and that's

17 our Warrant Unit. And when I came into

18 office, one of the things that bothered

19 me here is our law professionals were

20 neglected as far as equipment is 01:05:12

21 concerned, shields, vests. Our vests are

22 2007, and they only have a five-year life

23 expectancy on it, and they were walking

24 around with the old equipment, and I

25 couldn't understand that either. So we 01:05:27

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 do a lot.

3 COUNCILMAN JONES: So I want to

4 thank you for what you do up at the

5 Police Training Academy dealing with 01:05:43

6 scared straight and the young officers

7 coming into the force. I think it's an

8 important program, and thank you for

9 that.

10 My last question is, how many 01:05:54

11 guns were confiscated due to domestic

12 abuse cases?

13 SHERIFF BILAL: Deputy Chief

14 Angela Brown is in charge of that. She's

15 from training. She'll give you that 01:06:14

16 information.

17 COUNCILMAN JONES: Thank you.

18 DEPUTY CHIEF BROWN: Good

19 morning, Council.

20 Good morning, Sheriff, 01:06:23

21 constituents, and fellow staff members.

22 With regards to PFA -- my name,

23 by the way, is Deputy Chief Angelinel

24 Brown. I am assigned to the Training

25 Division. Under Training, firearms also 01:06:36

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 falls under my jurisdiction.

3 When it comes to PFAs, PFAs for

4 2020 to the present day, we have 185

5 weapons that have been -- I'm sorry; 306 01:06:47

6 weapons that have been confiscated as a

7 result of protection from abuse orders

8 under that Act 79.

9 COUNCILMAN JONES: Thank you.

10 Thank you, Mr. President. 01:07:01

11 COUNCIL PRESIDENT CLARKE:

12 Thank you, Councilman. Thank you very

13 much.

14 The Chair recognizes

15 Councilwoman Parker. 01:07:08

16 COUNCILWOMAN PARKER: Thank

17 you, Mr. President.

18 And good morning, Sheriff Bilal

19 and to members of your team.

20 I want to start my line of 01:07:18

21 questioning, Sheriff, around funds that

22 are held in escrow. I think I heard you

23 say today you gave a number that was

24 \$24 million. I think that's what you

25 said that went back to homeowners, and I 01:07:33

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 heard you say publicly before that when a
3 property is sold at sheriff sale, all
4 money that is left over after all liens
5 are paid is given to the prior owner. Is 01:07:50
6 that accurate, Sheriff?

7 SHERIFF BILAL: Good morning,
8 Councilwoman.

9 Thank you for that. If you
10 look on Slide 12, it tells you from 2012 01:08:00
11 to 2021, we have given excess proceeds to
12 return to owner in the amount of
13 \$24,412,017.66. And our goal is to make
14 sure that after all the liens are paid,
15 that the excess proceeds go to the 01:08:23
16 homeowner.

17 COUNCILWOMAN PARKER: So,
18 again, Sheriff, all money that is left
19 over after all liens are paid is given to
20 the prior owner, and from what I 01:08:37
21 understand, it is true that the prior
22 owner is entitled to those excess funds?
23 I just want to make sure my understanding
24 is accurate. Is that true, Sheriff?

25 SHERIFF BILAL: That is 01:08:49

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 correct.

3 COUNCILWOMAN PARKER: Okay. So

4 I want you to help me here. The

5 homeowner and/or the prior owner, do they 01:08:55

6 actually receive any formal notice? So I

7 was under the -- it's my understanding

8 that the homeowner or the prior owner

9 does not actually receive any sort of

10 notice that these funds are available to 01:09:12

11 them. So essentially -- and I want you

12 to correct me on the record if I am

13 wrong. Like essentially you only get the

14 money if you know about it and/or if you

15 ask for it, that there is no formal 01:09:25

16 requirement of notice that the funds are

17 available. Is that accurate, Sheriff?

18 SHERIFF BILAL: Councilwoman,

19 under previous administrations, they

20 didn't notify anyone whether funds were 01:09:40

21 available. Under my constituent service

22 and my H.A.R.T. program, which used to be

23 called the D.A.R.T. program -- and we

24 didn't think that calling it the D.A.R.T.

25 program, meaning Defendant Asset Recovery 01:09:53

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Team, we didn't think homeowners were
3 defendants, and so we changed it to
4 H.A.R.T. So we made it Homeowners Asset
5 Recovery Team.

01:10:02

6 Under my constituent services
7 that started under my administration,
8 it's their job that when we go through
9 this process, that homeowners -- we get a
10 distribution policy. Once that policy 01:10:15
11 comes back, that tells us all the funds
12 or the liens that need to be paid out and
13 the excess funds that are left over. If
14 there are excess funds left over, the
15 person that is a part of our H.A.R.T. 01:10:30
16 program is to reach out to those family
17 members or the last person listed on that
18 deed to be able to contact them, have it
19 where they need to, and to let them know
20 that there are excess funds and they can 01:10:45
21 come in.

22 It wasn't done previously, but
23 it is being done now. And if funds were
24 not given back in, you know, 2017, those
25 funds have already been escheated to the 01:10:56

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 state, and so, therefore, if they contact
3 our office and we don't have those funds,
4 we would tell them they need to file for
5 a form with the state to be able to get 01:11:07
6 those funds.

7 COUNCILWOMAN PARKER: So,
8 Sheriff, again, because I want to make
9 sure for the benefit of the viewing
10 public across the City that they 01:11:16
11 accurately know and, again, I want you to
12 just correct me if I'm wrong here. You
13 are stating for the record that it is the
14 standard operating procedure of the
15 Sheriff's Office under your leadership 01:11:29
16 that any homeowner or prior owner once
17 the liens are paid, that it's your
18 procedure that they are formally
19 notified, and you're saying the program
20 you do this through is through your 01:11:46
21 H.A.R.T. program, but there is a formal
22 requirement that a notice go out to that
23 homeowner or prior owner. Is that
24 accurate, Sheriff?

25 SHERIFF BILAL: That is 01:11:57

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 accurate.

3 COUNCILWOMAN PARKER: Okay.

4 And, Sheriff, you would state for the

5 record that this is a process that you 01:12:03

6 established, it's not something that

7 happened under prior administrations. So

8 no legislation was needed to do this.

9 You established it now that it is a

10 formal requirement that the notice of 01:12:17

11 these funds are available that that's

12 sent?

13 SHERIFF BILAL: Well,

14 Councilwoman, I don't know if there was

15 any legislative stuff done prior to me, 01:12:26

16 but I know that there was a D.A.R.T.

17 program which we had in this office from

18 previous administrations that basically

19 gave money back to homeowners, because if

20 you look on 12, it's been done since 01:12:40

21 2012. And so what we've decided to do is

22 that the person that runs our H.A.R.T.

23 unit, that she makes every attempt to

24 contact that previous homeowner once we

25 get the distribution policy back that 01:12:57

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 tells us who gets the excess funds, and
3 if we cannot locate them in a certain
4 period of time, that funds are escheated
5 to the state, and then if somehow they 01:13:09
6 come up or they find out that there's
7 funds available, then we basically tell
8 them whether they go to the state or the
9 funds is still being here, and basically
10 we can give them a check from the Sheriff 01:13:20
11 Office.

12 COUNCILWOMAN PARKER: So,
13 Sheriff, you just led me into my next
14 question, because I want to again make
15 sure we get this process on the record. 01:13:27
16 Once a homeowner or a prior owner, the
17 property is sold, all of the liens are
18 paid, you're saying your office has been
19 intentional about letting people know
20 that those funds are available, but how 01:13:42
21 long are these funds made available and
22 do they go into escrow? So you have
23 them. No prior owner comes to collect
24 the funds. Do you put them in escrow,
25 and if you do put them in escrow, how 01:13:57

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 long is it there?

3 SHERIFF BILAL: I'll let Angie
4 answer that, because I want to make sure
5 we have it correct for the record as to 01:14:15
6 the process.

7 COUNCILWOMAN PARKER: Got it.
8 Thank you.

9 DEPUTY CHIEF BROWN: Good
10 morning. Deputy Sheriff Angeline Brown. 01:14:26

11 In relationship to the question
12 that's being asked by Council regarding
13 the H.A.R.T. program, the money as it
14 relates to properties that are sold at
15 sheriff sale and as a result their excess 01:14:36
16 proceeds that are due to the homeowner,
17 under the state guidelines it stays with
18 us for approximately five years. At that
19 point, it is then escheated to the state.
20 It stays with the state in perpetuity. 01:14:48

21 It is up to that homeowner to then reach
22 out to the state to then make a request,
23 and if they contact us, we will give them
24 the information so that they have the
25 ability to then contact the state to seek 01:15:00

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 whatever proceeds were escheated from our
3 office to the Commonwealth of
4 Pennsylvania.

5 COUNCILWOMAN PARKER: So, 01:15:09

6 listen, thank you so very much for your
7 response in noting that if those funds,
8 if no prior owner after the liens are
9 paid is contacted or if they respond --
10 they don't respond to get the funds, that 01:15:25
11 the Sheriff's Office has them held in
12 escrow for five years, and after that
13 five years is up, that's when they're
14 escheated to the state. So I'm happy we
15 got that on the record. 01:15:36

16 My question, Sheriff Bilal, my
17 final question, Sheriff, is this: If we
18 wanted to make it the standard operating
19 procedure, if we wanted to make it a rule
20 of law here in the City of Philadelphia 01:15:55
21 that if after the liens are paid, that a
22 formal notice is sent out to the owner,
23 the prior owner, if they're deceased,
24 their family, is that something that you
25 could just -- you did it through a 01:16:12

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 program. If we wanted it to be the rule
3 of law in the City of Philadelphia, would
4 that require City Council to pass an
5 ordinance establishing such?

01:16:22

6 SHERIFF BILAL: I think we need
7 to talk to Law and government -- well,
8 you know, in government -- if you can
9 pass an ordinance to do that, but I can
10 make it a policy from the Sheriff Office 01:16:32
11 basically stating that after all the
12 liens and we get the distribution policy
13 back and it says this person is the one
14 that's supposed to get the excess
15 proceeds, and then because we are law 01:16:47
16 enforcement professionals, we would do
17 our due diligence to locate them and
18 notify them that these proceeds is
19 supposed to be going to them, and
20 basically we can do that. 01:16:56

21 Now, if City Council wants to
22 do something legislatively, I welcome
23 that, because that strengthens that, and
24 that's where we can work together on that
25 information, our policy and legislative 01:17:06

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 policies.

3 COUNCILWOMAN PARKER: Well,
4 thank you, Sheriff, for your response.

5 And, Sheriff, I liken it to when, for 01:17:13

6 example, a mayor issues an executive

7 order about any issue. So it's an

8 executive order while that mayor is the

9 mayor, but if that mayor is no longer the

10 mayor, the next person coming in, they 01:17:29

11 don't necessarily have to follow that

12 executive order, right, because it was

13 not codified and etched in stone.

14 So I'm going to be in contact

15 with your office, Sheriff, so we can 01:17:40

16 schedule a meeting with the Law

17 Department to see how we can codify that

18 as a standard operating procedure here in

19 the City of Philadelphia that by law the

20 Sheriff's Office formally notifies the 01:17:53

21 prior owner once the liens are paid of

22 what dollars are available. So I look

23 forward to working with your office to

24 get that done, Sheriff.

25 SHERIFF BILAL: I appreciate 01:18:06

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 that.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you.

5 COUNCILWOMAN PARKER: Thank 01:18:09

6 you, Mr. President.

7 COUNCIL PRESIDENT CLARKE:

8 Thank you, Councilwoman.

9 The Chair recognizes

10 Councilwoman Gilmore Richardson. 01:18:13

11 COUNCILWOMAN RICHARDSON: Thank

12 you so much, Mr. President.

13 And thank you so much, Madam

14 Sheriff. I just had one quick question

15 relative to the work that your office 01:18:21

16 does you stated with homeowners and

17 others, and I wanted to know in line with

18 the Probate Deferment Initiative program

19 that was started by our Madam Register of

20 Wills Gordon, does your office work with 01:18:35

21 individuals who have issues with tangled

22 titles and deeds?

23 SHERIFF BILAL: Thank you.

24 That's a very good question,

25 Councilwoman. We are working with the 01:18:48

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Register of Wills, because we think that
3 initiative is very important. And so
4 while we are out giving out information
5 about what the Sheriff Office does, we 01:19:00
6 also give out that information about
7 tangled titles. So the Commissioner at
8 the Register of Wills, Tracey Gordon, we
9 work very closely with her with all of
10 that initiative, because we think it's 01:19:14
11 very important, and we will continue to
12 do that.

13 COUNCILWOMAN RICHARDSON: Thank
14 you. And specifically my question was
15 relative to any individuals that are 01:19:21
16 homeowners or if they're living in a
17 property that has a tangled title or deed
18 that's scheduled for sheriff sale, how do
19 you work with them specifically?

20 SHERIFF BILAL: Basically we 01:19:34
21 will have to find out from them if that
22 is, because I don't know how we would be
23 able to find that out unless the Register
24 of Wills will let us know that this
25 property is in a tangled title, and if so 01:19:47

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 and it's scheduled for sale, we could
3 talk to the lawyers on the writ basically
4 to state that, that this is going through
5 the process of the tangled title process. 01:19:56
6 And most of the lawyers on those writs
7 will basically postpone that, so,
8 therefore, they can work that out through
9 Register of Wills to get that property in
10 order for them to be able to save it. 01:20:10

11 COUNCILWOMAN RICHARDSON: So
12 we'll follow up with your office on what
13 some of the research that we're having
14 done on that specific issue, but I know
15 that is a major issue happening across 01:20:19
16 the City. My office has heard from a
17 couple of constituents recently, even one
18 faith-based organization relative to that
19 being an issue for them. So we'll follow
20 up with you on that to figure out how we 01:20:32
21 can tighten up any processes internally
22 so that we can help individuals make
23 their way through the process so that
24 they are not impacted potentially by
25 being included in the sale or any 01:20:46

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 upcoming sale, if and when they should
3 resume, but I think we do need a process
4 for that so that we can help folks
5 maintain their generational wealth and 01:20:55
6 legacy.
7 Thank you very much, Madam
8 Sheriff.
9 And thank you, Council
10 President. 01:20:59
11 COUNCIL PRESIDENT CLARKE:
12 Thank you, Councilwoman.
13 The Chair recognizes Councilman
14 Johnson.
15 COUNCILMAN JOHNSON: Thank you, 01:21:05
16 Council President.
17 Thank you, Madam Sheriff, for
18 being here today. I just want to take a
19 moment to just thank you and your team
20 for assisting me and working with my 01:21:18
21 staff prior to the pandemic to help
22 individuals who are on the verge of
23 losing their homes through mortgage
24 foreclosure. And so I want to thank you
25 and your team for that, but also, most 01:21:31

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 importantly, just publicly acknowledge
3 and thank you and your team for stepping
4 up to the plate as we dealt with a
5 pandemic in which we've never seen. And 01:21:41
6 when our court system shut down, you and
7 your team, y'all pivoted and really got
8 engaged in helping our community, which
9 needed so much help. And so rather it
10 was shoring up with your team and 01:21:53
11 distributing food or using your manpower
12 to man different events, I just want to
13 publicly acknowledge and thank you and
14 your team for stepping up and being
15 supportive of the City of Philadelphia 01:22:01
16 during this health pandemic.

17 I just want to get an idea,
18 one, we know the courts are going to be
19 opening up at some point in time. How
20 has COVID-19 impacted your officers? And 01:22:12
21 then, two, the strategy that you're going
22 to be putting in place as we resume
23 addressing our court systems, because we
24 know there's going to be a backlog and so
25 forth, which ultimately will have an 01:22:28

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 impact on our system as a whole. But
3 just give us an idea of how you're going
4 to be addressing that.

5 SHERIFF BILAL: Deputy... 01:22:35

6 COUNCILMAN JOHNSON: I think
7 you're on mute. Sheriff, you're on mute
8 at the moment.

9 SHERIFF BILAL: Can you hear me
10 now? 01:22:57

11 COUNCILMAN JOHNSON: Yes, I
12 hear you now.

13 SHERIFF BILAL: I wanted to
14 bring Deputy Chief Verrecchio, who is
15 basically over all the installations as 01:23:03
16 far as the plans that we have discussed.
17 I'm not an island. I work with a whole
18 lot of people here. I want to make sure
19 they step up to the plate.

20 DEPUTY CHIEF VERRECCHIO: Good 01:23:14
21 morning, Councilmember, Sheriff staff.

22 We've been working with the
23 courts and Sheriff Bilal working out a
24 strategy, because the numbers are going
25 to skyrocket. It's going to double. Our 01:23:25

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 transportation for 2019 pre-pandemic was
3 over 65,000. We already know there's a
4 backlog probably two times that, so we
5 figure our transportation is going to go 01:23:37
6 at least 170,000 or more.

7 We have a lot of sentenced
8 prisoners that are down in the prisons
9 that need to be sent to these
10 correctional facilities and also to the 01:23:49
11 state. That being said, which means more
12 transportation, more deputies, longer
13 hours, and we're working -- the Sheriff
14 is trying to devise a plan. We already
15 worked some things out, but still we need 01:24:03
16 manpower, we need vehicles. We got to
17 get things done properly and, like I
18 said, with that being said,
19 Councilperson, the deputies will work
20 very long hours and, like I said, CJC is 01:24:14
21 the bulk of the transportation, and as
22 like you said -- sorry, Sheriff.

23 COUNCILMAN JOHNSON: Will y'all
24 be hiring more staff and staffing up?
25 And obviously an increase and the demand 01:24:26

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 for your office as it relates to the
3 backlog obviously going to request -- I
4 mean, you're going to require more
5 manpower, more equipment. What does that 01:24:37
6 look like in terms of moving forward?
7 Obviously it's reflected in the budget?

8 SHERIFF BILAL: Well, right now
9 we have -- can you hear me?

10 COUNCILMAN JOHNSON: Yes, I 01:24:49
11 hear you.

12 SHERIFF BILAL: We have been
13 budgeted previously for 428, but never
14 given the funds for that amount. And so,
15 yes, we do need to hire more deputies, 01:24:57
16 especially to deal with the overflow
17 that's going to -- and it's not going to
18 be done within a couple of years. This
19 backlog is going to go for a minute,
20 because they now had to reschedule 01:25:09
21 everybody.

22 So, yes, we do. But we were
23 budgeted for 428, but we never received
24 the funds for at least 428. We're now
25 operating off of 318 deputies. 01:25:19

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILMAN JOHNSON: All right.

3 I just wanted to state for the record,
4 because I look at sheriffs as essential
5 workers, and they're on the front line. 01:25:33

6 They put their lives on the line day in
7 and day out, and because we have such a
8 backlog in the criminal justice system,
9 it's such a critical system that we have
10 to utilize in order to efficiently make 01:25:46

11 our system move forward. Just that
12 hopefully there's a conversation with the
13 Administration with part of the
14 \$1.5 billion that's going to be given to
15 the City of Philadelphia to kind of at 01:25:58

16 least figure out a way, because y'all did
17 step up during the pandemic and there
18 should be a level of support with the
19 relief funds that's coming from the
20 federal government to make sure that our 01:26:08

21 criminal justice system moves efficiently
22 as we begin to ramp up that when it comes
23 to getting back to what the new normal
24 looks like.

25 So any way I could be 01:26:19

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 supportive in that effort, don't hesitate
3 to let me know, but it should definitely
4 be a conversation with our Council
5 President as well as the Mayor's Office 01:26:26
6 to make sure that there's some support to
7 open up, not just the City of
8 Philadelphia from a business standpoint
9 or a school standpoint, but also we also
10 address the issue of our prisons and our 01:26:36
11 correctional facilities, and y'all are a
12 very intricate part of that equation.

13 So I just wanted to put that
14 out there for the record.

15 Sheriff Bilal and your team, 01:26:46
16 y'all keep up the good work.

17 Thank you.

18 SHERIFF BILAL: Thank you so
19 much, Councilman.

20 COUNCIL PRESIDENT CLARKE: 01:27:01
21 Thank you. Thanks, Councilman.

22 (Background noise.)

23 COUNCIL PRESIDENT CLARKE:
24 Somebody needs to mute.

25 There we go. 01:27:13

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILMAN JOHNSON: That
3 wasn't me, Council President.

4 COUNCIL PRESIDENT CLARKE: It
5 sounded like somebody was going under 01:27:20
6 water. I was getting ready to call for
7 some help, right?

8 The Chair recognizes
9 Councilwoman Parker. I think she has
10 some additional questions. 01:27:32

11 COUNCILWOMAN PARKER: Thank
12 you. Thank you, Mr. President.

13 Sheriff, I wanted to go back
14 and wanted you to put some numbers on the
15 record for us, Sheriff. 01:27:39

16 Sheriff, when you talked about
17 that \$24 million, give us an idea of what
18 percentage of those dollars are getting
19 back to homeowners. Like on an annual
20 basis, since you were there, can you give 01:27:51
21 us a dollar amount and percentages like
22 on an annual basis?

23 SHERIFF BILAL: Okay. I think
24 we sent you over a slide deck. If you go
25 to Slide 12, it will show you each year 01:28:03

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 what was given back of excess proceeds to
3 homeowners. And so in 2012 was
4 \$1,165,512.72. 2013, \$967,994.05 --

5 COUNCILWOMAN PARKER: No, 01:28:30

6 Sheriff. I'm not speaking about before
7 you arrived. I'm talking about under
8 your tenure, Sheriff. Because what I'm
9 trying to get on the record is our

10 improvement, how are we improving and 01:28:44

11 getting money back to us. And so if you
12 could give us those percentages under
13 your tenure.

14 SHERIFF BILAL: Okay. Well, we
15 don't have the percentage, but under my 01:28:55
16 tenure in 2020, \$1,486,820.18 --

17 COUNCILWOMAN PARKER: Sheriff,
18 when you give that number, you give that
19 number out of how much? That 1 million,
20 that number you gave, so that's that 01:29:12
21 amount out of how much is what I'm
22 asking.

23 SHERIFF BILAL: Out of how much
24 excess proceeds?

25 COUNCILWOMAN PARKER: Yes. 01:29:20

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Yes.

3 SHERIFF BILAL: That
4 information we're going to have to give
5 to you, because I don't want to give you 01:29:25
6 any numbers that are not clear.

7 COUNCILWOMAN PARKER: Okay.

8 And --

9 SHERIFF BILAL: We can give you
10 that out of the proceeds that gets sent 01:29:31
11 to the state or proceeds that are held
12 with us or that gets sent to the state.
13 So we will give you those numbers. We
14 will make sure your office has that.

15 COUNCILWOMAN PARKER: Thank 01:29:42
16 you, Sheriff, and give them to the
17 President. He'll distribute it to
18 everybody. Because what would be very
19 helpful, if you say, well, listen, in
20 2020 we had \$10 million that should have 01:29:48
21 gone back to Philadelphia homeowners, we
22 were only successful in reaching X
23 amount, and that resulted in us being
24 able to give back 2 million out of the 10
25 million that we had. And then tell us 01:30:05

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 what percentage of that money actually

3 stays in escrow and then eventually goes

4 back to the state, because what we're

5 going to need to do is, we're going to 01:30:16

6 need to market that all of these dollars

7 are being left on the table and

8 eventually after that five-year period

9 are going back to the state. So getting

10 those numbers together and getting them 01:30:29

11 to Council will be extremely helpful to

12 us from a marketing perspective that we

13 can also get engaged in.

14 SHERIFF BILAL: Excellent idea.

15 Thank you for that. We'll make sure you 01:30:40

16 get that information.

17 COUNCILWOMAN PARKER: Thank

18 you, Mr. President.

19 COUNCIL PRESIDENT CLARKE:

20 Thank you, Councilwoman. 01:30:44

21 The Chair recognizes

22 Councilwoman Brooks.

23 COUNCILWOMAN BROOKS: Thank

24 you, Council President.

25 I just have a few clarifying 01:30:51

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 questions. The Sheriff Office is listed
3 as one of your FY22 goals making at least
4 five sales per month. Can you explain
5 why you selected this goal? Shouldn't we 01:31:05
6 be trying to prevent the sales to keep
7 Philadelphians in their homes and not
8 increase them?

9 SHERIFF BILAL: Thank you very
10 much, Councilwoman Brooks. I'll have 01:31:19
11 Deputy of Real Estate, Melissa Simpson,
12 answer that question for you, because its
13 goals, I think it's already established,
14 but she'll explain that to you.

15 MS. SIMPSON: Good afternoon, 01:31:30
16 Councilwoman. Good afternoon, City
17 Council, Sheriff, and Sheriff's Office
18 co-staff.

19 So the reason why that is a
20 goal is because we currently hold five 01:31:44
21 sheriff sales a month. It's not
22 something that we decided to set up that
23 way. It's just how the cases come in.

24 So we have a mortgage
25 foreclosure sale within which these 01:32:00

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 properties are court-ordered sales from
3 various attorneys related to mortgage
4 foreclosure and court-ordered judgment
5 payments.

01:32:14

6 However, the four tax sales
7 that we have all stem from City
8 delinquencies and the City Law

9 Department. They are cases within which

10 the properties are tax delinquent or

01:32:31

11 delinquent in their water bills, and due

12 to the City not receiving the revenue,

13 they either have contracted out the

14 collection to two different attorneys,

15 which is Linebarger Goggan Blair and

01:32:45

16 Sampson and GRB Law.

17 For those two attorneys, they

18 have their own sales, because they have

19 an amount of cases that they receive from

20 the City within which they need to

01:32:58

21 collect taxes on. Once again, if they're

22 unable to collect, they go to court, and

23 the court issues a decree for the

24 property to be sold.

25 The City Law Department then

01:33:10

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 still has their own tax delinquent sale,
3 of which those are also court-ordered
4 decrees to sell those properties due to
5 delinquencies.

01:33:23

6 Then the fourth tax sale that
7 we have is the tax lien Linebarger 6,000
8 sale, which is tax liens that were sold
9 to U.S. Bank, and because the City sold
10 those liens to U.S. Bank, they,
11 therefore, are allowed to sell those
12 properties at sheriff sale to recoup
13 those funds.

01:33:38

14 So those are the five sales
15 that have been established. The only way
16 that we'd be able to lower the number of
17 sales we have every month is if those --
18 the number of cases that are in
19 delinquency are reduced and the City Law
20 Department reduces the amount of sales
21 that they have.

01:33:48

01:34:05

22 COUNCILWOMAN BROOKS: Thank you
23 for that.

24 I have two more questions. I'm
25 going to do them together. Your goal

01:34:15

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 also includes increasing the number of
3 participants in sheriff sales. Have you
4 taken in consideration how increasing the
5 number of buyers, especially from out of 01:34:30
6 state, will drive up the price of real
7 estate and accelerate gentrification?

8 And my next question is, how does your
9 office identify targeted vulnerable
10 homeowners and what are the criteria to 01:34:44
11 be considered a vulnerable homeowner?

12 SHERIFF BILAL: Okay. I'm
13 going to let Tariq, our new Undersheriff,
14 explain that process, but we are putting
15 together a mapping process to be able to 01:35:02
16 identify where all these sales are coming
17 from in the City so that we can best work
18 with City Council in their specific
19 districts on how to deal with those
20 things. So we got a mapping. 01:35:18

21 Once we get the information
22 from the mortgage foreclosure company, we
23 put that into the map to basically map
24 out where all this is coming from, and
25 when you're dealing with the tax and tax 01:35:29

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 lien sales, we're going to put that in a
3 mapping too so that we can reach out to
4 the different Councilpeople in their
5 respective districts so that we can work 01:35:39
6 with that avenue of things that are
7 happening, especially in the City. And
8 I'll let Tariq finish up on this.

9 MR. EL-SHABAZZ: First of all,
10 good morning, Mr. President. Good 01:35:47
11 morning, members of City Council.

12 What we need to understand is
13 that the process -- the Sheriff's Office
14 is the platform and the mold in which the
15 sheriff sales are conducted. We are not 01:36:02
16 the individuals who select which
17 individuals are going to be -- homes are
18 going to be up for sheriff sales and
19 which homes are not. We receive a number
20 of court orders to schedule the actual 01:36:14
21 sheriff sale, and then we are notified
22 based upon the homeowners having
23 conversations with the attorneys for the
24 tax sales or from the mortgage
25 foreclosure sales, and that could be a 01:36:32

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 number of bank attorneys. Any
3 negotiations that go on, they have that
4 information.

5 So we don't get an address, for 01:36:38
6 example, and that address says a person
7 lives at this location. The only thing
8 that we do is, we conduct a platform.

9 What the Sheriff has attempted
10 to do, and we're going to attempt to do 01:36:50
11 this by the mapping process, is to assist
12 City Council with members or people,
13 constituents in their district of knowing
14 when these sales are coming up, checking
15 in with those individuals who may be 01:37:03
16 living in a home. We don't have that
17 information. In other words, the
18 mortgage foreclosure sales, the attorneys
19 don't say to us that the person is still
20 living there or the property is being 01:37:11
21 rented, anything of that regard. That
22 actually is information between the
23 attorney that holds the rent, that's the
24 bank attorney, and those individuals that
25 are in that home. 01:37:23

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 But what we do believe based
3 upon some discussion that we had with
4 members of City Council, the Sheriff
5 believes and we are designing a way to 01:37:31
6 assist in that regard.

7 So we don't know that
8 information and not required to know that
9 information, because we get these cases
10 at the very end. They go through the 01:37:41
11 process. A court issues the order, and
12 then the court sends that order to us,
13 and our job then is to carry out that
14 service. But it doesn't mean that the
15 Sheriff is not looking into a way to 01:37:54
16 assist in that regard. So we don't have
17 that information with respect to that.

18 With respect to gentrification,
19 we do have in process now that's under
20 review a pilot program that just was 01:38:06
21 conducted for one month. It gave us --
22 it started to give us empirical data as
23 to where these places are located,
24 whether they're abandoned or they're lots
25 or maybe people that are inhabiting those 01:38:22

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 particular homes. It's starting to give
3 us that information. Unfortunately, we
4 have a small sample. We only have the
5 sample for April. But it's our hope that 01:38:31
6 in gathering information, that we will
7 begin all -- again, able to assist City
8 Council in assisting their constituents
9 and knowing who was living in a
10 particular home, whether that home is in 01:38:44
11 fact occupied or not. We have a
12 constituent service division which
13 actually if you call up to the Sheriff
14 Department, we will actually conduct or
15 lead you to those individuals that can 01:38:56
16 assist you in trying to prevent that.

17 And during the course --
18 lastly, during the course of the
19 Sheriff's food outreach program, we are
20 beginning to attempt to educate the 01:39:07
21 public on what to do to prevent from
22 getting into the sheriff sale. In other
23 words, before the court order is issued,
24 there are things that could be done.
25 There are services that people can seek 01:39:19

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 out.

3 We believe that the more
4 information we give out, the more
5 information we give people on how to 01:39:24
6 prevent it, the more that we have the
7 opportunity of preventing these things
8 from happening.

9 So we may get, for example, we
10 may get 200-and-some-odd properties for 01:39:33
11 sale. Those sales may be postponed. So
12 we may get 100 of them postponed. We may
13 get another 50 of them that are stayed
14 and then we end up selling -- or having
15 an auction. Not selling, because we 01:39:47
16 don't sell them. We provide the
17 platform. Having an auction for the
18 remaining amount. But those stays or
19 those postponements are worked out
20 between the homeowner and the bank in a 01:39:57
21 mortgage sale and the City, because the
22 City for the most part has the other four
23 sales and the people that have tax liens
24 on them.

25 COUNCILWOMAN BROOKS: Thank you 01:40:11

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 for that.

3 Council President, that

4 concludes my questions.

5 COUNCIL PRESIDENT CLARKE: 01:40:19

6 Thank you. Thank you, Councilwoman.

7 The Chair recognizes

8 Councilwoman Quinones-Sanchez.

9 COUNCILWOMAN SANCHEZ: Thank
10 you, Council President. 01:40:31

11 And thank you, Sheriff Bilal.

12 I want to reiterate what I said earlier
13 to City Controller Rebecca Rhynhart. I
14 am of the belief that independent elected
15 officials should be provided with the 01:40:44

16 budget they need to do and carry out the
17 mandate of the voters who voted for them.

18 So in that context, you've been
19 in the office here a year. COVID forced
20 you to pivot. And I also want to thank 01:40:54

21 you for all of the work your office did
22 during the social unrest and then
23 pivoting to the food-sharing situation
24 and distribution throughout the City.

25 Outside of -- you talked a 01:41:09

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 little bit around the fact that you're
3 never fully funded with your positions.
4 Can you provide an update of where you
5 are as it relates to changing the way -- 01:41:17
6 you made a decision around sheriff sales
7 to go virtual. What other physical
8 changes do you need to do as a department
9 to better serve folks moving forward that
10 are not currently covered in your budget? 01:41:31

11 SHERIFF BILAL: Patrick Lee,
12 our CFO.

13 MR. LEE: Yes, ma'am. Thank
14 you, esteemed Councilmembers. And,
15 ma'am, to answer your question, our goal 01:41:53
16 is to fully automate and move the office
17 into the 21st century. So that will take
18 and require software upgrades. We're in
19 the process of completing our system
20 analysis regarding those things which are 01:42:07
21 directly related to financial controls
22 and accountability. That is the mandate
23 of the staff in the Finance Department
24 under the direction of the Sheriff to
25 make sure those things are done in 01:42:22

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 concert with the budget requirements that
3 are necessary to support the sheriffs in
4 the field.

5 It's very, very important that 01:42:30

6 we look at that, the staffing

7 requirements as well as equipment

8 upgrades. Those are huge factors in how

9 the sheriffs operate in the field. And

10 with the constraints that we have now, in 01:42:41

11 addition we also see areas with regard to

12 ammunition acquisition. That's

13 increasing because of the demand with

14 regard to the sheriff's deputies that

15 need to take place that involve utilizing 01:42:55

16 a high amount of ammunition as well, in

17 addition to the training requirements

18 that are so needed, which is dealing with

19 de-escalation, specialized training in

20 those areas. 01:43:10

21 Mental health is another area

22 that we've looked at and in addition to

23 supporting the Act 79 activities that are

24 necessary to provide safety in and around

25 the residents of the City of 01:43:25

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Philadelphia.

3 COUNCILWOMAN SANCHEZ: So in

4 regard to -- I agree. I think we've had

5 this conversation with the Police 01:43:32

6 Department about what does 21st century

7 public safety look like.

8 As it relates to automation,

9 software upgrades, is the City providing

10 you this support through OIT or are they 01:43:46

11 giving you the ability to bring in

12 through your Class 200 folks to help you

13 operationalize the needs?

14 MR. LEE: Well, I've heard --

15 Bill Swank -- 01:44:05

16 SHERIFF BILAL: Craig Martin,

17 our Budget Officer, will answer that.

18 MR. MARTIN: Craig Martin,

19 Budget Officer. Good morning.

20 Technically speaking, we do not 01:44:13

21 have a budget that would accommodate the

22 increase for the technical expenses that

23 we have. It needs to be increased

24 tremendously. Some of the cases, we have

25 absorbed the cost of computer training or 01:44:26

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 computer equipment from our own fees that
3 we earn in the Sheriff's Office, but at
4 this point, due to the amount of
5 improvements that we need, we need that 01:44:38
6 to be offset to the City's budget and the
7 City to increase the amount that they
8 give us.

9 SHERIFF BILAL: Just so that
10 you know, Councilwoman, when I took 01:44:47
11 office, we was operating off of Windows
12 2007.

13 COUNCILWOMAN SANCHEZ: Yeah.
14 It's a challenge, and that's why I think
15 it's important, and I had this 01:44:57
16 conversation with our DA as I've had with
17 other folks clearly in my role as Chair
18 of Appropriations. We can plan for what
19 we have or we can plan for what we need,
20 right? And let me strongly encourage you 01:45:08
21 after this first year that you put
22 together a comprehensive plan of how you
23 over the next few years can conduct some
24 of these upgrades that are necessary in
25 order for your office to be able to 01:45:21

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 manage more efficiently and more
3 effectively. So I look forward to
4 working with you on that.

5 And then, lastly, this issue of 01:45:29
6 the sheriff sales is going to continue to
7 come up, and one of the things we've
8 learned through some of the great work
9 that's been done around eviction
10 prevention and others is that sometimes 01:45:38
11 you got to get all the players around the
12 table and have a conversation, because
13 there are different lanes. And I want to
14 give you a specific challenge that I see
15 as we move forward around sheriff sales. 01:45:51

16 We asked the City of
17 Philadelphia, the Administration, why
18 they're initiating tax sales, and we'll
19 continue to have those conversations,
20 because we're generating those sales 01:46:05
21 because we're the ones seeking the court
22 judgments. So we need to have a
23 conversation. But let me strongly
24 encourage you to use this opportunity to
25 put together the courts, who issue the 01:46:15

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 sales, because I believe there is a role
3 to be played in terms of getting the
4 courts to help us get the dataset so
5 critical around notification.

01:46:27

6 If mortgage companies are
7 coming forward and asking for a sale,
8 they should as part of this process let
9 us know is this owner-occupied so that we
10 can make sure the appropriate connections 01:46:40
11 to housing counseling and other things
12 are happening.

13 So let me strongly encourage
14 you to get the courts, the Revenue
15 Department, Sheriff, if you want to 01:46:49
16 invite Council to participate in that,
17 but definitely some of the people from
18 Community Legal Services and others who
19 do this work. I think this is an
20 opportunity for us to look at this entire 01:46:59
21 process and do it differently.

22 If there are sales that need to
23 move forward, they can. Our goal and
24 Council's goal is always about protecting
25 homeowners who have for whatever reason, 01:47:12

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 whether pre-pandemic or post-pandemic,
3 have put themselves in a financial bind,
4 and I think we've created as many
5 programs as we can to support it and then 01:47:23
6 the rest of the properties that are going
7 to go to sale no matter what we do. But
8 I think there's a way, in addition to
9 your mapping strategy, for us to have a
10 higher level conversation about fixing, 01:47:34
11 clarifying, creating transparency and a
12 dashboard about how this happens so that
13 we can monitor trends.

14 And I'll end with this. I know
15 South Kensington is a hotspot, and 01:47:46
16 everybody and anybody, we have the folks
17 that are out here aggressively looking to
18 open up wills and other things and
19 getting people to sign off on houses.
20 There's literally -- and there was an 01:47:59
21 article about 18 months ago around this.
22 You have aggressive folks coming out here
23 pursuing these lots and other things, and
24 I think we have an opportunity through
25 this process to say we're going to do 01:48:10

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 this differently and make sure, and I
3 know the Register of Wills, Tracey
4 Gordon, has been working on this.

5 People need to know that they 01:48:17
6 have equity, right, even when they find
7 themselves in a bad situation. So

8 putting together a work group about how
9 to best do that through our processes is
10 something that I think Council would 01:48:28
11 welcome and would want to support.

12 So I'll end it with that.

13 Thank you, Council President
14 Clarke.

15 I look forward to working with 01:48:35
16 you as you bring up your department to
17 21st century public safety. Thank you.

18 Thank you, Council President.

19 COUNCIL PRESIDENT CLARKE:

20 Thank you. 01:48:47

21 SHERIFF BILAL: Thank you,
22 Councilwoman Sanchez. We're going to
23 make note of that and make sure my staff
24 starts working on that. We appreciate
25 that. 01:48:53

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you. Thank you, Councilwoman.

4 The Chair recognizes Councilman

5 Domb. 01:48:58

6 COUNCILMAN DOMB: Thank you,

7 Council President.

8 And good morning, Sheriff. I

9 have two or three quick questions for

10 you. One is -- and I kind of asked the 01:49:04

11 Controller about these questions. I know

12 that back in November -- I think my

13 colleagues have asked around this

14 question also -- did we actually find the

15 missing guns that were reported back in 01:49:15

16 November, and have you implemented the

17 Controller's inventory management

18 recommendations?

19 SHERIFF BILAL: Thank you,

20 Councilman Domb. First of all, when the 01:49:24

21 Controller was doing her inventory, we

22 were already in there cleaning up the

23 mess, because we saw that. And so right

24 now you have the state-of-the-art area,

25 from security, from tracking, from now 01:49:37

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 everything gets tagged and put into a
3 computer system. So, yes, it was decades
4 of a mess, and that's what it was.

5 Now, in reference to the 200 01:49:48

6 guns missing, what we find out is poor
7 recordkeeping. I'm not saying it's
8 missing. I'm saying it's poor

9 recordkeeping, because some of the stuff

10 you can't even read, and then you have 01:50:03

11 what we saw -- and this is after the

12 Controller left. We went back and kept

13 trying to figure out where these missing

14 things were. What we found out, that in

15 1970, '80, and '90s, the Sheriff 01:50:16

16 Department allowed deputies to retire

17 with their guns. And so now we got

18 retirees walking around with City

19 equipment. And some of them have passed

20 away. Some of them we're contacting the 01:50:31

21 Pension Department to try to figure out

22 where they are, but they're like way back

23 when as to what -- and there was a

24 certain portion of those that was. Then

25 there's a part where some work burned, 01:50:44

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 but because of the poor recordkeeping, we
3 can't tell whether they were traded or
4 burnt. So we're still dealing with that
5 portion.

01:50:57

6 So we're saying poor
7 recordkeeping was a part of this, but we
8 don't have that poor recordkeeping moving
9 forward, because we got state-of-the-art
10 tracking on anything that comes into the
11 Sheriff Office.

01:51:04

12 COUNCILMAN DOMB: And should
13 the guns that were -- this is the first
14 I'm hearing about this, that people who
15 left the department kept their guns.

01:51:13

16 Those are owned by the City, I would
17 assume. It's property of the City, paid
18 for by taxpayers. Shouldn't all those
19 guns be recalled and brought back to the
20 City?

01:51:22

21 SHERIFF BILAL: Well, that's
22 what we're trying to do, because if
23 you're talking about 1970, some of them
24 have already passed away and we can't
25 even find a member to tell us whether the

01:51:31

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 gun is there or not. And so right now
3 we're going through Pension to identify
4 those, and it's about 23 of them. So
5 we're still -- they're still assigned to 01:51:40
6 them, but we're still going through
7 Pensions to try to locate where those
8 were, and that's an issue. So, yes.

9 COUNCILMAN DOMB: Let me ask
10 one last question. I just was thinking 01:51:50
11 about it while I was hearing my
12 colleagues. On the issue of sheriff
13 sales, are you doing sheriff sales around
14 investor-owned properties?

15 SHERIFF BILAL: I don't 01:52:02
16 understand that question. Investor-owned
17 properties?

18 COUNCILMAN DOMB: Like a
19 property that's rented out to a tenant
20 owned by an investor. Are those 01:52:08
21 properties being sold through sheriff
22 sales?

23 SHERIFF BILAL: If there is a
24 lien on them that brings it with the
25 court order to sell, that's the way we 01:52:18

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 will go. That's only a court order. We
3 don't know what --

4 COUNCILMAN DOMB: Hold on. I
5 guess my question is, and this Council 01:52:26
6 was very supportive of this, and I think,
7 Council President, we wanted to increase
8 the sequestration program where instead
9 of displacing people, we would redirect
10 them to send their rents to the City, and 01:52:38
11 I know the Revenue Commissioner was on
12 board with that and he was doing it. In
13 those cases, has that not been done?

14 MR. EL-SHABAZZ: The problem is
15 that -- first of all, good morning. Very 01:52:50
16 good question.

17 The problem is is that we don't
18 get that information. The only thing
19 that we get is the court order or the
20 writ that this particular property is 01:52:59
21 going. So the real answer is, yes, there
22 probably is properties that people are
23 occupying that are investment properties
24 that haven't been paid. All of those
25 things exist in those properties that 01:53:09

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 come up, yes, sir, but we don't have that
3 information. We're not provided with
4 that information; just the court order.

5 COUNCILMAN DOMB: I just think 01:53:17

6 if we could communicate, maybe through
7 our communications, instead of people
8 that are paying rent but the investor is
9 not paying the taxes, we redirect them to
10 pay the rent to the City. The investor 01:53:25
11 is going to pay the taxes pretty quickly.
12 It's a pretty successful program.

13 SHERIFF BILAL: You know what,
14 that's the Law Department, the Revenue
15 Department that deal with those tax lien 01:53:34

16 sales. And so we've been working with
17 Zwolak in that area to identify any
18 properties that have people in them, but
19 we don't necessarily get that
20 information. So if you're dealing with 01:53:48

21 Revenue and the Law Department that has
22 that, then that program should still go
23 on, because then you don't displace
24 people. If we get it, we can probably
25 help in that area. 01:53:57

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 MR. EL-SHABAZZ: And to be

3 perfectly transparent, Zwolak during the

4 course -- and I should say Mr. Zwolak,

5 Jim Zwolak, during the course of the 01:54:06

6 April sales has been very forthright and

7 communicative with us in identifying

8 properties that were actually taken off

9 the list that were investment properties.

10 So we began to have that conversation 01:54:16

11 with people like him. It's a little

12 difficult more when we're talking about

13 mortgage sales and mortgage foreclosures,

14 because it's the bank and the different

15 attorneys. But with respect to the City, 01:54:25

16 we should have -- if we had that

17 communication that Councilwoman Sanchez

18 talks about with the Law Department who

19 controls four particular sales -- and

20 when I say that, the City -- we should be 01:54:37

21 able to kind of identify that.

22 So that's something we can work

23 with City Council and we can work with

24 the Law Department to try to have a

25 mechanism that we make identification of 01:54:47

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 those type of situations.

3 COUNCILMAN DOMB: Okay. I just

4 bring it up because I think it's a way

5 more effective way of collecting our 01:54:54

6 taxes by keeping our tenants in place and

7 redirecting their rents to the City, and

8 when a landlord gets that notice, they

9 usually pay up. They've been very

10 successful with that. 01:55:06

11 So thank you, Council

12 President.

13 Thank you, Sheriff, and hope we

14 can move forward on that.

15 SHERIFF BILAL: Thank you. 01:55:10

16 COUNCIL PRESIDENT CLARKE:

17 Thank you, Councilman.

18 Any additional questions by

19 members of the Committee for this

20 witness? 01:55:18

21 (No response.)

22 COUNCIL PRESIDENT CLARKE:

23 There being none, I want to thank you

24 very much, Sheriff. Thank you very much

25 for your testimony. Thank you for your 01:55:27

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 service, you and your team. We
3 appreciate what you do for us, and we'll
4 continue to work together on a number of
5 those issues, and there's a couple of 01:55:34
6 things that I think you will be
7 forwarding to us after the hearing. We
8 will get that and distribute it among the
9 members.

10 Thank you so much. 01:55:43

11 SHERIFF BILAL: Thank you.

12 Have a good day.

13 COUNCIL PRESIDENT CLARKE:

14 Thank you.

15 We're going to have a slight 01:55:53
16 rearrangement of the scheduled testimony.
17 The District Attorney's Office has asked
18 to be moved to the last witness, so we'll
19 do First Judicial District and then the
20 Defenders Association and then the 01:56:07
21 District Attorney's Office.

22 So is Mr. Richard McSorley from
23 the First Judicial District, are you
24 connected?

25 MR. MCSORLEY: I am, Council 01:56:20

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 President.

3 COUNCIL PRESIDENT CLARKE:

4 Okay. Are you ready to rock and roll?

5 MR. MCSORLEY: I think so. 01:56:25

6 COUNCIL PRESIDENT CLARKE: All
7 right. Just state your name for the
8 record and proceed with your testimony,
9 please.

10 MR. MCSORLEY: I am Richard T. 01:56:33
11 McSorley, the Court Administrator of the
12 First Judicial District.

13 Good day, President Clarke and
14 members of City Council. I am pleased to
15 provide testimony in support of the First 01:56:42
16 Judicial District's Fiscal Year 2022
17 budget. As the District Court
18 Administrator, I represent the Governing
19 Board, or the AGB, and joining me today
20 also is Kevin Cross, the Deputy Court 01:56:53
21 Administrator of Finance. On behalf of
22 the FJD, we respectfully submit for your
23 consideration and approval the FY22
24 budget of 115,743,000.

25 The past 14 months have 01:57:05

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 presented a set of unique and in some
3 cases once-in-a-lifetime challenge that
4 continues to test our individual and
5 collective resolve as a city. The 01:57:13
6 financial burden of navigating the
7 pandemic, coupled with the necessary
8 public health and safety protocols that
9 prohibited indoor gatherings, meant the
10 FJD, absent meaningful and 01:57:23
11 forward-thinking solutions, faced the
12 prospect of closing indefinitely. But
13 our courts did remain operational.
14 Electronic filings were accepted and
15 reviewed 24/7, and even as Philadelphians 01:57:32
16 were asked to stay at home, Municipal
17 Court's preliminary arraignment,
18 emergency protection from abuse, along
19 with our bail acceptance unit and bench
20 warrant court all remained operational. 01:57:43
21 By April 2020, our judges were back on
22 the bench hearing thousands of motions
23 for emergency release as concerns about
24 the Coronavirus in the jails mounted.
25 To date, over 8 million 01:57:55

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 teleconference and/or Zoom minutes have
3 been used to conduct hearings,
4 conferences, and meetings since the start
5 of the pandemic. Since then, with the 01:58:00
6 hard work of our Judiciary and our staff,
7 combined with the recent changes to the
8 public health protocols, the courts have
9 been gradually increasing our operability
10 and the number of cases heard, with the 01:58:10
11 goal of being back to pre-pandemic levels
12 of functionality no later than July 6th
13 of this year.

14 After \$1.3 million spent with
15 the sole focus of procuring materials and 01:58:21
16 equipment to allow for safe operations
17 and virtual public access and more than a
18 year of on-the-fly innovations, we are
19 starting to see the light at the end of
20 the tunnel. Our focus on combating the 01:58:32
21 spread of COVID-19 did not prevent court
22 leadership from taking on other
23 challenges associated with the pandemic
24 and systemic inequities in our city.

25 After halting residential evictions, 01:58:44

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 which disproportionately impacted the
3 most vulnerable people in our city
4 throughout the duration of the pandemic,
5 Municipal Court entered an order in 01:58:51
6 April of 2021 requiring mediation between
7 landlords and tenants, and in most
8 instances, this was before an eviction
9 matter was able to proceed. The move was
10 seen as a game-changer by one member of 01:59:01
11 this Council and lauded as one of the few
12 programs of its kind in the entire
13 country by journalists and experts alike.
14 Philadelphia's Eviction
15 Diversion program is one of the most 01:59:11
16 impactful and uplifting outcomes of
17 otherwise a disquieting pandemic year.
18 We are also proud to announce
19 the hiring of a Chief Diversity, Equity,
20 and Inclusion Officer, making 01:59:21
21 Philadelphia the first of 67 judicial
22 districts in our Commonwealth to create a
23 position dedicated solely to addressing
24 the diverse needs of our community, our
25 judges, and our staff. 01:59:31

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 We're proud of what we were
3 able to accomplish during this period of
4 such deep uncertainty and angst, and the
5 FJD will emerge from this pandemic as a 01:59:38
6 more modernized and more adaptable court
7 system.

8 As such, we cannot afford to go
9 backwards. As you are aware, the court,
10 like many other government and private 01:59:47
11 entities, was the victim of a cyber
12 attack in 2019. As we continued the work
13 to securing our network infrastructure, a
14 system review determined that our civil
15 case management system is at end of life 01:59:58
16 and must be modernized. This is a
17 multi-year project that would ensure our
18 network is secure and fully accessible to
19 the public and legal community.

20 City commerce, real estate 02:00:08
21 sales, satisfied judgments rely heavily
22 upon this system. If the system is
23 compromised, the impact would be felt
24 throughout the region but most of all by
25 this city and our residents. 02:00:17

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Additionally, the pandemic's
3 impact on the state's budget may force
4 the Administrative Office of Pennsylvania
5 Courts to shutter the Common Pleas Case
6 Management System, also known as CPCMS.

02:00:25

7 This system is responsible for all
8 aspects of criminal case management. The
9 system is used not only by the FJD but by
10 the District Attorney's Office, the

02:00:35

11 Defender Association, the private defense
12 bar, and the prison. Should state
13 funding for CPCMS be eliminated,
14 budgetary resources will be needed to
15 continue this function or to fund an
16 entirely new system at a significant cost
17 that is undeterminable at this time.

02:00:46

18 Lastly, a budgetary shortfall
19 and supervision fees may impact the
20 number of probation officers and the
21 level of supervision the FJD is able to
22 provide. This is in addition to an
23 increased cost that we have now attained
24 related to our electronic monitoring
25 program, or the EM program, at a time

02:00:55

02:01:05

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 when we are planning to expand EM to
3 offset rising incarceration rates in the
4 prison caused in part by the pandemic.

5 While we believe our current 02:01:15
6 budget request for 2022 will address this
7 issue in the short term, a long-term
8 solution must be identified and funded.

9 I understand Council has been
10 furnished with a copy of our formal 02:01:24
11 testimony, and on behalf of the
12 Philadelphia Judiciary, the
13 Administrative Governing Board, and the
14 employees of the FJD, we respectfully
15 submit City Council's consideration and 02:01:33
16 approval of our FY22 General Fund and
17 Grants Revenue budget.

18 Thank you, and I'm available
19 for questions.

20 COUNCIL PRESIDENT CLARKE: 02:01:42
21 Thank you. Thank you, Mr. McSorley.
22 Thank you so much. And on behalf of
23 Council, I would like to thank the courts
24 for their proactive work with us
25 throughout these very challenging times 02:01:53

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 as the diversion programs, the various
3 landlord-tenant mediation initiatives
4 that were entered into as a result of a
5 whole lot of work by a whole lot of good 02:02:05
6 people. I want to thank you all for your
7 role, a role that traditionally is not
8 thought of as being part of the courts
9 and the judicial system's role. So I
10 just want to thank you on behalf of 02:02:17
11 Councilmembers. You were very, very
12 helpful, more than you know.

13 We just finished -- I don't
14 know if you heard any of the testimony
15 from the Sheriff. 02:02:28

16 MR. MCSORLEY: Yes.

17 COUNCIL PRESIDENT CLARKE:
18 There were a number of questions that
19 came up that were frankly the
20 responsibility or had jurisdiction 02:02:34
21 relating to the court system, and I think
22 the Sheriff and particularly the
23 Undersheriff Shabazz explained the role
24 of the sheriffs versus the role of the
25 courts, and primarily the issuance of 02:02:47

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 court orders, particularly on the
3 mortgage side, comes from the court.

4 Can you like just kind of

5 briefly go through that and tell me what 02:02:57

6 role. And then there were some questions

7 around concerns as a result of mortgage

8 foreclosures and tax foreclosures, but

9 from your perspective, the limitations or

10 the ability for the courts to be involved 02:03:09

11 in some type of program that could be

12 helpful to the citizens who are in

13 jeopardy of losing their homes

14 particularly, if you can. I know it was

15 a long question, but I think you get the 02:03:22

16 gist.

17 MR. McSORLEY: Well, basically

18 our role in the mortgage and tax

19 proceedings is a two-part role. The

20 court does take these matters. The 02:03:34

21 petitions are filed. The court rules on

22 these cases. And once that is done, once

23 the court has issued an order, that order

24 goes out to the Sheriff's Department, and

25 if the sheriff sale is going to be done, 02:03:48

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 the Sheriff's Department schedules those
3 sales and follows through.

4 The court is not notified of
5 the sales. The court doesn't have any 02:03:58

6 jurisdiction over the sales. The

7 court -- I know one of the concerns was,

8 as I was listening to the testimony, is

9 the properties that might have people in

10 them. These are -- none of these factors 02:04:07

11 are known to the court when they make

12 their court order. So once we hand it

13 off, there really is no other involvement

14 from the court, unless there are some

15 post-trial motions, and there are lots of 02:04:20

16 different rights that people have to come

17 back into the court, but beyond that,

18 we're not really involved once the sale

19 is finalized.

20 COUNCILWOMAN SANCHEZ: Point of 02:04:29
21 information, Council President Clarke.

22 COUNCIL PRESIDENT CLARKE:

23 Okay. The Chair recognizes Councilwoman

24 Quinones-Sanchez.

25 COUNCILWOMAN SANCHEZ: Yeah. I 02:04:36

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 just want clarity.

3 So a mortgage company files for
4 a judgment, and what you're saying is
5 that the judge can issue the judgment 02:04:45
6 without asking for information about
7 whether it's owner-occupied and
8 notifications before making their ruling
9 and determination?

10 MR. MCSORLEY: Each case is 02:04:56
11 going to be taken on a case-by-case
12 basis, but depending on what the parties
13 bring before the judge, the judge is not
14 the investigative body. The parties are
15 the ones who have to bring that 02:05:05
16 information before the judge.

17 COUNCILWOMAN SANCHEZ: This is
18 basic information. What I'm asking is,
19 can you legally just ask for a couple of
20 datasets as part of your process? Is 02:05:14
21 there any law that prohibits you from
22 getting basic information that has become
23 the biggest challenge with our ability to
24 save people in their homes?

25 MR. MCSORLEY: That is 02:05:24

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 definitely a conversation that I believe
3 that Administrative Judge Shirdan-Harris
4 would want to have for the civil division
5 and talk about what role the courts could 02:05:34
6 take in these situations.

7 COUNCILWOMAN SANCHEZ: Thank
8 you.

9 Thank you, Mr. President.

10 COUNCIL PRESIDENT CLARKE: 02:05:40
11 Thank you. You actually asked my first
12 question at a point of information.

13 But I'll let you finish your
14 response, Mr. McSorley, or were you
15 finished? 02:05:50

16 MR. MCSORLEY: I just wanted to
17 point out that all Philadelphia County
18 sheriff mortgage foreclosure sales and
19 tax sales were stayed until
20 September 2021 by a court order issued by 02:05:57
21 President Judge Fox. I don't see the
22 date here, but this was just done
23 recently. So we do have a moratorium
24 that has been issued as the 29th day of
25 April. 02:06:10

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Okay. And as I said earlier, my
4 follow-up question to your response was
5 what Councilwoman Quinones-Sanchez, but 02:06:18

6 you said that there will be further
7 conversation on that. Because the
8 Sheriff essentially said that they have
9 no sense of whether or not it's occupied,
10 vacant. You're now saying in your 02:06:29

11 testimony or your response to our
12 question, you have no sense of that from
13 the court side, and I guess the question
14 is, who knows? Because that is a
15 significantly important issue, 02:06:39

16 particularly given the fact that we are
17 trying to put so many different programs
18 in place to save that person from
19 becoming basically homeless.

20 So thank you, and you said that 02:06:50
21 the Administrative Judge could be
22 responsible?

23 MR. McSORLEY: Administrative
24 Judge Shirdan-Harris.

25 COUNCIL PRESIDENT CLARKE: 02:07:00

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Okay.

3 MR. McSORLEY: She has informed
4 me before this testimony that if there
5 are any issues that she feels that the 02:07:05
6 trial division needs to be aware of, she
7 has a more than willing nature to sit
8 down and have this discussion.

9 COUNCIL PRESIDENT CLARKE:

10 Okay. Guaranteed there will be some 02:07:12
11 level of interest on that particular
12 issue. Thank you. We'll reach out to do
13 a follow-up on that.

14 MR. CROSS: Can I add something
15 to that, please? 02:07:27

16 COUNCIL PRESIDENT CLARKE:

17 Sure.

18 MR. CROSS: My name is Kevin
19 Cross, Deputy Court Administrator.

20 One of the reasons that this 02:07:32
21 order was entered is that there are
22 American Relief funds that are out there
23 that many of these homeowners may have
24 access to, and we wanted to put the stay
25 in place so that if they can access these 02:07:42

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 funds, and hopefully they can save their
3 home during this time while the stay is
4 in place and come back to the court and
5 say that it's been resolved.

02:07:53

6 COUNCIL PRESIDENT CLARKE:

7 Exactly, yeah. And we really appreciate
8 that. I mean, there was an opportunity,
9 similar to what we're going through with
10 the Water Department. There's going to
11 be a lot of American Recovery dollars
12 available for both homeowners, tenants,
13 landlords, ratepayers. So if there's a
14 possibility of alleviating that
15 particular challenge for those
16 individuals, we would like to take
17 advantage of that.

02:08:00

02:08:13

18 You referenced your
19 infrastructure issue. Is there a
20 possibility that the court system -- and
21 I know you all had a very significant
22 breach. Do you have a sense that you may
23 qualify if and when the federal
24 Biden-Harris administration's
25 infrastructure initiative gets passed?

02:08:22

02:08:37

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Because they do talk about broadband and
3 all the other tech-related items in the
4 infrastructure plan. Is anyone from your
5 shop looking into the possibility of 02:08:47
6 eligibility for what you may need over in
7 the court system?

8 MR. CROSS: I can answer that
9 question in this manner in that we have
10 been working with the City's Recovery 02:08:56
11 Office for just reimbursement of our
12 COVID expenses in two ways - one, making
13 sure that the City gets all of our
14 expenses so that they can submit them and
15 be a part of any rescue dollars that are 02:09:07
16 available to us, and we've already had
17 discussions with the Recovery Office
18 about pursuing any grant funds that are
19 available to assist in providing
20 additional Access for Justice. And as 02:09:19
21 this bill becomes law, then we would
22 absolutely be in contact with them about
23 having some infrastructure dollars
24 applied to our court system, because that
25 is something that we need and something 02:09:34

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 that could also be a substantial expense
3 to us.

4 MR. MCSORLEY: I'll just follow
5 up with that that I know we will probably 02:09:40
6 have many conversations with the City OIT
7 department. After the intrusion, we have
8 shored up our relationship with City OIT.
9 There's been different intrusions around
10 the City, so I'm sure if these funds 02:09:52
11 became available, this would kind of be a
12 joint venture between the FJD IT and the
13 City OIT to try to go after those monies.

14 COUNCIL PRESIDENT CLARKE: I
15 would recommend strongly that you 02:10:03
16 proactively have those conversations with
17 the City, OIT in particular but the City
18 in general, because I know there are
19 conversations about establishing our
20 priorities, the City's priorities, with 02:10:17
21 the federal government. So you guys
22 should probably want to start having
23 those conversations proactively if
24 there's any assistance. We don't want --
25 sometimes by the time it's announced that 02:10:28

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 the money is available, it's already

3 divided up, if you know what I mean.

4 MR. McSORLEY: Yes. Thank you.

5 MR. CROSS: Thank you, Council 02:10:35

6 President.

7 COUNCIL PRESIDENT CLARKE: All

8 right. I had a question, one last

9 question, about the pandemic and the

10 virtual hearings, such as we are on 02:10:43

11 today. I know we've had to do a number

12 of those throughout the court systems

13 because of the pandemic. Is there any

14 thought about continuing virtual

15 interaction permanently that enhance 02:10:58

16 efficiencies, or because of the

17 emergency, is that something that we only

18 would do during that time or have we

19 found that it might be beneficial?

20 And the other question is, 02:11:13

21 legally are there certain requirements,

22 particularly as it relates to the

23 criminal side of the justice system, but

24 to be able to have the in-person

25 interaction as opposed to the emergency 02:11:24

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 authorized virtual interaction?

3 MR. McSORLEY: I believe that
4 this is just another step on the ongoing
5 technology involvement in the criminal 02:11:34
6 justice system and the FJD. I've been
7 around for 35 years. I know I don't look
8 it, but you got the use of video coming
9 into a courtroom doing post-trial
10 hearings was at one time completely 02:11:47
11 frowned upon and now it's the preferred
12 method. And now that we've been using
13 Zoom, I think we have discovered that
14 there are different areas of the court
15 throughout the entire FJD where we will 02:11:57
16 probably consider keeping some sort of
17 remote or hybrid kind of technology
18 involved.

19 We have been having those
20 discussions. I think right now what the 02:12:09
21 FJD is looking at is getting everybody
22 back in, getting things up and
23 operational, taking a look at the
24 successes and the failures of our
25 technology, and what we can and cannot do 02:12:19

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 and, as you just pointed out, having to
3 have those conversations with our justice
4 partners in the civil side with the

5 attorneys to see what would be 02:12:29
6 permissible, what will not.

7 I know that preliminary
8 hearings to an extent are being done
9 completely remotely. There has been some
10 challenges with that, though, with 02:12:40
11 witnesses. I have not heard any
12 discussion about allowing the trial to
13 actually be done remotely, but maybe not
14 in my tenure but maybe the next person's
15 tenure that will be something that will 02:12:50
16 just be commonplace.

17 So we have definitely -- if
18 there's anything benefitted from the
19 pandemic, this is one of those areas, and
20 I know we are going to keep exploring 02:12:59
21 those areas, because it's cost effective,
22 it provides better access for the public,
23 it provides more timely hearings, just
24 having a hearing scheduled in a way that
25 we can stagger them and have people not 02:13:10

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 have to sit in a courtroom all day and

3 wait for their next case to be heard.

4 These are all things that we're looking

5 at and we want to address. 02:13:17

6 COUNCIL PRESIDENT CLARKE:

7 Okay. Thank you. Thank you for that

8 information. Let me turn it over to my

9 colleagues.

10 The Chair recognizes Councilman 02:13:25

11 Johnson.

12 COUNCILMAN JOHNSON: Thank you

13 very much, Council President.

14 Mr. McSorley, can you just

15 state your first and last name and your 02:13:35

16 position for the record.

17 MR. MCSORLEY: I am Richard

18 McSorley and I am the new District Court

19 Administrator for the First Judicial

20 District as of November 2nd. 02:13:45

21 COUNCILMAN JOHNSON: You are

22 joined by?

23 MR. MCSORLEY: Kevin Cross, who

24 is the Deputy Court Administrator for the

25 FJD and in charge of the financial 02:13:51

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 department.

3 COUNCILMAN JOHNSON: Thank you
4 very much. Thank you for being here
5 today. 02:13:58

6 Mr. McSorley, can you tell us
7 why Judge Fox, who chairs the First
8 Judicial District Administrative
9 Governing Board, isn't presenting your
10 testimony today? 02:14:08

11 MR. MCSORLEY: This was a
12 discussion with the AGB, and as I'm the
13 new District Court Administrator, in the
14 past the District Court Administrator
15 almost always did the testimony. That 02:14:16
16 was interrupted for the last couple of
17 president judges, and we decided that
18 having me begin this presentation now
19 being the new person and then probably
20 it's going to be an ongoing method that 02:14:30
21 we're going to use, and I'll be here
22 hopefully next year and hopefully the
23 year after that, the year after that. I
24 got a five-year (connection issues), so I
25 need the year after that and the year 02:14:40

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 after that and the year after that.

3 COUNCILMAN JOHNSON:

4 Understood. Understood. Thank you very

5 much. I just wanted to state that for 02:14:44

6 the record, because normally there's an

7 actual judge from First Judicial District

8 giving the presentation, so I just wanted

9 to get clarity on your presence and you

10 giving your testimony today. 02:14:55

11 Can you also tell us why Judge

12 Fox did not accept City Council's Public

13 Safety hearing invitation last December

14 on racial equity and institutional racism

15 in the courts? 02:15:10

16 MR. MCSORLEY: The President

17 Judge was invited to that hearing. She

18 was not able to accept or decline the

19 invitation. I don't know personally what

20 the reasons were. I can say that it was 02:15:21

21 offered that I attend the hearing, and I

22 had every intention of attending that

23 hearing, had prepared an opening

24 statement, and we received your letter,

25 Councilmember, shortly before that 02:15:35

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 hearing that you were disappointed with
3 President Judge Fox not appearing at the
4 hearing, that you had grave concerns with

5 her not appearing and then my appearance 02:15:45

6 was a poor substitution for it, so we

7 decided in order to get our statement in

8 but not offend anybody by my appearance,

9 we just issued my statement, which we had

10 already had ready, and that's why it was 02:16:00

11 sent over to you right before the

12 hearing.

13 COUNCILMAN JOHNSON: Thank you

14 very much, Richard. And just wanted to

15 state that for the record. 02:16:06

16 Obviously when we're talking

17 about the issue of institutional and

18 systematic racism within our court

19 system, we see it as a high priority as

20 members of Council, but also just being 02:16:16

21 citizens here in the City of

22 Philadelphia, we want to make sure that

23 we're addressing issues regarding either

24 criminal justice reform or mass

25 incarceration. The institution that 02:16:25

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 pretty much has the most power when it
3 comes to oversight over individuals
4 interacting with our courts is First
5 Judicial District. And so during that 02:16:35
6 December hearing, it was catalyzed by a
7 report, which I'm sure you're familiar
8 with, called the Center for Urban and
9 Racial Equity, CURE report. It was
10 commissioned by the First Judicial 02:16:47
11 District following racism inside an
12 incident that targeted a Black woman
13 judge.

14 For those who are not familiar,
15 the report found that a culture of 02:16:56
16 nepotism, mistrust, and racial tension
17 existed within the First Judicial
18 District. It also found that several
19 White judges and staff believed
20 institutional and structural racism were 02:17:06
21 not significant factors in modern
22 society. Others voiced concerns that
23 reverse racism was as important as
24 discrimination against people of color.

25 And so since that report, can 02:17:18

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 you give us an update on what

3 recommendations have been fully

4 implemented, what recommendations from

5 the CURE report have been partially 02:17:26

6 implemented, and what portions of the

7 CURE report will be implemented in the

8 future?

9 Also, you mentioned that y'all

10 have a new position of Diversity and 02:17:37

11 Equity Inclusion Officer. Give me an

12 idea of -- give us an idea of who that

13 individual is, their roles and their

14 responsibility.

15 And then the last part of the 02:17:48

16 question is, y'all have a new complaint

17 system. I want to get an overview of

18 what that complaint system looks like.

19 Have you also appointed a person to

20 oversee the complaint system, and what's 02:17:59

21 the status of it to date?

22 MR. MCSORLEY: Okay. Since the

23 CURE report, many steps have been taken

24 by the Administrative Governing Board in

25 order to comply with many of the aspects 02:18:13

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 of the CURE report, but we don't like to
3 think of the CURE report as the reason we
4 are moving forward. As you mentioned,
5 the AGB did commission the CURE report. 02:18:21

6 We had an understanding already that
7 there were some internal issues that had
8 to be frankly resolved and looked at and
9 have hard questions and hard discussions.
10 So the AGB -- 02:18:34

11 COUNCILMAN JOHNSON: And just
12 for the record, just clarify for me, I
13 know you're saying there were some
14 internal questions and concerns that had
15 to be addressed after the report was 02:18:42
16 commissioned. The report was released
17 one year after the report was actually
18 completed. And so did it take a year to
19 address those issues and concerns prior
20 to the reports being released? 02:18:54

21 MR. MCSORLEY: I believe
22 that -- and I was not on the AGB at the
23 time, but I believe the AGB was
24 struggling how to perceive the
25 suggestions of the CURE report, how to 02:19:04

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 move forward. Judge Fox did plainly
3 state at a Senate hearing recently that
4 if she could do things over again, she
5 believes that this was a mistake not to 02:19:15
6 release it earlier, but when we had the
7 suggestions of Judiciary, of City Council
8 itself, the ongoing criminal justice
9 reform, and the murder of Mr. Floyd, I
10 believe that the AGB saw that this was 02:19:30
11 something that had to be done, and that's
12 why it was released and, yes, a year
13 later.

14 There's no -- we did have other
15 issues, like the intrusion, but there's 02:19:39
16 no excuse for why that took over a year.
17 I'd like to now, being the person in
18 charge, take that information and take
19 that experience and move forward and try
20 to implement some of the things that were 02:19:50
21 discussed.

22 So back to your original
23 question, we have already conducted many
24 trainings with our Judiciary and our
25 staff. We started out with bias 02:19:59

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 training, but now we are expanding that
3 training to include diversity, equity,
4 and inclusion. And I believe, as you
5 mentioned, the biggest positive tangible 02:20:07
6 step we have taken was a nationwide
7 search for our new Chief Diversion and
8 Equity and Inclusion Officer. Her name
9 is Chaka White. She will begin her first
10 day with the FJD. Has never worked here 02:20:23
11 before, so there's going to be a lot of
12 trying to get used to what Philadelphia
13 is and what the FJD is, but she starts on
14 this Monday. She'll be working here with
15 me in Court Administration. We hope to 02:20:36
16 not only have her on board but to create
17 a unit out of this. And, again, the goal
18 is not to address (unintelligible) issues
19 and have immediate fixes. In speaking to
20 Ms. White just recently, I had a sit-down 02:20:51
21 with her last week, and my concern as
22 being the new Court Administrator is,
23 this is an ongoing process. This is not
24 going to be fixed in a day. This is not
25 going to be fixed in a month. This is a 02:21:03

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 discussion. Things like reverse racism,
3 those are learning points. These are
4 cultural issues. There's a lot of
5 discussion, a lot of change that has to 02:21:12
6 happen. I'm not an expert in this field.
7 I need somebody to help me, guide me
8 along this journey, but I also understand
9 it's going to be a long journey.

10 I've been in this court system 02:21:23
11 for a long time, and I know that the
12 wheels of justice move slowly, but I am
13 hoping that with this new unit, this new
14 officer on board, we'll be able to take
15 these very, very tangible positive steps, 02:21:33
16 having her guide us down this road, do
17 more training that can be done. And,
18 again, in discussions with her, this new
19 officer, it's not just training. We're
20 going to do videos and put it out for the 02:21:46
21 whole FJD and make everybody sit and
22 watch a two- or three-hour video. These
23 are discussions and customized, tailored
24 training. The training for a judge is
25 going to be different than the training 02:21:57

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 for the court officers, the first person
3 that the public usually sees when they
4 walk into a courtroom. There has to be
5 that kind of perception. There has to be 02:22:05
6 that kind of discussion. When somebody
7 walks in, they need to know that the
8 person that they're dealing with is
9 somebody who is sensitive to their
10 individual needs, is somebody who is 02:22:16
11 going to help them regardless of what
12 their race, creed, color, anything is,
13 and that kind of work is going to be
14 systematically broken down in different
15 parts. 02:22:30

16 How that's exactly going to
17 happen, I think that's going to start on
18 Monday and that's when I'm going to be
19 sitting down, and hopefully by this time
20 next year for the budget hearings, I will 02:22:38
21 have a complete report for you, because
22 one of the things I want to be able to do
23 that has not been done is measure our
24 productivity and measure our successes in
25 this area to be able to show we didn't 02:22:51

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 just have an amount of minutes or amount
3 of times that we put something out there
4 and brought that horse to the river and

5 that horse never drank, that we actually 02:23:02

6 had some successes, we actually had some
7 trainings, we actually had some cultural
8 inspirations that might last forever

9 through the FJD. Maybe I'm being, you

10 know, too optimistic about that, but it 02:23:13

11 is something that when I was interviewed
12 for this job, I knew was an area that
13 definitely had to be addressed.

14 COUNCILMAN JOHNSON: And so

15 I'll wrap up on this and, Council 02:23:25

16 President, just a little latitude, and
17 thank you, Richard, for being transparent
18 regarding your approach. It has to be

19 intentional, especially when you talk

20 about dismantling institutional racism, 02:23:38

21 because it's a thought process, it's a

22 type of thinking that also has a

23 significant impact, particularly on the

24 culture of an institution. And when you

25 talk about particularly in this case 02:23:50

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 African American women but I've also
3 talked to African American staff who also
4 have given testimony at the Senate
5 hearing in how they have experienced a 02:23:59
6 level of bias and institutional racism
7 from the staff level all the way up to
8 the actual level of judges. The only way
9 to reverse it -- and we know it's not
10 going to happen overnight -- is through 02:24:10
11 being thoughtful and intentional from our
12 policies and, most importantly, the
13 execution and implementation of those
14 policies, specifically targeting the
15 issue of institutional and systematic 02:24:21
16 racism.

17 So when you talk about your new
18 complaint system that has been put
19 together, just briefly just give me an
20 overview as I wrap up on my time -- and 02:24:32
21 I'll save my next question for the second
22 round -- just on how is the complaint
23 system coming along, who monitors the
24 complaint system, and just what's the
25 brief status of that complaint system to 02:24:42

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 date for individuals who do feel like
3 they have issues from the staff level on
4 up to judges who may feel intimidated
5 regarding speaking out regarding what's 02:24:53
6 taking place in the First Judicial
7 District.

8 MR. MCSORLEY: So assuming that
9 we're talking about the suggestion to us
10 that was just recently implemented in 02:25:01
11 April, there is myself and four other
12 staff members of the FJD, a diversified
13 panel. We all have access to see the
14 suggestions that are implemented. There
15 are two ways that anybody can submit a 02:25:15
16 suggestion. It's completely anonymous.
17 You can submit it and ask for a direct
18 response. That is also anonymous. We
19 can write a response directly. It goes
20 to the suggestion ops people, and then it 02:25:25
21 goes to that person. We never know who
22 we're responding to. And then there are
23 some FJD employees who have given very,
24 very specific suggestions, identified
25 themselves, and we've reached out and had 02:25:36

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 those conversations. One person in
3 particular about this issue with DEI
4 wrote a suggestion that prompted the
5 President Judge to answer that question 02:25:45
6 but in a court-wide way, sending out a
7 complete memorandum to everybody saying,
8 hey, this question came in and this is a
9 question we thought that should be shared
10 with the entire FJD. 02:25:59

11 To date, I believe we have
12 about 180 different suggestions that were
13 entered. I can tell you as being
14 somebody who has viewed them, the vast
15 majority of the complaints are not -- I'm 02:26:10
16 sorry; suggestions that we got were about
17 the residency requirement on the FJD.
18 There's a lot of concern about that, but
19 so far I believe -- well, to tell you
20 about the process, when we had the panel, 02:26:23
21 we reviewed the questions. If we believe
22 we can directly answer, we come up with
23 an answer. If it's specific to a
24 specific division, Family Court, Traffic
25 Court, Criminal Court, I send it over to 02:26:33

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 the Deputy Court Administrator. I ask
3 them to see the question. I ask them to
4 give me an answer to the question that we
5 can then put out there.

02:26:42

6 What we then realized was that
7 a lot of these questions overlap and a
8 lot of people didn't want an answer.

9 They just wanted to throw their

10 suggestion in there and they didn't want 02:26:50

11 to have any kind of reply. So we came up
12 with a Frequently Asked Question box that
13 we have on the internet, and I believe as
14 of right now, we have about 20 or 25

15 different questions we have on there. 02:27:01

16 We're going to continue to review that.

17 We're going to continue to update that,
18 and hopefully the response -- go ahead.

19 COUNCILMAN JOHNSON: Is your

20 panel diverse? 02:27:11

21 MR. MCSORLEY: Yes.

22 COUNCILMAN JOHNSON: Are you at
23 liberty to say who is on your panel?

24 MR. MCSORLEY: I do know who is

25 on the panel. I think that the AGB would 02:27:17

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 prefer to have the employees know that we
3 have management on the panel and we have
4 court employees on the panel and we do
5 have diversification.

02:27:25

6 COUNCILMAN JOHNSON: Okay.

7 Thank you very much.

8 Council President, I'll defer
9 to the next round. Thank you.

10 COUNCIL PRESIDENT CLARKE:

02:27:32

11 Thank you, Councilman.

12 The Chair recognizes
13 Councilwoman Parker.

14 COUNCILWOMAN PARKER: Thank

15 you, Mr. President, and let me just also 02:27:40

16 give a special thanks to our colleague

17 Councilman Kenyatta Johnson for his

18 leadership in our body in efforts to just

19 identify and attempt to ward out through

20 systems and processes bias, racism, 02:27:55

21 systemic racism within our court system

22 from the judges on down to the staff. So

23 thank you for your leadership,

24 Councilmember Johnson.

25 To Kevin and Richard, let me 02:28:09

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 thank you both for being here on behalf
3 of the First Judicial District. I also
4 want to thank you. I want to start by
5 asking you to give a special thank you to 02:28:22
6 our President Judge Fox for her
7 leadership in staying the sheriff sales
8 until September. She issued the order,
9 you'll remember, on April the 29th.

10 I would argue to you, Richard 02:28:38
11 and Kevin, one of the challenges here in
12 the City of Philadelphia -- and I know
13 one that I hold dear -- is that I am in
14 no way, shape, or form happy about the
15 fact that the City of Philadelphia is now 02:28:51
16 almost equal as it relates to the amount
17 of homeownership versus those who are
18 renting in our city. And despite all of
19 our challenges, one of the areas that we
20 as a city were always able to boast 02:29:06
21 about, particularly among African
22 American households, was that despite the
23 high rate of poverty, we had a high rate
24 of homeownership when compared to cities
25 and municipalities with similar 02:29:22

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 demographics.

3 So that ruling was extremely

4 important as we wait for those

5 much-needed ARP dollars to funnel from 02:29:30

6 the state government and get to local

7 government. And so I want to give credit

8 where credit is due to President Judge

9 Fox on the record, and we're thankful for

10 her working in an intergovernmental sort 02:29:43

11 of cooperative planning manner with this

12 Council as we used every tool in our

13 toolbox to delay those sheriff sales.

14 With that being said, Richard,

15 I want to go to an area that's extremely 02:29:59

16 important to me, and that's the Elder

17 Justice and Civil Resource Center. And

18 just for the benefit of the listening

19 public, despite its name, this Elder

20 Justice and Civil Resource Center does 02:30:13

21 not simply just serve our seniors.

22 Richard, can you tell me how

23 many people are you on target to serve

24 that have come through the Resource

25 Center for Fiscal Year '21? And have you 02:30:23

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 been able to provide telephone, e-mail,
3 and/or virtual service since people are
4 not currently permitted in City Hall?

5 MR. MCSORLEY: I kind of pulled 02:30:36
6 up the stats. I anticipated this
7 question and asked the Elder Justice
8 Center to send me their current stats. I
9 think Kevin is going to try to find them.

10 I believe that in 2020, there 02:30:49
11 was a few hundred people that they
12 serviced, and in 2021, the last number I
13 saw was about 120-something, but, again,
14 we'll find those exact numbers for you in
15 just a second. 02:31:03

16 The Elder Justice Center, when
17 City Hall was not allowing people in, did
18 have very, very limited access, so they
19 did expand their use of telephonic and
20 new calls and they have been performing 02:31:17
21 those calls and those interactions on a
22 daily basis. They have been open.

23 COUNCILWOMAN PARKER: Got it.

24 Listen, Richard, do you also
25 have a breakdown sort of demographically 02:31:33

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 and by zip code where those people that
3 you've served, where are they, as well as
4 the type of cases that they are seeking?

5 Because this information becomes 02:31:45

6 extremely valuable to us, because it

7 allows us to intentionally target a

8 particular area, so mortgage

9 foreclosures, deed thefts, ejectments, et

10 cetera. Do you have that mapped? 02:32:01

11 MR. MCSORLEY: I will have to

12 talk to the Center itself to see if they

13 have that breakdown.

14 Just real quickly, I found the

15 stats. In 2020, there were 136 02:32:11

16 appointments scheduled for citizens to

17 meet with attorneys at the Center and 119

18 calls taken during the shutdown. In

19 total for 2020, 255 citizens were served.

20 For 2021 so far, approximately 97 02:32:24

21 citizens have been served via telephone.

22 Two citizens were served in person.

23 So the breakdown by zip code

24 and by issue, I will speak to the Deputy

25 Court Administrator of the Office of 02:32:38

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Judicial Records and I will see what
3 information, complete information, that
4 we can get to you and have that sent
5 over.

02:32:45

6 COUNCILWOMAN PARKER: And,
7 again, thank you for that. Again, I
8 don't care if the issue we've dealt with
9 here in Council has been the issue of
10 squatting, I don't care if we've dealt 02:32:54
11 with sheriff sales, the Mortgage
12 Foreclosure Diversion program, the right
13 hand knowing what the left hand is doing
14 is always helpful to us and knowing how
15 we should very strategically target 02:33:06
16 resources. So thank you for that, and
17 please provide the GIS mapping to the
18 Council President's office for
19 distribution to all members.

20 Now I want you to tell me what 02:33:19
21 other assistance is provided for
22 unrepresented civil litigants. And let
23 me give you an example. Small Claims
24 Court, right, part of the Municipal
25 Court, they provide unrepresented 02:33:32

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 individuals with assistance in filing the
3 complaint. In Family Court, right, part
4 of Common Pleas, they have a customer
5 support center.

02:33:43

6 So tell me what other services
7 or assistance is available for
8 unrepresented civil litigants.

9 MR. McSORLEY: And as you
10 mentioned in Municipal Court, they not

02:33:53

11 only have that program, but they have a
12 program where they have attorneys on
13 site. During the pandemic, those
14 attorneys have not been physically
15 present, but people have been able to
16 come in. They do have assistance for
17 people who are filing small claims cases.
18 We do have, as I said, the

02:34:03

19 landlord-tenant diversion program that's
20 going on right now where those cases are
21 going through to mediation.

02:34:16

22 In the Court of Common Pleas,
23 we don't -- we do have availability
24 through the Elder Justice Center for
25 people to come in and get information

02:34:28

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 about civil cases. What I can probably
3 do is get a whole list of any kind of
4 program that we have, including Family
5 Court. There are many different ways 02:34:37
6 that we do try to help those
7 unrepresented litigants throughout Family
8 Court because, as we know, especially in
9 Municipal Court and Family Court, that is
10 mostly the people that we're serving are 02:34:49
11 the unrepresented litigants. I can get a
12 whole list of those. I believe that that
13 was issued previously in last year's
14 testimony, but I can update that and have
15 that sent over to you. 02:34:58

16 COUNCILWOMAN PARKER: That
17 would be extremely helpful. One-stop
18 shop and then all members of Council, we
19 have that information handy and can make
20 sure it is distributed to our 02:35:08
21 constituency.

22 The last thing I want to make
23 sure that I get on the record is, very
24 much like we've been working with -- my
25 office has played a very active role 02:35:20

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 since we were working on squatting issues
3 and sheriff sales issues with the Bar
4 Association's Fraudulent Conveyance Task
5 Force and helping to come up with 02:35:32
6 solutions working with a whole bunch of
7 stakeholders as we figure out a way to
8 try to prevent deed fraud from occurring
9 in our city. I'll be asking the District
10 Attorney's Office some questions about 02:35:46
11 this.

12 I say that to you to say I am
13 looking forward to working, and I thank
14 you for putting on the record
15 Administrative Judge Shirdan-Harris's 02:35:54
16 interest in working on trying to come up
17 with strategies that we can employ that
18 will help Philadelphians remain in their
19 homes as we try to get them access to any
20 assistance available that can allow them 02:36:12
21 to maintain ownership and equity with
22 their properties. And so I want you to
23 know that I look forward to working with
24 her in that effort.

25 And, Mr. President, thank you 02:36:25

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 for my time.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you.

5 MR. McSORLEY: Thank you. 02:36:30

6 COUNCIL PRESIDENT CLARKE:

7 Thank you, Councilwoman.

8 The Chair recognizes

9 Councilwoman Quinones-Sanchez.

10 (No response.) 02:36:42

11 COUNCIL PRESIDENT CLARKE:

12 Councilwoman Sanchez?

13 COUNCILWOMAN SANCHEZ: Thank

14 you. Thank you, Council President.

15 I also want to thank the courts 02:36:47

16 for working with us through a lot of

17 work, and you'll hear a little bit from

18 my colleagues later around eviction and

19 so forth. And I also want to thank

20 Councilmember Johnson for the 02:36:58

21 highlighting around institutional racism

22 and how we break that down and the

23 importance of it.

24 One of the areas that I believe

25 the court system can ensure around due 02:37:09

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 process is making sure that people have

3 access to courts and their procedures.

4 So with that in mind, given where we are

5 at this point in time, given the civil 02:37:20

6 unrest and everything that's happening,

7 has there been any discussion by the

8 court system around all their fines,

9 fees, court costs, filing fees that are

10 reviewed in light of the fact that this 02:37:34

11 disproportionately impacts poor people

12 and then poor people of color and their

13 access to due process? Has there been

14 any discussion as part of your review of

15 the court system? 02:37:47

16 MR. MCSORLEY: There has been a

17 lot of discussion, Councilmember. I have

18 been personally involved in a lot of

19 these discussions. Previously before I

20 was the District Court Administrator, I 02:37:56

21 was the Deputy Court Administrator of

22 Criminal, so the fines and fees and costs

23 are something I'm very familiar with.

24 As you probably know, one of

25 the biggest challenges we have in this 02:38:04

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 area is that these are state-mandated
3 legislative fees and fines and costs. We
4 don't have the ability to waive many of
5 these, especially in the criminal
6 division. When a case is disposed of,
7 they are automatically assessed against
8 that case.

02:38:13

9 We have, though, had those
10 discussions with Community Legal Services
11 and the ACLU about what steps we could
12 take. There are some fees that we can
13 address, like supervision fees, and we
14 are talking about that.

02:38:23

15 Recently we just terminated a
16 contract we had with one of our
17 collection agencies for this very reason.
18 That outside vendor was terminated, and
19 our Office of Court Compliance that
20 usually works on these collection
21 processes has taken all those cases back.

02:38:35

02:38:51

22 One of the things the Office of
23 Court Compliance and one of their stats
24 that I think is pretty impressive is 80
25 to 85 percent of the people that they

02:39:02

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 come up with payment plans with in order
3 to keep these people from going into any
4 kind of judgment are doing payment plans

5 of \$5 to \$25. There's no interest 02:39:11

6 associated on top of that. They try to
7 reach out to these people to keep them in
8 compliance. They try to reach out to

9 these people to see what needs they might

10 have, maybe point them in the right 02:39:25

11 direction.

12 One of the main motivators and
13 collaborations we have is with the

14 Welfare Department. Many people come to

15 us because their welfare benefits have 02:39:34

16 been interrupted due to fines and fees

17 and costs. The OCC department works with

18 these people to get them back onto the

19 welfare system, to get their benefits

20 reinstated, and to have them 02:39:46

21 uninterrupted.

22 In any way, shape, or form that
23 the court can when it comes these kind of

24 issues, we have had discussions that we

25 are not in the business of trying to 02:39:59

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 collect money off the backs of the people
3 who can't pay it. We are in the business
4 of trying to get those people resources
5 so that they can move forward and address 02:40:07
6 these judgments. But it is going to be
7 an ongoing discussion and I believe it's
8 going to have to be a discussion that
9 moves up to the legislature in Harrisburg
10 when it comes to these mandatory fines, 02:40:17
11 fees, and costs.

12 COUNCILWOMAN SANCHEZ: So in
13 light of the -- again, we're in
14 unprecedented times, right? So we were
15 in this space with a pandemic and this 02:40:26
16 kind of federal intervention as it
17 relates to states and cities. Has there
18 been a formal request by the court system
19 to the state for waivers in this in light
20 of the fact that there are so many 02:40:40
21 different procedures and processes for
22 people to access benefits so that people
23 do not become non-compliant? One
24 financial non-compliant issue triggers
25 another, which triggers another, which 02:40:53

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 triggers another. Has there been a
3 formal request during the emergency
4 declaration for us to revisit this?

5 MR. McSORLEY: I myself am not 02:41:00

6 aware if that conversation has been had.

7 I can say it's the Commonwealth-wide
8 conversation. This might be a Supreme
9 Court conversation with the legislature.

10 I don't believe this can be just the FJD 02:41:12

11 itself, because it's going to impact all
12 the other counties. But that is a
13 question I can take up with the

14 Administrative Office of Pennsylvania

15 Courts and the Court Administrator, Geoff 02:41:21

16 Moulton for the AOPC. I might be able to
17 have some information about that, about
18 whether those discussions are taking
19 place.

20 COUNCILWOMAN SANCHEZ: Yeah. 02:41:30

21 Since you're new, things won't happen

22 unless we start documenting them,

23 requesting them. We're in a government

24 where many times -- and, again, local

25 government will say, well, this is a 02:41:43

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 state matter, this is a city matter. No.

3 It matters to us, because when the feds

4 and the state don't act, the City has to.

5 And I think this is one of those spaces 02:41:52

6 where people are seeking pardons for

7 those of us working on criminal justice

8 reform, people who are being represented

9 by public defenders, that we just keep

10 generating and documenting fees and fines 02:42:03

11 on them I think is discriminatory. It's

12 a structural problem that we have to fix,

13 and sometimes fixing it means refusing to

14 comply.

15 So I'd just like us to be a 02:42:16

16 little bit more proactive in that space,

17 because I know that this becomes a

18 detriment to poor people. So I'm going

19 to encourage and continue to push on that

20 effort. 02:42:28

21 I want to congratulate you on

22 bringing a diversity officer on board. I

23 think that's a huge first step. How are

24 we empowering this individual? Our

25 experience has been that you put this on 02:42:43

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 one person and if they don't have the
3 authority to measure or hold people
4 accountable, how do you move this
5 forward. So what authority, who is she 02:42:54
6 reporting directly to, and how are we
7 going to make sure that she has the power
8 to make changes? And I know training
9 stuff is long term. I know all of those
10 things, but it's sort of like is her 02:43:04
11 first task let's establish goals, right?
12 But there has to be some sort of matrix,
13 otherwise we're going to keep having this
14 conversation every year and there's no
15 measurable. Like what are your 02:43:18
16 aspirational goals, who is going to
17 measure it, and what authority is this
18 staff person going to have?

19 MR. MCSORLEY: The new chief is
20 coming with a very large background and 02:43:27
21 wealth of experience. I've been very
22 impressed with my conversations with her.
23 To answer your question, she's going to
24 be reporting to me directly. She's not
25 going to have to report to anybody else. 02:43:36

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 This is going to be an initiative coming
3 out of my, for lack of a better term, new
4 administration, and my intention is to
5 give her the leeway that she needs in 02:43:46
6 order to implement any policies and
7 programs and to do so without learning
8 about, as you say, having to answer to
9 somebody else or worrying about the
10 policy might not be liked by one faction 02:44:00
11 or another. She's going to be as
12 autonomous as I can have her be.

13 The Administrative Governing
14 Board in discussing this with her made it
15 clear to the new chief that she has their 02:44:14
16 full backing. So she's coming in with
17 the Court Administrator's full backing.
18 She's coming in with the Administrative
19 Governing Board's full backing. And what
20 I'm going to be interested to learn is 02:44:27
21 what you're asking me, what are the first
22 steps going to be, how are we going to
23 measure this, what are the impediments
24 that maybe she might see from the very
25 first day on just getting her office up 02:44:38

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 and running, because it's going to be
3 here in City Hall. It took a little bit
4 of doing and restructuring. So I'm
5 trying to give her all the tools that she 02:44:47
6 needs, the budget that she's going to
7 require, and the growth that she's going
8 to almost certainly need with a FJD staff
9 of 2,400 people.

10 COUNCILWOMAN SANCHEZ: Thank 02:44:58
11 you. And just as a closing remark, you
12 made a statement around some of the
13 surveying response from staff and the
14 residency issue coming up. This is a
15 trend that we're seeing across the board, 02:45:09
16 this resistance. You want to work for
17 government, but you don't want to live in
18 the city that you work. I find that
19 very, very problematic, right, and
20 something that as you begin to talk about 02:45:22
21 what are the challenges is concerning to
22 us.

23 We are in public service.
24 We're honored to serve. We serve this
25 government and this city, and when people 02:45:33

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 say we want to work for government but we
3 don't want to live among those
4 communities, for me that's a symbol that
5 we should not overlook.

02:45:42

6 So thank you very much, Council
7 President.

8 COUNCILWOMAN PARKER: Thank
9 you, Councilmember Sanchez. Hear, hear.

10 Because, Councilwoman, how many more
11 homeowners would we have in the
12 Philadelphia area, right, if everybody
13 who worked here lived here? So thank you
14 for adding that on the record,
15 Councilmember Sanchez.

02:45:49

02:45:59

16 The Chair recognizes
17 Councilmember Gym.

18 COUNCILWOMAN GYM: Thank you
19 very much, Madam Majority Leader.

20 And good afternoon,
21 Mr. McSorley. I appreciate a number of
22 your opening remarks, particularly around
23 the work and partnership that the courts
24 have been engaged in with City Council
25 and multiple City agencies, but the

02:46:06

02:46:21

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 eviction prevention work has been one of
3 the most successful efforts in the
4 pandemic. We've helped reduce evictions
5 from more than 20,000 in 2019 to less 02:46:31
6 than 5,000, while ensuring that there's
7 been \$60 million distributed to help
8 address rent debt and keep landlords
9 whole.

10 I know that the courts most 02:46:46
11 recently are looking to integrate the
12 Eviction Diversion and Rental Assistance
13 programs in particular with court
14 processes, and certainly appreciate the
15 announcement of the latest extension of 02:47:01
16 the mandatory pre-filing diversion until
17 June 30th.

18 Do you have a sense of how
19 long -- I know these are relatively
20 short-term orders, and do you have a 02:47:17
21 sense of what the court plans to do or
22 whether there's a more long-term kind of
23 analysis that's in play so that people
24 don't kind of have to check every few
25 weeks about whether diversion is being 02:47:32

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 offered or mandated or not?

3 MR. McSORLEY: I know that
4 there are ongoing discussions about this.

5 When these court orders come out, 02:47:41

6 especially through the pandemic, many of

7 the orders, because things change so

8 quickly, as we all know, almost on a

9 daily basis, many of the orders have had

10 a short shelf life, but have always been 02:47:52

11 written in a way that they can be

12 extended and expanded.

13 So I am positive that with this

14 new order coming out, the April 29th

15 order, that before that last date, that 02:48:05

16 there's going to be that conversation

17 with the judicial leadership, with City

18 Council and -- as you mentioned, the

19 court is doing -- a lot of what we're

20 doing is because of the support of City 02:48:18

21 Council and the information that we

22 received from City Council.

23 So I am confident that we will

24 have those discussions before any other

25 changes are made, and if changes have to 02:48:26

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 be made or if things have to be lifted, I
3 am also very confident that there will be
4 more than adequate notice and there will
5 be other resources provided so that
6 people just don't all the sudden don't
7 have that protection that they had
8 before.

02:48:34

9 COUNCILWOMAN GYM: Yeah, and I
10 appreciate that, especially the
11 commitment to the dialogue. Our office
12 has certainly been deeply appreciative of
13 a number of the leadership within the
14 Municipal Courts being open to having
15 dialogue and just keeping everybody
16 apprised.

02:48:42

02:48:58

17 We have probably \$200 million
18 in rental assistance currently, and we
19 know that we could, at least in the cases
20 of poverty-based evictions, be able to
21 largely avoid that and to help people
22 stay whole, to find other options, if
23 need be, and certainly the court's
24 partnership. But if any amount of
25 clarity as -- I think we have enough that

02:49:11

02:49:24

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 there could be a move towards a longer
3 term commitment. So clarity around that
4 would be helpful, and we look forward to
5 being in partnership and dialogue with 02:49:35
6 you on that. So thank you.

7 My next set of questions are a
8 little bit about juvenile probation, and
9 we had an earlier discussion, and a lot
10 of the work obviously of both the courts 02:49:48
11 and City Council are to ensure the public
12 safety, to look out for vulnerable young
13 people right now, and to ensure that
14 those who are under kind of the guidance
15 and care of the courts or other entities 02:50:08
16 are truly the ones who are most in need
17 of it.

18 Recently there was data shared
19 that we have about 850 young people
20 currently under probation, with about 40 02:50:21
21 to maybe 50 of them, according to one of
22 the court's chief juvenile probation
23 officers, being identified as high risk.
24 So I wonder if the court has had some
25 discussion about evaluating the 02:50:39

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 effectiveness of juvenile probation,
3 looking at ways to transform probation,
4 and if there's ongoing work and if our
5 office could connect with somebody around 02:50:52
6 that.

7 MR. MCSORLEY: I am certain
8 that there is conversation going on about
9 this. I did watch the testimony of Chief
10 Castro with City Council that was done 02:51:04
11 recently. As you probably well see and
12 well know, he's very passionate about
13 this area and about providing the
14 services that we need to for the juvenile
15 youth, especially those that are most at 02:51:18
16 risk.

17 As I indicated earlier, talking
18 about the civil division, my discussions
19 with the Administrative Governing Board,
20 Judge Murphy of Family Court, the 02:51:28
21 Administrative Judge, has also wanted me
22 to extend to City Council that these kind
23 of conversations should be ongoing, that
24 she is willing to sit down with whoever
25 needs to sit down and have these 02:51:42

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 discussions and whatever we can do to
3 address these issues, that her door is
4 open and that this is an ongoing
5 conversation that she's willing to have. 02:51:49

6 COUNCILWOMAN GYM: That's very
7 helpful, and I look forward to that.
8 I've been serving for the last 14 months
9 on a statewide Juvenile Justice Task
10 Force. Transforming probation has been a 02:52:00
11 repeated area of work, and identifying
12 certain areas of progress that may be
13 needed within Philadelphia in particular
14 would be great, and if you recommend, we
15 would love to get that set up and bring 02:52:14
16 along our Children and Youth Committee as
17 well in that discussion and probably
18 public safety partners as well. So thank
19 you.

20 And then my last set of 02:52:23
21 questions has to do with some concerns
22 about overcrowding in our prison system.
23 As you know, we have about a 15 percent
24 increase in the number of individuals who
25 are currently in Philadelphia prisons. 02:52:39

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 There's been a number of discussions
3 about needing to ensure that individuals
4 who have been pre-identified by either
5 the Prisons Commissioner, the District 02:52:54
6 Attorney, and the Defenders are able to
7 get their cases expedited because the
8 situation is actually very urgent.

9 As you know, we have a number
10 of vacancies. There's a lot of issues 02:53:08
11 around safety. The death in our prisons
12 have been absolutely horrifying and have
13 been devastating I'm sure to everybody
14 but, most importantly, to the families
15 whose family members went in there, 02:53:30
16 understanding that there may have been
17 just short term or who may have been
18 awaiting a hearing or who may have been
19 recommended for an early release, but the
20 last couple of cases about the murders of 02:53:45
21 a number of individuals have been really
22 upsetting.

23 So what is the current status
24 on review, and can you speak to the
25 volume of requests that have been made to 02:54:02

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 reduce the prison population and any
3 other processes or policies that the
4 court system has in place that could play
5 a role in reducing the number of 02:54:10
6 incarcerated people to address the
7 situation of safety in our prisons and to
8 ensure that low-risk individuals are
9 released when possible and appropriate?

10 MR. McSORLEY: We have a number 02:54:24
11 of committees and a number of review
12 processes that are ongoing right now,
13 things like the early bail review
14 process, our prison population committee
15 that meets on a consistent basis and met 02:54:37
16 way before the pandemic to address these
17 issues. The MacArthur initiative, as you
18 know, was very successful in working with
19 the courts and the courts working with
20 our justice partners in reducing the 02:54:48
21 prison population overall by about
22 52 percent.

23 The one thing that I can tell
24 you that has been stressed at many of our
25 justice partner meetings, and these are 02:54:56

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 weekly meetings that are sometimes two or
3 three meetings a week with our justice
4 partners, if it's been said once, to be
5 blunt, and it's been said a hundred times 02:55:07
6 to the Defenders, to the District
7 Attorney, the court is open and ready to
8 review any case at any time. If there is
9 a petition filed, it will get its full
10 attention right away. 02:55:21

11 We as the court can file our
12 own petitions and say let's take a look
13 at all these different cases, these
14 custody defendants, on our own, as we
15 have to remain neutral, but we have 02:55:30
16 stressed over and over again to our
17 justice partners, if you bring us a list,
18 if you bring us individual petitions, if
19 you file early parole petitions, if you
20 file emergency release petitions, if you 02:55:41
21 file bail reductions, they will be within
22 hours usually, if not a day, given a date
23 and put before a judge and we will have
24 that hearing and we will do what we can
25 in order to release these people. 02:55:53

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 One of the other areas that
3 we've been looking at in anticipation as
4 we move forward out of the pandemic and
5 because we don't want to contribute to 02:56:01
6 the rise in the prison population is the
7 expansion of electronic monitoring, what
8 other things we can do with our EM
9 system. Right now that is a funding
10 problem. We did get MacArthur money for 02:56:13
11 it, but that money that we had for it has
12 basically been used and has dried up, so
13 now the FJD has incurred that cost. But
14 even with that, we have a certain amount
15 of EM bracelets, but we are preparing and 02:56:28
16 looking at what we can do, how many more
17 we might need.

18 We want to do whatever we can,
19 with the interest of public safety in
20 mind, to alleviate the prison population, 02:56:38
21 but I think the reality is is that a lot
22 of -- and I've been on a lot of these
23 committees and had a lot of these
24 discussions as the former Deputy of
25 Criminal, a lot of the cases that are in 02:56:51

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 the prison right now are very, very
3 complex cases, a lot of violent cases.
4 We in the beginning did go after the
5 low-hanging fruit, who can we get out of 02:57:03
6 our emergency release hearings, who we
7 thought could be released on public
8 safety, who is being held too long due to
9 the pandemic. We all worked with our
10 justice partners in order to get those 02:57:12
11 people out as timely as possible.
12 Working with the Public Defender, the
13 kind of cases that can be brought before
14 a judge now for these reasons of early
15 release are becoming a lot harder to find 02:57:24
16 in the court system, but we do dissect
17 the population. We look at them every
18 single day. And, again, the fastest way
19 and the best way that we can address this
20 is to have our justice partners file 02:57:36
21 those petitions and bring them before a
22 judge, because we have the judges on the
23 bench right now. We have the ability to
24 hear any hearing whenever it needs to be
25 heard. 02:57:46

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILWOMAN GYM: I understand
3 that.

4 Madam Majority Leader, I am
5 done, but I did want to just underscore 02:57:50
6 we have a five-alarm situation at the
7 Philadelphia prisons, and I understand
8 Mr. McSorley's concern, but the latest
9 individual murdered, Mr. Hinkle, was in
10 on a drug possession charge, put in and 02:58:05
11 was violently murdered by an inmate. The
12 crisis is five alarm. There's six
13 murders since August of 2020. The staff
14 within the prisons, individuals have a
15 right to know that they will be -- that 02:58:22
16 they are certainly -- that the people who
17 are there need to be there.

18 But that being said, it is an
19 emergency situation. We need all hands
20 on deck to review what is getting stuck 02:58:33
21 here. The prison population has
22 increased by 15 percent, from 4,200 to
23 4,800 individuals, and we are at an
24 all-time low in staffing. So we've got
25 to figure this out, Madam Majority 02:58:47

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Leader.

3 Those are my majority of
4 questions, but I want to thank the
5 courts. I just ask that we try to commit 02:58:52
6 in the very short term to addressing this
7 urgent situation.

8 Thank you.

9 COUNCILWOMAN PARKER: Thank
10 you, Councilmember Gym, for your 02:59:02
11 questions.

12 The Chair recognizes
13 Councilmember Bass.

14 COUNCILWOMAN BASS: Thank you,
15 Madam Chair. 02:59:11

16 Good afternoon to everyone.

17 MR. McSORLEY: Good afternoon.

18 MR. CROSS: Good afternoon.

19 COUNCILWOMAN BASS: I have a
20 very specific question based on something 02:59:18
21 that happened in my office that gave me
22 great concern regarding some of the
23 operations in the First Judicial
24 District, and let me explain to you what
25 happened. 02:59:33

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 I had a constituent who came
3 before a judge in an attempt to save
4 their property from going to sheriff
5 sale. The judge gave the homeowner, I 02:59:45
6 believe it was, six months to straighten
7 out their affairs and to make a payment
8 arrangement and get everything together
9 so that they did not lose the property.

10 After leaving, something went 03:00:05
11 wrong within the First Judicial
12 District's computer transmittal system.
13 However the information is transmitted
14 from the courts to the Law Department in
15 the City of Philadelphia, it didn't 03:00:21

16 happen. There was some sort of
17 miscommunication, miscalculation,
18 whatever you want to call it, but the
19 bottom line is that the information never
20 made it to where it was supposed to go, 03:00:31
21 and as a result, this homeowner's home
22 was sold out from under them. And we've
23 been able to be helpful and get it
24 untangled, but I have a great amount of
25 concern that, number one, this was not 03:00:47

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 the only case that this happened to

3 today, and you have a lot of people who

4 may not feel that they can fight the

5 system, so to speak, and so what they 03:00:57

6 would do is, they would just walk away

7 and they would say, well, you know what,

8 I know I was in front of the judge and

9 the judge said I had six months, but the

10 next month they sold my house and it's 03:01:06

11 just gone and I can't figure out exactly

12 why or how. I'm not an attorney and I

13 can't figure out this system of how this

14 could have occurred, but nonetheless,

15 they took my property. 03:01:24

16 And so I'm wondering what kind

17 of safeguards do you all have in place to

18 avoid something like this from ever

19 happening again, and is this something

20 that you all can go back -- I believe 03:01:36

21 that you can. I'm just asking as a

22 measure of respect, but I do believe that

23 you have the authority and ability to go

24 backwards and say, on that day when our

25 computer system crashed or whatever 03:01:50

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 happened and we lost the transmittals and
3 they never made it across the street, how
4 do we protect those folks whose

5 properties may have been sold as well? 03:02:02

6 MR. McSORLEY: Well, your story
7 is very distressing to me, Councilmember.

8 COUNCILWOMAN BASS: And just
9 imagine if you were the homeowner.

10 MR. McSORLEY: Yeah. Again, 03:02:13

11 being somebody who has been a worker bee
12 in this system for a long time and I've
13 worked my way up for many years, I've had
14 my hands on in a lot of these situations.

15 The first thing I would like to do is 03:02:24

16 maybe offline is get specific information
17 about this case, because that's what I
18 need to sit down with the right people
19 and examine the date that the order was
20 given, what happened then, was this 03:02:36
21 perhaps a manual problem of something not
22 done that should have been done --

23 COUNCILWOMAN BASS: I will be
24 happy to give you that information. Thus
25 far we've been working with the City's 03:02:47

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 Revenue Department, the Law Department.
3 The City Solicitor has been most gracious
4 and very helpful in this matter in trying
5 to help us sort it. Of course Rochelle 03:02:57
6 Bilal and the Sheriff's Office has been
7 fantastic to work with this on this issue
8 as well to help this homeowner save their
9 home.

10 So I would be more than happy 03:03:06
11 to make sure that you're in the loop,
12 have the information, and can try to
13 figure out, number one, how do we make
14 sure this never happens again but, number
15 two, was there anybody else who was 03:03:14
16 caught up in whatever happened that day
17 that orders weren't transmitted and then
18 they just decided for whatever reason to
19 sort of walk away.

20 MR. MCSORLEY: And that's 03:03:26
21 exactly what the steps would be that I
22 would take, to use this case if we do see
23 there was an IT problem, something didn't
24 happen, well, then that means we have to
25 go back and look at every single order 03:03:37

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 and every single transfer of information
3 and make sure that everything was done
4 properly. But I think it does begin with
5 specific information to see where the 03:03:44
6 ball dropped basically, and I can reach
7 out to your office and get that
8 information and report back to you as
9 quickly as possible, and I guarantee you
10 that this will be addressed right away. 03:03:53

11 COUNCILWOMAN BASS: Thank you
12 so much. I really do appreciate that,
13 and we will be -- if you can reach out
14 and get in touch with my office, we'll
15 make sure that you have all of the 03:04:03
16 information ASAP.

17 MR. McSORLEY: Thank you.

18 COUNCILWOMAN BASS: Thank you
19 very much.

20 Thank you, Mr. Chairman -- or 03:04:08
21 Madam Chairman. I'm sorry, Madam Chair.

22 COUNCILWOMAN PARKER: Thank
23 you, Councilmember Bass.

24 The Chair recognizes
25 Councilmember Jones. 03:04:17

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILMAN JONES: Thank you,
3 Madam Chair.

4 And I want to congratulate you
5 on your well-earned promotion. You are 03:04:25
6 truly an example of paying your dues,
7 earning your stripes, and making a
8 lifetime commitment to service. So
9 congratulations.

10 MR. McSORLEY: Thank you, sir. 03:04:42

11 COUNCILMAN JONES: I've shared
12 enough rooms with you to know some of the
13 questions and the answers I'm about to
14 ask, but for the record, I'd like to get
15 them out there. 03:04:55

16 One of the biggest debates that
17 we have between the courts, the District
18 Attorney, the police is bail. And in so
19 examining the crisis currently in the
20 City of Philadelphia due to gun violence, 03:05:15
21 we are looking at the hundred shooter
22 review, which you are participating in,
23 and I'm thankful for that participation.
24 One thing that keeps coming up is that
25 return offenders who violate with 03:05:32

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 firearms come back and recycle back into

3 not only society but into situations

4 where they're at crime scenes a part of

5 people accused of committing that 03:05:46

6 violence.

7 One of the zero down issues is

8 bail. Can you please tell us how the

9 bail commissioners are appointed and tell

10 us how they are trained. 03:06:04

11 MR. MCSORLEY: The bail

12 commissioners, now called the arraignment

13 court magistrates, are appointed by a

14 board of judges of the Philadelphia

15 Municipal Court. There's a hiring 03:06:16

16 process. They have to go through that

17 hiring process. There is a training

18 program where you have to be certified, I

19 believe it's either in Mechanicsburg or

20 Harrisburg. If you're not an attorney, 03:06:29

21 you have to go through that training

22 process, get certified, register your

23 certification with the Office of Judicial

24 Records in order to even qualify to apply

25 for that position. 03:06:39

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 The last several hires, as far
3 as I know -- and I used to work in
4 Municipal Court, but as you know, I'm not
5 there anymore -- have been attorneys. So 03:06:47
6 this is just like any other hiring of
7 like maybe a hearing master or different
8 positions within the FJD. The board of
9 judges review the qualifications of the
10 candidate, and if the candidate meets 03:07:00
11 their qualifications, they get the
12 appointment.

13 COUNCILMAN JONES: So with
14 that, if gun possessions, shooting
15 incidents are asked \$1 less than 03:07:14
16 \$1 million, how many times have there
17 been reductions in those bails allowing
18 people to get on the streets before
19 trial?

20 MR. McSORLEY: That would be a 03:07:31
21 stat that I would have to research, but I
22 can tell you I had this conversation at
23 one point. We were at another meeting
24 with Mr. Krasner several months ago, and
25 I don't think the question is necessarily 03:07:44

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 what the reduction -- whether the bail is
3 reduced or not or whether the amount
4 asked for was not given. I think the
5 question should be if the bail was 03:07:53
6 reduced, was the bail able to be posted.
7 If you have the District Attorney asking
8 for \$999,999 and the arraignment court
9 magistrate sets the bail at \$500,000, I
10 believe that's still going to serve the 03:08:07
11 same purpose. If the bail is set at such
12 a low amount and no other action is
13 taken, the District Attorney, as you well
14 know, has the ability to file that first
15 motion within two hours. Right there in 03:08:18
16 the court there could be a motion for a
17 higher bail that goes to a Philadelphia
18 Municipal Court judge. If that's not
19 granted, the very next day a bail motion
20 can be filed in the Court of Common Pleas 03:08:29
21 and get in front of a Common Pleas judge,
22 and like any case, the defense is going
23 to have its ability to make their
24 argument and the prosecution is going to
25 have to make a stronger argument in order 03:08:39

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 to make sure that that bail is raised or
3 lowered or set in a way that they want it
4 to be set. It has to be a neutral
5 authority that makes those decisions. 03:08:48

6 But I heard a lot of the
7 discussion about what is the amount of
8 bail and whether it's lowered or not.
9 I'm very much more interested in hearing
10 what percentage of people with the bail 03:08:58
11 reduction were able to post that bail and
12 what kind of restrictions possibly were
13 they released on, because I think that
14 although there are always going to be
15 those cases where if somebody does get 03:09:11
16 out, they are there for a violent crime
17 and another violent crime occurs, I
18 believe just from my experience that the
19 vast majority of these people that have
20 these hearings are not returning the way 03:09:23
21 that we think they're returning. But
22 there is concern for those that do get
23 out and do commit more violent acts, and
24 I believe that we just have to take a
25 look at what is going on. And, again, 03:09:35

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 this is a conversation with our justice
3 partners. If they don't get what they
4 want, they have to take the proper steps
5 in order to ensure the public safety.

03:09:44

6 COUNCILMAN JONES: Would you be
7 willing to work with the Public Safety
8 Committee to take a deeper dive into risk
9 assessment and the bail process, both
10 risk assessment and reasons for cash
11 bail?

03:10:01

12 MR. MCSORLEY: As you
13 mentioned, I've been doing that kind of
14 hand in hand with you for quite a while
15 now. The person who took my place,
16 Deputy Court Administrator Darlene
17 Miller, I'm sure will be part of that
18 committee. The conversation of non-cash
19 bail, the risk assessments, the risk
20 tools, these are conversations sitting in
21 my office right now with Dr. Henderson,
22 has examined this area I think for at
23 least seven or eight years. This
24 conversation has been happening.

03:10:11

03:10:23

25 Recently when the conversation 03:10:37

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 has been had, again, the question in my

3 mind right now is the buy-in from our

4 justice partners, what progress can we

5 make with non-cash bail or having some 03:10:47

6 sort of risk tool in place. When that

7 conversation comes up, it's a very

8 difficult conversation. But to answer

9 your question, I have been involved in

10 this conversation for so long, I don't 03:10:57

11 think I can pull myself out of it now if

12 I wanted to.

13 COUNCILMAN JONES: That's a

14 good answer, and what I'd like to do is

15 not just have the conversation but come 03:11:04

16 up with some solid suggestions and

17 conclusions. So I look forward to

18 continuing that work.

19 Second part is PFAs, protection

20 from abuse. How have we been faring 03:11:24

21 between pre-pandemic and now on PFAs

22 granted?

23 MR. McSORLEY: I think the

24 question is how have we been faring

25 before or during the pandemic? 03:11:38

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILMAN JONES: Both.

3 MR. McSORLEY: The amount of

4 PFAs, of emergency PFAs and PFAs, has

5 increased over the pandemic. The 03:11:47

6 Emergency Protection from Abuse Unit that

7 is housed in the Stout Center that I know

8 you're very familiar with never shut down

9 and in fact expanded its hours for much

10 of the beginning of the pandemic, and the 03:12:00

11 Protection from Abuse Unit in Family

12 Court, I do have those stats available

13 and I can get them to you. But they

14 never shut down. They immediately

15 created a process where people could 03:12:11

16 phone in or e-mail petitions and have a

17 hearing very, very timely and be able to

18 get those petitions. But because of the

19 pandemic -- I think it's probably a

20 national trend -- we have seen an 03:12:24

21 increase in the EPFAs. We have seen an

22 increase in the PFAs. But those hearings

23 are being scheduled and those hearings

24 are being held and those petitions are

25 being granted. 03:12:34

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILMAN JONES: I would like

3 to look at the number of them that have

4 resulted in gun confiscation and I'd like

5 to look at the number of violent 03:12:44

6 instances where people disobeyed a PFA

7 and to look at what we can do to

8 strengthen the laws when it comes to

9 people who violate them.

10 MR. McSORLEY: I'm more than 03:13:02

11 willing to get that information to you

12 and have that conversation. I know when

13 a person, from my experience of when they

14 were called bail commissioners working

15 down in the basement, when a person 03:13:11

16 violates -- that they are charged with

17 violation of a protection order or

18 violation of a court order, and it is a

19 statistic that we can pull out of CPCMS

20 and even have it as a monthly chart and 03:13:24

21 see how things have progressed monthly.

22 COUNCILMAN JONES: So many --

23 and I'll end on this. Many victims of

24 domestic violence get the PFA and it is

25 pretty much ignored by their mate or 03:13:40

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 spouse, and many times they have to go
3 back over and over and over again to have
4 themselves in a safer place.

5 So I look forward to working 03:13:55
6 with you, Rich, on that as well.

7 Thank you, Madam Chair.

8 MR. McSORLEY: I think this is
9 a conversation that we would have to
10 include President Judge Dugan and 03:14:03
11 Administrative Judge Murphy and try to
12 get the full picture from beginning to
13 end.

14 COUNCILMAN JONES: Thank you.

15 COUNCILWOMAN PARKER: Thank 03:14:10
16 you, Councilmember Jones.

17 Colleagues, there being no
18 other comments or questions for the first
19 round, we're going to start the second
20 round, and the Chair recognizes 03:14:20
21 Councilmember Johnson.

22 COUNCILMAN JOHNSON: Thank you,
23 Madam Leader.

24 So, Richard, I wanted to go
25 back to questions regarding, again, 03:14:35

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 addressing institutional, systematic
3 racism within the First Judicial
4 District, and this question is regarding
5 the establishment of a new system for 03:14:47
6 complaints by particularly judges and
7 staff. So can you describe how that
8 system works and who oversees it?

9 MR. MCSORLEY: Well, if a
10 person is making a complaint about a 03:15:01
11 judge, if they do file it with our Office
12 of Human Resources, it becomes a UJS
13 complaint. Many times when it's
14 concerning a judge, they're a state
15 employed or elected official, our Office 03:15:16
16 of Human Resources will refer that to the
17 Administrative Office of Pennsylvania
18 Courts, and the Administrative Office of
19 Pennsylvania Courts -- and I'm phrasing
20 this in terms of a complaint being made 03:15:26
21 by an employee, not by an outside person
22 about a judge's ruling or a judge didn't
23 treat them the way they thought they
24 should be treated in the courtroom, but
25 by an employee. That is sometimes 03:15:38

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 investigated by the Administrative Office
3 of Pennsylvania Courts. Sometimes the
4 Administrative Office of Pennsylvania
5 Courts asks our department, depending on 03:15:46
6 the complaint, to do the investigation,
7 and ultimately, as I'm sure you're well
8 aware, if the complaint is severe enough
9 or maybe it doesn't even have to be
10 severe enough, the Judicial Conduct Board 03:15:58
11 is always an outlet for anybody to file
12 any of their complaints concerning a
13 sitting judge. But we do have a process
14 in place, and we do give any complaint
15 the amount of advice and legal advice we 03:16:13
16 can.

17 COUNCILMAN JOHNSON: So, for
18 instance, a judge comes into his or her
19 chamber, there's a derogatory statement,
20 noose left inside the chamber. How does 03:16:26
21 that complaint get followed up on for an
22 investigation? What's the follow-up?
23 And, again, going back to past practices,
24 what's going to be done differently
25 regarding making people feel protected 03:16:40

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 and safe, particularly from the staff
3 level up to the actual judges?

4 MR. MCSORLEY: Well, I could
5 cut right to the chase. If we're talking 03:16:50
6 about a statement or a message being left
7 for an individual judge that's a horrible
8 nature, like was recently done with Judge
9 Simmons --

10 COUNCILMAN JOHNSON: Simmons, 03:17:05
11 yes.

12 MR. MCSORLEY: -- that is
13 something then that gets taken out of the
14 process I just talked about. That's not
15 an HR complaint. That's not an AOPC 03:17:10
16 complaint. That was deemed to be a
17 criminal matter, and that criminal matter
18 when it was determined that day that it
19 was a criminal matter, that was
20 immediately turned over to law 03:17:21
21 enforcement. The Sheriff's Department
22 was immediately involved the same day.
23 The Philadelphia Police Department was
24 immediately involved. A detective was
25 assigned to it. The very next day an 03:17:31

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 incident report and an investigation was
3 conducted by a Philadelphia Police
4 detective. Soon after that, the
5 complaint itself was turned over within a 03:17:42
6 month to the Federal Bureau of
7 Investigation, the FBI. The FBI started
8 their own independent investigation, and
9 then eventually an investigating grand
10 jury by the Attorney General was formed, 03:17:57
11 and many employees -- I think it was
12 about eight or nine -- were subpoenaed
13 and brought down.

14 So for a complaint -- if a
15 judge has a complaint and it is that kind 03:18:05
16 of nature, if it's -- again, judges do
17 have their own judicial staff. So when I
18 was talking before, if you have a
19 judicial staff and they're having a
20 problem with a judge and there's a 03:18:15
21 complaint there, that might be an HR
22 complaint. If we have a threat or some
23 sort of ugly comment or bail threat made
24 as in this case and it's determined to be
25 a criminal act, that's where the 03:18:30

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 investigation of the FJD would stop and
3 the law enforcement investigation would
4 take over. And we have had, as you're
5 well aware, many threats and posts, 03:18:41
6 Molotov cocktails left on a judge's car.
7 We've had all kinds, especially during
8 the social unrest, of these kind of
9 incidents, and our protocol right now,
10 our written protocol for our judges is to 03:18:53
11 turn them over to the Sheriff, and the
12 Sheriff immediately involves the
13 Philadelphia Police Department and then
14 it moves up from there.

15 COUNCILMAN JOHNSON: And I'll 03:19:00
16 be brief on this last wrap-up question
17 and just ask for a little latitude from
18 Madam Chair, Majority Leader.

19 In terms of hiring and
20 promotion around diversity and inclusion, 03:19:14
21 can you give me the percentage of staff
22 that are in executive positions,
23 percentage of staff who are court
24 officers, and then what's your process
25 for promotion, make sure that process is 03:19:29

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 fair, diverse, and inclusive. Again,
3 going back to the CURE report where there
4 were expressions from staff members
5 regarding nepotism and how people are 03:19:42
6 promoted, individuals being promoted with
7 less experience than the individual who
8 may be supervising or overseeing them.

9 What are you going to be
10 doing -- and some of this came from 03:19:54
11 testimony that was given at the hearing
12 on the state level.

13 What is FJD's strategy in
14 addressing diversity and inclusion and
15 fair promotion and hiring practices 03:20:06
16 moving forward?

17 MR. MCSORLEY: What we have
18 started -- Mr. Cross is getting the
19 breakdown of the makeup of our staff. We
20 started some time ago looking at our 03:20:21
21 hiring and promotional business
22 practices, hiring and promotions. We did
23 hire an outside attorney to take a look
24 at that. He wrote up some legal
25 memorandum. My HR department, myself, 03:20:32

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 several other people are having a review
3 of our hiring and promotional practices.
4 We're trying to come up with a
5 standardized policy, business practice, 03:20:44
6 that we can implement within the FJD.

7 The issue of favoritism and
8 nepotism, boldly stated, that this is not
9 just an FJD issue. This is an issue that
10 permeates -- 03:20:58

11 COUNCILMAN JOHNSON: I received
12 that in your letter and y'all said, well,
13 the same thing happened in Council, but
14 with all due respect, we're not talking
15 about City Council or any other body. 03:21:04
16 We're specifically talking about First
17 Judicial District, because we didn't get
18 a CURE report saying this is taking place
19 in City Council. We got a CURE report
20 saying this is taking place in the First 03:21:14
21 Judicial District.

22 So I'm just asking for the
23 record what is the First Judicial
24 District doing to hire and promote
25 diversity and inclusion in people of 03:21:24

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 color, right, from staffing into
3 executive level?

4 MR. MCSORLEY: In overseeing
5 and overhauling our hiring and 03:21:33
6 promotional practices, we want it to be a
7 merit-based system. We want -- I'll give
8 you concrete examples.

9 We would like to have more
10 uniformity in how hiring panels are 03:21:43
11 formed. We want them to be diverse. We
12 want them to be neutral. We don't want
13 one person making the decision that this
14 person is going to get hired over another
15 person. 03:21:54

16 When it comes to having things
17 like letters of support issued for
18 somebody who is applying for a job,
19 sometimes that was just a phone call, I
20 would like you to consider my person. We 03:22:05
21 now want to put that on the record. If
22 the recommendation is going to be made by
23 anybody, it should be in a letter
24 directed to the panel, directed to the
25 Director of HR. It should be completely 03:22:14

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 transparent of what is happening. And
3 these are the kind of steps that we've
4 already talked about and we've already
5 started to implement.

03:22:23

6 And with the new DEI officer,
7 this is, again, another conversation.
8 I'm going to have her input, because as I
9 said, her background, she has a very
10 strong HR background, and I would be

03:22:32

11 interested to hear -- it comes from the
12 corporate world. So I'm going to be very
13 interested to hear what kind of practices
14 when she takes a look at what we're doing
15 and says this is a better way to make it
16 more of a merit-based policy.

03:22:41

17 And Mr. Cross can give you the
18 breakdown real quick.

19 MR. CROSS: So I can give you a
20 breakdown of like current staff. I just
21 want to point out that we just promoted
22 an African American to our Chief
23 Probation Officer position, and that's
24 almost a 400 employee unit, and that's a
25 key position. We also just promoted

03:22:52

03:23:05

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 recently an African American woman to
3 replace Richard's position as Deputy
4 Court Administrator to the criminal trial
5 division. So, again, that's about a 03:23:18
6 900-person unit, and that's one of our
7 biggest units within the court system.
8 So there are two areas where we have
9 promoted executives from a minority
10 background. 03:23:30

11 Our current breakdown of
12 employees is about 59 percent White,
13 33 percent African American, about 5
14 percent Hispanic, 2 percent Asian and
15 other. So we are -- we recognize that we 03:23:43
16 do have some areas to improve on. And
17 interesting enough, in our last two
18 months of hiring, from January 1st, 2021
19 to February 12th of 2021, our numbers
20 were reversed, in the sense that our 03:23:59
21 African American and minority hiring was
22 at 62 percent and our White population or
23 White hiring was at 38 percent. So that
24 is the beginning of a trend in a
25 different direction, so to speak. 03:24:14

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILMAN JOHNSON: Okay. And
3 I'll wrap up on this. Are the employees
4 that work for the court City employees or
5 state employees? 03:24:22

6 MR. McSORLEY: The employees
7 who work in the FJD are majority City
8 employees. There is roughly 13 employees
9 of upper management, from my position to
10 the deputy court administrators, that are 03:24:34
11 state employees.

12 COUNCILMAN JOHNSON: How much
13 does the state contribute to FJD's
14 operating budget?

15 MR. CROSS: The AOPC 03:24:49
16 contributes about \$7.5 million to offset
17 judicial staff expenditures. So there is
18 a direct county court reimbursement that
19 goes directly to the City to offset our
20 salary expenses for our judges' staff. 03:25:01
21 And, again, any of those judicial -- only
22 those state employees are paid directly
23 by the Commonwealth, so they're not on
24 the City's books.

25 COUNCILMAN JOHNSON: Okay. All 03:25:13

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 right. Thank you very much. I'll
3 concede the rest of my questions, but
4 thank you very much for your responses.

5 MR. McSORLEY: Thank you, 03:25:20
6 Councilmember.

7 MR. CROSS: Thank you,
8 Councilmember.

9 COUNCILWOMAN PARKER: Thank
10 you, Councilmember Johnson, for your line 03:25:25
11 of questioning.

12 Richard and Kevin, I want to go
13 back to what Councilmember Johnson just
14 asked. Richard, did I understand you
15 correctly when you said the majority of 03:25:35
16 the employees are City employees despite
17 that small group that you mentioned were
18 directly paid by the state, but the
19 majority are City employees? Did I
20 understand you correctly? 03:25:48

21 MR. McSORLEY: I'll let
22 Mr. Cross answer this.

23 MR. CROSS: We were just
24 talking amongst ourselves. I live in the
25 City. I live in your Council district, 03:25:55

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Councilwoman. And Rich McSorley lives in
3 Curtis Jones' Council district. I'm
4 going to say a good portion of our deputy
5 court administrators --

03:26:06

6 MR. MCSORLEY: I would say all
7 of our deputy court administrators. All
8 of our state employees currently live in
9 the City of Philadelphia.

10 COUNCILWOMAN PARKER: Okay.

03:26:14

11 Currently live in the City. All right.
12 Thank you so very much.

13 The Chair recognizes
14 Councilmember Green.

15 I'm sorry. Before
16 Councilmember Green comes on, let me ask
17 you this: Is standardized testing a part
18 of any of the First Judicial District's
19 hiring practices? Standardized testing,
20 is it required prior to hiring and/or
21 promotions in any form?

03:26:21

03:26:34

22 MR. MCSORLEY: For some
23 positions we do have some testing.
24 Things like to qualify to apply for a
25 probation officer, you have to pass a

03:26:45

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 test first. There is some other HR
3 requirements when you're going to apply
4 for different legal -- for different
5 positions. I think for a legal clerk, 03:26:54
6 there is a small test and maybe some
7 typing requirements.

8 I can tell you that these tests
9 and these requirements are, again,
10 something I personally have been here for 03:27:04
11 a long time that I sometimes raise an
12 eyebrow as to why we have these kind of
13 requirements, why we have these kind of
14 tests, and that all of that is being
15 reviewed, again. I think that a test is 03:27:17
16 helpful in some situations and I think a
17 test unnecessary in other situations.
18 But, yes, we do have standardized tests.

19 COUNCILWOMAN PARKER: Well,
20 thank you so much, Richard, for putting 03:27:28
21 that on the record, an issue of grave
22 importance to me, especially when we view
23 that many colleges and institutions of
24 higher learning across the nation, even
25 when we get to some of the Ivy Leagues, 03:27:41

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 have decided to totally do away with the
3 SAT and/or ACT requirement for admissions
4 because of the bias included in some of
5 those standardized testing mechanisms. 03:27:56

6 So I'm happy to hear you say that that is
7 something you are looking at, because
8 that is something we are looking at as
9 well here in the City of Philadelphia.

10 With that being said, the Chair 03:28:08
11 recognizes Councilmember Green.

12 COUNCILMAN GREEN: Thank you,
13 Majority Parker.

14 I apologize if this question
15 may have been asked earlier. I had to 03:28:19

16 step away for a few moments as
17 Councilmember Johnson was asking his
18 questions, and I know he was talking in
19 reference to the CURE report and I know
20 you're familiar with the work he's been 03:28:29

21 doing on this issue and hearings that he
22 had last year. And from my recollection
23 during that hearing process, I think you,
24 Mr. McSorley, were going to participate
25 and attend in the beginning portion of 03:28:45

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 that hearing, but then I believe 24 hours
3 before that hearing submitted a letter
4 stating that you would not be able to
5 attend. 03:28:54

6 Can you refresh our
7 recollection regarding your inability to
8 attend that CURE --

9 COUNCILMAN JONES: Member
10 Green, can you adjust your sound? 03:29:04

11 COUNCILMAN GREEN: Okay. I've
12 been having problems with my sound on
13 Teams.

14 Does it sound better?

15 COUNCILWOMAN PARKER: We can 03:29:13
16 hear you, Councilmember Green.

17 MR. McSORLEY: I didn't hear
18 the question, Councilmember.

19 COUNCILMAN GREEN: I just
20 wanted to follow up on the work that 03:29:20
21 Councilmember Johnson has been doing
22 regarding the CURE report and the
23 hearings he had scheduled for last year.
24 I know he requested for the President
25 Judge to attend, and she, I think, 03:29:30

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 indicated early on would not be able to
3 and that you would be testifying in her
4 place, and then from my recollection,
5 about 24 hours prior to the hearing were 03:29:39
6 not able to participate in the hearing.

7 I just want to know if you can
8 refresh our memory in reference to that
9 challenge in reference to your inability
10 to testify. 03:29:51

11 MR. McSORLEY: It wasn't that I
12 was not able to attend. It was we had --
13 we received a letter from Councilman
14 Johnson on April 1st indicating that he
15 was very disappointed that President 03:30:03
16 Judge Fox could not attend. I was not a
17 member of the AGB at the time when
18 questioned, and he had grave concerns
19 about my attending in her place, and in
20 discussions that Monday morning -- it was 03:30:14
21 a Monday afternoon hearing -- we felt at
22 the AGB that if there were these concerns
23 and issues with me coming to testify,
24 that perhaps what we should do is just
25 issue a statement or some sort of letter, 03:30:27

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 and in fact I had already prepared an
3 opening statement for the hearing. So he
4 took my opening statement almost
5 verbatim, did a little editing and made 03:30:36
6 that the statement of the FJD, and that's
7 why I didn't appear that day.

8 I did watch the hearings. I
9 did take notes. I was very much aware of
10 the conversations going on, but that's 03:30:46
11 why that decision was made.

12 COUNCILMAN GREEN: Okay. Well,
13 I thank you. That provides some
14 additional clarity regarding that issue,
15 because I think it's important that all 03:30:55
16 three branches of government work
17 collectively together, especially as
18 we're all dealing with the issue of gun
19 violence, which involves all of the
20 branches, from the legislative branch to 03:31:07
21 appropriating guidelines, which we do for
22 all departments, both independent
23 entities like the First Judicial District
24 as well as the Mayor's Office and the
25 Police Department, as well as the 03:31:18

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 District Attorney's Office and then the
3 courts, which provides the adjudication
4 of alleged offenses.

5 From the perspective of your 03:31:28

6 Class 200 expenditures, what percentage
7 of those dollars are going to companies
8 or entities? I believe a lot of those
9 dollars go to arbitration fees, from my

10 understanding. I know Councilmember 03:31:43

11 Johnson asked a lot about -- asked a
12 number of questions, and I heard some
13 movement in reference to the employment
14 in a more diverse perspective going

15 forward, but I'm curious from a 03:31:54

16 contracting perspective what is also
17 occurring in that regard.

18 MR. CROSS: Well, thank you for

19 that question, Councilman. I think as

20 you're aware, we are kind of unique in 03:32:04

21 our procurement process because of our
22 oversight with the Administrative Office
23 of Pennsylvania Courts, but we do try to
24 and we have to abide by some of their

25 policies and procedures. 03:32:14

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 But related to our contract

3 solicitation and bidding, we do encourage

4 minority, women, and disadvantaged

5 business participation from our -- for 03:32:24

6 our contracts. We also encourage

7 potential subcontractors to partner with

8 prime vendors on a particular project,

9 and all of our contracts have affirmative

10 non-discrimination clauses for the vendor 03:32:40

11 and also for the subcontractors also.

12 When it comes to us putting out

13 a bid, we have a preferred vendor library

14 and we invite various vendors to apply to

15 be included into this library, and when 03:32:54

16 we do post a bid, we post it on our

17 website. We post it to the City's Office

18 of Economic Opportunity. We post it on

19 various papers of -- local papers and

20 papers of general circulation, like the 03:33:09

21 Inquirer, Daily News, and the

22 Philadelphia Tribune.

23 Our current minority

24 participation in our contracting is about

25 31 percent, and last year it was 03:33:19

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 43 percent. We expect it to be around
3 that 43 percent as the remainder of our
4 expenses for FY21 come in. We track our
5 participation based on our actual 03:33:30
6 expenses and then also against our
7 contract amount. So we expect to be
8 consistent with our prior year.

9 COUNCILMAN GREEN: Okay. Thank
10 you for that information. It's good to 03:33:41
11 provide clarity and provide some
12 additional context of the work that
13 you're doing not only on professional
14 services but also employment within your
15 organization. 03:33:51

16 Thank you, Madam Chair.

17 COUNCILWOMAN PARKER: Thank
18 you, Councilmember Green.

19 This will be the last question
20 if there are no others from our 03:33:58
21 colleagues for this round, and
22 immediately following this we will begin
23 to hear testimony --

24 (Background noise.)

25 COUNCILWOMAN PARKER: Can 03:34:09

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 someone go on mute, please.

3 We will begin to hear testimony
4 after Councilmember Johnson concludes his
5 line of questioning, we will immediately 03:34:17
6 proceed with the Defenders Association.

7 The Chair recognizes
8 Councilmember Johnson.

9 COUNCILMAN JOHNSON: Last
10 question. Rich, I just want to get an 03:34:31
11 idea of -- I'm shifting to a whole
12 different line around gun violence right
13 now, and I know that we're looking at
14 monitoring, exploration of monitoring for
15 folks that's on -- I think it's probation 03:34:45
16 and parole, and I just remember the last
17 hearing that I had, that you were working
18 on that particular proposal. I just want
19 to get an update on where we're at, just
20 ankle bracelet monitoring for adults. 03:34:59

21 MR. MCSORLEY: One of the --
22 first of all, as I mentioned in the
23 opening statement, we in anticipation for
24 what I believe is going to be -- what is
25 a trickle, will soon to be a flood, we 03:35:09

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 would like to be able to expand our EM
3 abilities. We went from a land-based
4 system to now a wireless system, so that

5 makes it easier. We can install more. 03:35:19

6 They're faster to install.

7 One of the things I personally

8 want to pilot and have been trying to do

9 so, then the pandemic came along, is GPS

10 for adults. That's going to be a little 03:35:32

11 bit trickier than it is for the juvenile

12 system, but it is something that we're

13 looking at.

14 I think right now we have 600

15 people currently on EM, and I believe 03:35:41

16 that that is going to expand. It's

17 probably going to rise. I just hope

18 we're going to be able to meet the

19 challenges.

20 I can tell you from, again, my 03:35:53

21 experiences way back, there was a time

22 when with our EM bracelets that you

23 didn't get on an EM bracelet until

24 somebody got off an EM bracelet, and that

25 just went to prison overcrowding and 03:36:04

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 basic unfairness. So I would like to be
3 able to avoid that. I just don't know
4 what to expect, but we are -- we have
5 been talking to our vendor and we are 03:36:13
6 going to be prepared. I know that
7 funding is going to be a general issue
8 about that.

9 COUNCILMAN JOHNSON: Thank you,
10 Rich, and that's the area of interest of 03:36:22
11 mine. I think it's a good way to monitor
12 people without having them have to be in
13 prison. And so any way that we can be
14 supportive from that aspect, chairing the
15 Special Committee on Gun Violence, I'm 03:36:36
16 willing to have that conversation and
17 that dialogue with you and your team.

18 And, again, also thank you for
19 just stepping up to the plate and
20 answering the questions regarding the 03:36:44
21 CURE report, and I look forward to
22 working with you. Thank you very much,
23 Rich.

24 MR. MCSORLEY: We look forward
25 to it too, Councilmember. 03:36:52

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILWOMAN PARKER: Thank
3 you, Councilmember Johnson, for your
4 testimony.

5 And are there any other 03:36:58
6 comments or questions from members of the
7 Committee for this witness?

8 (No response.)

9 COUNCILWOMAN PARKER: Hearing
10 none, we want to thank you, Richard and 03:37:04
11 Kevin, for being here today on behalf of
12 the First Judicial District.

13 Colleagues, we immediately
14 wanted to begin with our next department,
15 and instead of it being the Defenders, it 03:37:19
16 will be the District Attorney's Office.
17 However, our stenographer has said we
18 need a 15-minute break, and you don't
19 mess with the stenographer.

20 So we will report back here at 03:37:30
21 1:45. It is now 1:30. We will resume at
22 1:45 p.m. with the District Attorney's
23 Office.

24 Thank you all so very much for
25 your patience. 03:37:43

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 (Short recess from 1:30 p.m. to
3 1:51 p.m.)

4 COUNCIL PRESIDENT CLARKE:

5 Thank you, and good afternoon, everyone. 03:58:24

6 We're going to reconvene this morning's
7 hearing. Next up we will have the
8 District Attorney's Office, Mr. Larry
9 Krasner.

10 Mr. DA, are you connected? 03:58:36

11 MR. KRASNER: Yes, I believe
12 so, Council President.

13 COUNCIL PRESIDENT CLARKE:

14 Okay. Thank you. Just state your name
15 for the record, please, and proceed with 03:58:42
16 your testimony.

17 MR. KRASNER: My name is Larry
18 Krasner. I am the elected District
19 Attorney in Philadelphia.

20 First of all, I'd like to begin 03:58:51
21 by acknowledging Council President
22 Darrell Clarke and Majority Leader
23 Cherelle Parker as well as the other
24 members of Council on this call or who
25 are interested in this call. We 03:59:01

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 understand what a heavy task it is to

3 address the budget every year with so

4 many different entities within the City,

5 and so we're going to try to be 03:59:09

6 respectful of your time. I'll speak to

7 that in just one moment.

8 I also want to acknowledge that

9 on this call and available for any

10 questions, we have Robert Listenbee, who 03:59:18

11 is a First Assistant DA in the office.

12 We have Judge Carolyn Temin, also a First

13 Assistant DA. We have Assistant DA Mike

14 Lee, who is our Director of Legislative

15 Affairs; Cecilia Madden, who is our 03:59:30

16 Director of Administration; and we also

17 have G. Lamar Stewart, Chief of Community

18 Engagement Unit, so that we are better

19 prepared to address any questions.

20 We are going to attempt to do a 03:59:39

21 presentation in about 30 minutes

22 beginning now and going until

23 approximately 2:20, with the idea that

24 that may allow as many -- as long as

25 Councilmembers want, but that may allow 03:59:51

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 30 minutes or so for question and answer,
3 if that's what Council chooses to do.

4 There are 12 slides --

5 COUNCIL PRESIDENT CLARKE: 04:00:01

6 Mr. DA, make something clear. You said
7 the presentation will be 30 minutes?

8 MR. KRASNER: Yeah. That's our
9 intent, Council President.

10 COUNCIL PRESIDENT CLARKE: 04:00:08

11 Okay.

12 MR. KRASNER: So let me just
13 say this, if I may: There are 12 slides
14 of substance, a couple of filler slides
15 that we're going to address in a -- at 04:00:18
16 the same time we are making our
17 presentation. We'll spend about two
18 minutes on each slide. We know that
19 there may be questions relating to those
20 slides, but rather than my anticipate 04:00:27
21 possible questions, we'll try to keep it
22 moving.

23 Like many residents across the
24 City of Philadelphia, the pandemic has
25 made this year a very difficult one for 04:00:35

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 all of our Philly residents and the DAO

3 staff, attorneys, supervisors, and

4 support staff assigned to the Homicide

5 and Non-Fatal Shooting Unit, to the 04:00:43

6 Juvenile Unit, and to our Gun Violence

7 Task Force, as well as CARES.

8 Our Victim Witness Services

9 Unit and Community Engagement Unit have

10 been working every day during the 04:00:53

11 pandemic to seek justice on behalf of the

12 Commonwealth and to support crime victims

13 and communities impacted by gun violence.

14 We are committed to working

15 collaboratively with City government, our 04:01:04

16 law enforcement partners, faith leaders,

17 community-based organizations to reduce

18 crime in general and gun violence

19 specifically.

20 We will not tolerate the 04:01:13

21 senseless shootings and will vigorously

22 prosecute gun-related cases. Our

23 conviction rate as of the first quarter

24 of 2020 was nearly 85 percent for all

25 shootings, fatal and non-fatal. On 04:01:25

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 Monday of this week, we did a press
3 conference in which we detailed the
4 challenges but also the success that we
5 had in a very recent jury trial involving 04:01:32
6 a shooting.

7 Jury trials are happening
8 again, not in great numbers but they are
9 happening again. And so we want to make
10 sure that the Council and the public 04:01:41
11 understand that we believe young people
12 need to be able to live and play in their
13 communities safely, young people like the
14 six-year-old girl who two days ago was
15 shot on the 3800 block of Wyalusing or 04:01:52
16 like Kyrie Simmons, a 16-year-old who was
17 shot while playing basketball at the
18 Christy Rec Center, or like Quamir
19 Mitchell, the 16-year-old who was gunned
20 down in the 12th Police District just 04:02:02
21 weeks before his high school graduation.

22 Slide 3, please.

23 Our office is committed to
24 seeking justice for victims, co-victims,
25 survivors, and communities impacted by 04:02:18

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 gun violence. We are committed to
3 holding drivers of gun crime accountable
4 when arrests are made by the Philadelphia
5 Police Department, and we are committed 04:02:26
6 to helping support the Police Department
7 in necessary efforts to increase the rate
8 at which these cases are solved.

9 I'd like to speak to you
10 briefly about the Gun Court program. 04:02:37

11 That is a program where I believe the FJD
12 and also the DA's Office, among others,
13 deserve credit, Public Defenders as well.
14 And, by the way, I want to be clear that
15 this office thinks it is extremely 04:02:49
16 important that the Public Defenders'
17 Office be well funded, because in order
18 for us to address the tremendous caseload
19 that we now face, partly as a result of
20 the pandemic, it will be very important 04:03:00
21 that the Public Defenders are well
22 funded. There's no way that we can
23 address a serious caseload without proper
24 funding for both defense counsel and for
25 the prosecution. It just doesn't work 04:03:11

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 otherwise.

3 But let me get back to what I
4 was saying about Gun Court. So what is
5 happening with Gun Court, an idea 04:03:16
6 generated by the FJD and supported by us,
7 is that there is a designated court where
8 cases involving guns that are not
9 shootings now go, and we have assigned
10 our most experienced trial attorneys to 04:03:32
11 be in that room. We are seeing some very
12 good results as the outcome of many
13 different measures of cooperation and
14 collaboration with the PPD and the FJD.

15 Since March of 2021, 92 percent 04:03:43
16 of these cases have been held over for a
17 trial, which is a very high rate. The
18 Homicide and Non-Fatal Shooting Unit,
19 which of course began as the Homicide
20 Unit and we united with the attorneys who 04:03:54
21 were prosecuting shootings, is supervised
22 by ADA Chesley Lightsey, ADA Cherelle
23 Vandy, and ADA Joanne Pescatore. For the
24 first time in District Attorney's Office
25 history, we have been invited during the 04:04:09

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 past couple years by the PPD to assist
3 with shooting investigations in addition
4 to homicide investigations.

5 We have for some time pushed 04:04:16

6 the shooting cases to the same group of
7 judges who were handling preliminary
8 hearings and homicide cases, and we have
9 seen some very good results from that

10 collaboration, also with the FJD and the 04:04:29

11 Public Defenders' Office since before the
12 pandemic. That was all done prior to the
13 pandemic. But we are now, due to the
14 reopening of the courts, which is

15 starting, not nearly complete but 04:04:40

16 starting, we are returning to full court
17 preliminary hearings scheduled for the
18 first time since September 2020 for

19 homicides and non-natal shootings. For
20 example, he had 14 cases held over for 04:04:52
21 trial last week.

22 Finally, under this category,
23 we initiated an intelligence unit under
24 the leadership of Chance Lee, very
25 experienced DA in our office. We have 04:05:03

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 specially assigned staff whose primary
3 focus is to improve information-sharing
4 between the Police Department and DAO to
5 identify drivers of gun violence. 04:05:11

6 And for the very first time in
7 history -- this is a very recent
8 development with the Police Department --
9 we have ADAs; in other words, attorneys
10 from our office, who actually are 04:05:20
11 assigned and located in the DVIC,
12 D-V-I-C, which is the intelligence unit
13 for the Police Department. So in
14 realtime we can try to work with them to
15 improve cases and improve their handling, 04:05:32
16 and we're grateful to the Commissioner
17 for agreeing to do that with us.

18 Next slide, please.

19 Responding to gun violence
20 requires prosecutorial accountability for 04:05:41
21 people that commit violent acts.
22 Successful prosecution relies on
23 partnerships with fellow law enforcement.
24 Those partnerships, for example, include
25 the Gun Violence Task Force. This was an 04:05:52

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 idea that our Police Commissioner came up
3 with and we thought was an excellent
4 idea, and essentially every week we take
5 a look at that week's gun violence cases, 04:06:02
6 not necessarily every single one but the
7 broad categories, to look for any flaws
8 in those cases and see whether we can fix
9 them at the micro level.

10 But at the macro level, what we 04:06:13
11 are looking for is training problems,
12 policy problems, misunderstanding of the
13 law, anything that the DA's Office can do
14 better, anything that the PPD can do
15 better, and we've seen some tremendous 04:06:24
16 results coming out of that.

17 There was a recent press
18 conference that was also done with the
19 Attorney General's Office on joint
20 efforts to get ghost guns. 04:06:33

21 I'm sorry. I'm confusing two
22 things. Gun Violence Task Force can mean
23 two different things, but the GVTF is a
24 collaboration with the AG's Office in
25 which our lawyers work with their agents, 04:06:48

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 and that has involved work on ghost guns.
3 There's a separate task force involving
4 gun violence which is being done with the
5 PPD, which we frequently refer to as the 04:06:53
6 Gun Crime Strategies and Prevention
7 Collaborative.

8 Let me skip ahead. We are
9 involved with the Group Violence
10 Intervention program, sometimes referred 04:07:08
11 to as Focused Deterrence, and the working
12 group, sometimes called the task force
13 which I mentioned earlier, continues to
14 meet weekly. It has been so successful
15 that it became the basis for the decision 04:07:22
16 that we could actually put DA personnel
17 into the intelligence unit, not merely to
18 look back at cases that week and try to
19 make them better but to try to fix cases
20 in realtime, and we're grateful for that 04:07:32
21 collaboration with the PPD.

22 Next slide, please.
23 Families of homicide victims
24 want their loved one back, and a
25 courtroom, a prosecution, and a 04:07:43

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 conviction will never do that.
3 Prevention of the initial shooting,
4 prevention of the initial killing is what
5 all families want. So we need to discuss 04:07:51
6 resources then.

7 Previous administrations'
8 handling of forfeiture assets and funds
9 was illegal and resulted in a very long
10 lawsuit, which fortunately has now ended 04:08:05
11 and which guides how we must use civil
12 asset forfeiture funds moving forward.

13 What it means essentially is,
14 we cannot use them for salaries. We
15 cannot use them internally, as they were 04:08:15
16 used in the past and as the federal
17 courts determined in a settlement was
18 illegal. But we are putting them to good
19 use in ways that we believe are very
20 important to public safety and that 04:08:25
21 benefit the City.

22 I would say about ten days ago
23 we announced our first round of funding,
24 five \$25,000 grants to five different
25 organizations. I'll mention them so that 04:08:38

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 you all understand what we're getting at.

3 One of them was Mighty Writers,

4 a non-profit in Philadelphia that helps

5 young people learn to write, write in 04:08:44

6 many different ways, song lyric, poetry,

7 short stories or simply to write essays.

8 Another one was IDAAY, the

9 Institute for the Development of African

10 American Youth, which has done incredible 04:08:55

11 work with young people who don't have

12 criminal records of any note who are

13 caught with a gun and do not appear yet

14 to be involved in driving gun violence,

15 mentoring, sports activities, other 04:09:05

16 things that often fill gaps in what

17 surrounds them and had them in a good

18 direction.

19 We also provided money for a

20 Black Women in Sports Foundation and for 04:09:16

21 a recovery organization that was dealing

22 with addiction issues called Savage

23 Sisters.

24 Each of these organizations got

25 a \$25,000 grant from these civil asset 04:09:25

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 forfeiture funds. They went back into
3 the communities this came from. They
4 went back for the purpose of pushing
5 against gun violence crime in those 04:09:33
6 communities. And based on the
7 accumulated funds that we have, we have
8 committed to distribute a million dollars
9 over the course of this year and have
10 invited another round of applicants to 04:09:44
11 apply to the Philadelphia Foundation,
12 which is vetting the applicants and
13 making sure that they're appropriate and
14 also making sure that they comply and use
15 the funds in proper ways. 04:09:53

16 In terms of opportunities
17 related to prevention, since September of
18 2019, the DAO's Community Engagement Unit
19 has hosted its monthly one-stop job and
20 resource hubs. These hubs have connected 04:10:06
21 over 3,200 residents to employment,
22 trauma care, victim services, and other
23 social services, all in ways that tend to
24 push against crime and provide other
25 pathways. And we have also provided a 04:10:18

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 trauma-informed response to terrible gun
3 violence events.

4 As you may know, we have a
5 CARES program. I won't get into the 04:10:27
6 details, but it's very, very important in
7 terms of how it addresses the needs of
8 families that have suffered a loss as a
9 result of a homicide. I want to affirm
10 the work of Reverend Myra Maxwell and the 04:10:37
11 program's 13 peer crisis responders who
12 are all co-victims of homicide.

13 In a moment I'm going to show a
14 video that I -- brief, but I think
15 important. My office continues to 04:10:50
16 prioritize support for victims,
17 co-victims, and communities impacted by
18 gun violence. We remain committed to
19 fighting for justice for those harmed by
20 senseless violence. And we will now 04:11:01
21 briefly hear from Ms. Terry Jenkins, who
22 lost her son, Tejan, last year.

23 COUNCIL PRESIDENT CLARKE: Can
24 somebody get the voice on?

25 MR. KRASNER: I realize we're 04:11:21

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 having a technical issue. I'm going to
3 continue with the presentation while my
4 staff here tries -- they may have fixed
5 it. Did we fix it? 04:11:29

6 Nope. All right. Well, we'll
7 try to come back to that.

8 Building community trust is a
9 necessary component in reducing crimes,
10 particularly gun violence in the City of 04:11:40
11 Philadelphia. The DA's Office remains
12 steadfast and proactive in restoring
13 community and listening to all community
14 residents, including young people.

15 One of the ways that we need to 04:11:52
16 build community trust -- Slide 8,
17 please -- is to protect generational
18 wealth, often in the form of homes,
19 holding the system accountable and
20 listening to future leaders. 04:12:03

21 Homeownership stabilizes communities, and
22 we are all rightly proud of
23 Philadelphia's record of homeownership,
24 although it is slipping.

25 Our Economic Crimes Unit has 04:12:13

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 taken very seriously the guidance of
3 Councilmembers, many of them, including
4 Councilmember Parker, on the importance
5 of trying to protect homeownership. Our 04:12:23
6 Economic Crimes Unit has done remarkable
7 work in this regard. It is supervised by
8 ADA Dawn Holtz, pictured there in the
9 background of this photograph, and also
10 by ADA Kim Esack, who is at the podium in 04:12:36
11 this photograph of a press conference we
12 did.

13 We have had recent arrests and
14 charges both in March and May of 2021
15 related to illegal deed transfers of 24 04:12:46
16 houses in total stolen from vulnerable
17 people, which is what they do. This
18 generational wealth was stolen from
19 people in Mount Airy, Frankford, Olney,
20 North Philadelphia, West Philadelphia. 04:12:59
21 These are, by no means, the only arrests
22 that we have had, and we are happy to say
23 we've had remarkable cooperation and
24 assistance coming from different agencies
25 within the City to try to tighten 04:13:10

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 requirements for presentation of a deed.

3 Slide 9, please.

4 For decades, Philadelphians

5 have demanded accountability from 04:13:19

6 government. The Special Investigations

7 Unit is responding to this call for

8 independent oversight to build community

9 trust. Our Special Investigations Unit

10 is headed by Supervisor ADA Tracy Tripp. 04:13:31

11 It exists in large part for the purpose

12 of keeping government actors accountable.

13 Often these are police officers, but it

14 may include other public officials.

15 The SIU has received over 400 04:13:43

16 tips amid the 2020 civil unrest, tips

17 about a variety of issues, some of them

18 though being illegal police conduct,

19 including potentially criminal police

20 conduct. Those tips in many cases were 04:13:57

21 tips that the public was not willing to

22 provide directly to police, because of

23 course it is somewhat daunting to think

24 about calling the police to report one of

25 their fellow members. And so we are 04:14:09

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 happy to see that people are trusting
3 this office enough to provide tips so
4 that we can follow up.

5 The SIU provides an independent 04:14:17
6 place for residents to file complaints
7 and make reports against figures of
8 authority.

9 Next slide, please.

10 For decades, Philadelphians 04:14:24
11 have demanded accountability from the
12 DA's Office, and they should, because
13 this is -- we do not in America or in
14 Philly just have an issue of police
15 integrity. We have an issue of 04:14:37
16 prosecutorial integrity, and the
17 Conviction Integrity Unit in Philadelphia
18 has turned into a national leader in this
19 form of accountability and community
20 trust-building. 04:14:47

21 The Conviction Integrity Unit
22 under the remarkable supervision of ADA
23 Patricia Cummings, who moved here from
24 Texas a few years ago to have the unit
25 and had run a similar unit in a major 04:15:01

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 city in Texas before that, has done
3 tremendous work.

4 Since 2018, over 1,600 cases
5 have been submitted for review by our 04:15:10

6 office. Some of them are nothing more
7 than a handwritten letter on a single
8 piece of paper from an inmate. Some of
9 them come to us with 20 file boxes,

10 carefully culled by our senior 04:15:21

11 attorneys, either at the Innocence
12 Project or an individual attorney or at
13 another law firm. One of them was

14 famously done by Mr. Alan Tauber, who is
15 currently our Acting Public Defender, and 04:15:33

16 that was the case of Chester Hollman, a
17 case that he worked on essentially for
18 free for a decade, until what he

19 contended turned out was completely true,
20 which is that Mr. Hollman, a completely 04:15:44

21 innocent man, needed to be out of jail
22 and he was -- he got out of jail after
23 28 years during this administration.

24 Mr. Hollman is only one of 19
25 individuals who have been exonerated to 04:15:55

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 date. These individuals were victims,
3 and they were victims in many cases of
4 either police or prosecution or both not
5 following the law, not following the 04:16:08
6 rules, and sadly in a few of these cases,
7 essentially conducting a kidnapping on
8 paper driven by a desire to win at all
9 costs, with little regard for innocence
10 or guilt. 04:16:19

11 They have served more than
12 400 years in prison collectively, and the
13 people who committed the terrible crimes
14 for which they were falsely accused got
15 away with it, to endanger others and harm 04:16:29
16 others. We are very proud of the trust
17 that is being built based upon our
18 Conviction Integrity Unit.

19 Next slide, please.

20 Treating kids like kids. We 04:16:39
21 need to build a system that won't apply
22 yesterday's mistakes to tomorrow's
23 problems, and that starts with how we
24 treat our kids. The Juvenile Unit
25 continues to collaborate to create a new 04:16:52

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 juvenile justice system that the
3 community trusts.

4 I would respectfully remind you

5 that Mr. Listenbee, who is a First 04:16:59

6 Assistant, was also Barack Obama's choice

7 to run juvenile justice for the United

8 States of America during his second term,

9 and he, among many other remarkable

10 attorneys in our office, including ADA 04:17:11

11 Adara Combs and ADA Jordan King, have

12 done remarkable work.

13 There has been a 33 percent

14 reduction in the number of young people

15 in pretrial detention since 2020, from 27 04:17:21

16 in 2020. The DAO was able to safely

17 reduce the number of children in

18 congregate care, many of them actually

19 snake pit facilities, by over 80 percent.

20 And the DAO has developed a variety of 04:17:36

21 additional diversionary programs for

22 youth, essentially doubling the

23 availability of accountability or cases

24 where it is appropriate without the

25 necessity of an adjudication or basically 04:17:48

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 a juvenile conviction.

3 Before and during the
4 pandemic -- this is Slide 12, please --

5 the Community Engagement Unit has 04:17:56

6 continued to serve as a bridge between

7 the DA's Office and communities across

8 Philadelphia, especially our marginalized

9 community. The role of Community

10 Engagement and the remarkable work of 04:18:08

11 Supervisor G. Lamar Stewart, who is both

12 a Philadelphia police officer and a

13 pastor, and his unit staff cannot be

14 understated. Its importance in growing

15 trust and involving the community in ways 04:18:22

16 that may lead us to positive outcomes and

17 better ideas about how to address our

18 issues cannot be underestimated.

19 The unit attends dozens of

20 meetings hosted by community groups and 04:18:34

21 faith leaders each month. It hosts

22 monthly virtual school listening

23 sessions, creating a space for our office

24 to listen to young future leaders and

25 young people on issues of public safety 04:18:44

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 and criminal justice reform. Sadly,
3 sometimes these include going into
4 schools where a child has been killed and
5 where its students are reeling with the 04:18:53
6 grief that goes with that.

7 No. 13, please.

8 Technology plays an important
9 and a positive and ever-expanding role in
10 our lives. It plays an ever-expanding 04:19:10
11 and important role in criminal justice,
12 as I think anyone who watched the George
13 Floyd video will understand.

14 Our office is committed to
15 meeting the challenges presented by 04:19:22
16 technological advancements, including,
17 for example, the challenges presented by
18 what I view to be a great benefit to
19 criminal justice, which is body-worn
20 camera footage. 04:19:32

21 There is a tremendous need for
22 our office to be able to thoroughly
23 review, sometimes to locate, body-worn
24 camera footage, and it may seem like a
25 burden in the short run, but in the long 04:19:47

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 run, the advantage of body-worn cameras
3 to the whole system, once again, should
4 not be underestimated.

5 There are -- we avoid jury 04:19:57
6 trials. We avoid them. They turn into
7 other outcomes when we are able to
8 thoroughly review body camera footage,
9 locate it, provide it to the other side.

10 Because, I mean, the truth is, body 04:20:10
11 camera footage is extremely useful. It
12 often tells most of the story, if not all
13 of the story, and that can mean a case
14 that is dismissed because our office sees
15 that the camera footage does not confirm 04:20:20
16 the event or it may be a case that's a
17 guilty plea rather than a week-long trial
18 because the footage itself leaves no
19 doubt and, therefore, the defense has no
20 reason to go to trial on such a case. 04:20:32

21 The use of technology is
22 increasing in the courtroom, and the DA's
23 Office has to keep up with this. Our
24 Class 300/400 has been flat while the use
25 of technology like these cameras has 04:20:44

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 grown very significantly.

3 It is also important to note
4 that many jurisdictions are shifting from
5 paper-based prosecution to digital
6 prosecution. We need technology
7 resources for social media to address
8 cell phones, body-worn cameras, and open
9 file, and discovery.

04:20:52

10 Slide 15, please.

04:21:04

11 Staffing needs. So as I'm sure
12 you're all aware, there has been an
13 enormous increase in cases within the
14 system. This is unavoidable because the
15 courts have effectively been closed since
16 the middle of March of last year. Yes,
17 there's been a trickle of cases going
18 through, perhaps at times 10, 15. Maybe
19 now we're up to something like a
20 25 percent caseload. The good news is,
21 we haven't doubled the caseload as we
22 figured that we would, but the bad news
23 is that we have cases that are incredibly
24 important that we prosecute and that we
25 prosecute properly. It is impossible to

04:21:19

04:21:31

04:21:42

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 do this in a scenario in which we are not
3 adequately staffed.

4 Co-victims of gun violence want

5 a couple things. First and foremost, 04:21:58

6 they want their loved one back. Sadly,

7 the criminal justice system cannot do

8 that, but what we can do is the second

9 thing and, that is, that we can provide

10 accountability when people are arrested 04:22:08

11 and when we are brought sufficient

12 evidence to be able to win a case. We

13 can try people and we convict the right

14 people and make sure that innocent people

15 don't take their place. Being fully 04:22:19

16 staffed and equipped with the right

17 technology for today and tomorrow, we can

18 provide this to co-victims.

19 Slide 16, please.

20 Confronting institutional 04:22:29

21 racism takes persistence, and I will

22 continue to be persistent to confront

23 racism, not just in courtrooms but also

24 within the office. Let me just give you

25 a couple of pieces of data that I think 04:22:39

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 speak to what we have tried to do in this
3 office.

4 When we came to the office --
5 and this is an office of approximately 04:22:45
6 600 people -- there was 70 -- excuse me;
7 there were 72 Black employees. There are
8 now 170 Black employees. It's an
9 increase of 137 percent.

10 When we came to the office, 04:23:00
11 there were 35 Black attorneys in the
12 office. There are currently 55. We have
13 already hired an additional 15 who will
14 be starting in September.

15 Before this administration 04:23:11
16 ends, there will have been a 100 percent
17 increase in the number of Black attorneys
18 in the office. And the numbers for
19 attorneys of color are very similar.

20 There is no category in which we have not 04:23:20
21 increased diversity by at least
22 100 percent, if not more, during this
23 administration, and we have done so by
24 reaching out to some of the most talented
25 people you can imagine and persuading 04:23:32

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 them that they should work in this
3 office.

4 Our primary hiring occurs in

5 Philadelphia, and we go to the 04:23:40

6 Philadelphia schools. This year, for

7 example, most of our hires came from one

8 of our great law schools, and that is

9 Temple. But we have made hiring our top

10 priority in this office and, therefore, 04:23:52

11 we have gone to all six HBCU law schools.

12 We have hired from all six HBCU law

13 schools. And we have gone to every one

14 of the 20 top-rated law schools in the

15 United States in addition and including 04:24:03

16 some of our Philadelphia schools.

17 And so we have been hiring the

18 most talented people, the most

19 mission-driven people, the most

20 hard-working people, the most talent that 04:24:15

21 you can imagine. And we have

22 simultaneously, we are proud to say,

23 brought in people with amazing life

24 experience who have prior careers and

25 done things that make them very close to 04:24:26

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 the people they serve, and one comes to
3 mind, a young man named Pernell Jackson.

4 Mr. Jackson went into the military, did

5 military intelligence, came out. He 04:24:36

6 worked as a police officer in Prince

7 George County, and after about 12 or

8 15 years of doing this, he went to law

9 school at American University.

10 Pernell Jackson is a star in 04:24:47

11 our office, and he's a star because he

12 understands all of the nuance and

13 complexity that goes with his lived

14 experience and also his professional

15 experience. Those are the kind of people 04:24:56

16 we need and those are the kind of people

17 that we are very, very proud to hire.

18 We remain committed to this.

19 We do not consider our work over in any

20 way. 04:25:06

21 The photograph that you are

22 seeing here is a photograph of our

23 September 2019 fall class of attorneys.

24 They are in the community with some of

25 the people from our Community Engagement 04:25:18

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Unit on a tour. You may recognize a few
3 people. They are at 15th and
4 Susquehanna. You will see
5 now-Councilmember Kendra Brooks. You 04:25:27
6 will see Reverend Dr. Clarence Wright off
7 to the right. Bilal Qayyum is here and
8 so is Taj Murdock of Men of Courage.

9 This was part of the initial
10 training of attorneys we have brought 04:25:39
11 into the office to make sure that they
12 were not simply here but they were in
13 touch with the community and they
14 understood the community through the
15 mouths of community leaders and community 04:25:51
16 members and community activists.

17 For the reasons that I have
18 mentioned previously, we are asking for
19 our funding to be restored to the FY20
20 spend amount of approximately 42 04:26:03
21 thousand -- excuse me; \$42,500,000, which
22 is approximately a \$2 million increase
23 from the FY22 proposed budget.

24 I thank you for your attention
25 and time, and I look forward to answering 04:26:16

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 your questions.

3 I am pleased to announce we're
4 actually one minute ahead of where I had
5 hoped to be.

04:26:26

6 COUNCIL PRESIDENT CLARKE:

7 Thank you. Thank you, Mr. DA, and your
8 timing this was appreciated.

9 First of all, I want to
10 congratulate you on your nomination 04:26:38
11 yesterday. Look forward to your next
12 four years of trying to work to enhance
13 the lives of the citizens of the City of
14 Philadelphia.

15 Mr. DA, I had a couple of 04:26:50
16 questions before I turn it over to my
17 colleagues. One is the issue with
18 respect to the caseloads. I just noticed
19 that your targeted caseloads in FY22,
20 which is significantly lower than the '21 04:27:09
21 caseload, of 81 and 2020 you had 70. Is
22 there a reason why you think you're going
23 to be able to reduce your caseload given
24 the upward trends of violence in the City
25 of Philadelphia? Can you kind of talk to 04:27:26

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 me how you're going to reduce the number?

3 MR. KRASNER: I'm happy to do

4 that. First of all, I thank you for that

5 congratulations. I truly look forward to 04:27:37

6 working with every member of Council and

7 as well as -- and you perhaps especially

8 as Council President as we move forward.

9 As far as I'm concerned, the first term

10 was three and a half years, the next one 04:27:50

11 is four and a half, and I look forward to

12 having the opportunity to meet with any

13 and all of you independently and talk

14 about whatever it is that our office and

15 I can do better in relationship with all 04:27:59

16 of you.

17 Second, sadly, there is not

18 that higher volume of shooting cases that

19 are actually solved, and I don't say that

20 to put anybody under the bus, but I can 04:28:11

21 tell you that the rate at which fatal and

22 non-fatal shootings are solved in good

23 times is about 20 percent and in bad

24 times it's more like 15 or 16 percent.

25 So while we do see a lot of shootings, 04:28:23

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 they do not necessarily -- in fact they
3 don't, most of them -- come to us as a
4 package presented by the police asking us
5 to charge.

04:28:31

6 The caseload is not a case of
7 criminal incidents. The caseload is the
8 load of cases that are actually in court.

9 So while they are a factor and they are
10 the most prioritized category of cases,

04:28:42

11 along with things like first-degree
12 felony rape, first-degree felony assaults
13 of other types, it does not have a
14 tremendous effect on the count of cases
15 that we will have.

04:28:55

16 COUNCIL PRESIDENT CLARKE: Why
17 do you think we're going to be going
18 down? That's my question. Like you're
19 projecting less cases based on your
20 testimony.

04:29:04

21 MR. KRASNER: Council
22 President -- may I see the slide? I just
23 want my staff to put up the slide. I
24 want to make sure I'm understanding the
25 question and I've been clear in my

04:29:13

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 presentation from time to time.

3 COUNCIL PRESIDENT CLARKE: And
4 that's your target, so I'm just trying to
5 understand why your target would be
6 lower. If it's something that is going
7 to happen outside of traditional, that's
8 a good thing.

04:29:25

9 MR. KRASNER: Number of cases
10 handled quarterly.

04:29:33

11 Council President, I'm going to
12 ask Mike Lee from my office to address
13 that. I think he has a clearer
14 explanation than I do right now.

15 COUNCIL PRESIDENT CLARKE:

04:29:51

16 Sure. No problem.

17 MR. LEE: Good afternoon,
18 Council President.

19 Essentially we have been seeing
20 a decrease in the number of caseloads
21 that the office has handled as we moved
22 away from mass incarceration.

04:29:59

23 Furthermore, treating substance
24 use as a public health issue has led to a
25 drastic reduction in simple possession

04:30:13

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 drug offenses through police-assisted
3 diversion, through the de-criminalization
4 of small amount of marijuana with the
5 City ordinance, and similar things with 04:30:22
6 the CVNs for the protest cases. So that
7 was about a thousand cases that
8 traditionally would have come in as a
9 misdemeanor caseload that is now not part
10 of our caseload because it's handled in 04:30:36
11 other ways. So we expect to see a
12 continuation of that type of
13 de-criminalization and public health
14 approach as we do fewer low-level
15 offenses and focus more on the more 04:30:46
16 serious offenses.

17 COUNCIL PRESIDENT CLARKE:

18 Okay. I got you. All right. That
19 clears it up.

20 You talked about deed theft, 04:30:55
21 and I want to thank you so much for what
22 you've been doing on that. I know a
23 number of members are very interested in
24 that. The question with respect to the
25 timeline is always an issue with 04:31:09

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 everything. And government is
3 government. We know it's always a
4 challenge to move as quickly as people
5 want. Is there a way or do you 04:31:16
6 anticipate being able to accelerate the
7 resolution of this deed theft issue?
8 This is really problematic, as you know.

9 MR. KRASNER: Council
10 President, thank you for that question. 04:31:28
11 It is really problematic. The only limit
12 that we have here -- and it is a limit --
13 is that we are very low on the number of
14 DA's detectives that we have. We have
15 about 30 at this time. There was a time 04:31:40
16 when this office had a hundred DA's
17 detectives. That number has reduced over
18 many, many years. And so I have been
19 working with the Commissioner requesting
20 more DA's detectives, because most of 04:31:51
21 them are actually active Philadelphia
22 police officers. They are not on the
23 payroll of the District Attorney's
24 Office.

25 The Commissioner was kind 04:31:59

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 enough to allow the transfer of four DA

3 detectives over here. I have presented

4 the Commissioner with another nine and

5 was hopeful that they would be shifted 04:32:09

6 over here, but the last thing that the

7 Commissioner said when we spoke about it

8 was that right now there were staffing

9 issues and she was not sure, even though

10 she had committed to providing additional 04:32:20

11 DA's detectives, she was not sure she

12 could do it. I told her at that time I

13 will be more than happy to advocate that

14 for every DA's detective you switch over

15 to us so we can do this important kind of 04:32:32

16 work, that the PPD should have that

17 additional staffing replaced in funding,

18 because I understand that that is an

19 issue.

20 But the truth is, I would love 04:32:43

21 to be able to do 200 or 250 deed theft

22 cases a year instead of work with a

23 limited staff of DA's detectives and our

24 talented attorneys who are doing this.

25 So if we could get a little more funding 04:32:56

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 in that regard and if we could also have
3 the DA's detectives transferred over,
4 because that is the process, that would
5 be a tremendous help.

04:33:04

6 COUNCIL PRESIDENT CLARKE: Are
7 the DA or any detective, be it DA or
8 Philadelphia Police, is that the only
9 category of employee that is able to do
10 this work?

04:33:13

11 MR. KRASNER: Well --

12 COUNCIL PRESIDENT CLARKE: Are
13 there any other alternative strategies?

14 MR. KRASNER: No. I mean, in
15 general, we have seen an increasing level
16 of capacity on the part of the PPD. It
17 is the result of our DA's detectives
18 training some of the detectives in what
19 to look for and how to investigate it.

04:33:21

20 We're seeing more of that. But the DA's
21 detectives who specialize in this are the
22 most equipped, because they have the most
23 experience and because they work in close
24 connection to our two Economic Crimes
25 supervisors who have access to certain

04:33:35

04:33:47

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 databases and so on.

3 We do have a meeting with

4 Representative Bullock coming up where we

5 will be exploring with her the 04:33:59

6 possibilities for some changes in state

7 law that will make it more difficult to

8 perpetrate these crimes. Unfortunately,

9 the state law is really geared to rural

10 real estate brokers and their convenience 04:34:10

11 in terms of not actually presenting

12 signatories for identification, but we

13 are hopeful that we may get some relief

14 in terms of Philadelphia being permitted

15 to have rules that are more specific and 04:34:23

16 appropriate for Philadelphia.

17 Nevertheless, it's not going to

18 end. I mean, we have recently arrested a

19 ring of people who stole 15 houses, and

20 unfortunately there was a vacuum of 04:34:36

21 accountability in the City in prior

22 administrations that really needs to be

23 closed, because this is a pretty terrible

24 crime that's being done in the City of

25 Philadelphia. We would be delighted, 04:34:47

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 consistent with budgetary constraints, we
3 would be delighted to expand this unit as
4 much as we can.

5 COUNCIL PRESIDENT CLARKE: I 04:34:54
6 know it's an issue. I know a former
7 member, Councilman Bill Greenlee, this
8 was his issue. He was on that deed theft
9 issue in a very aggressive way.

10 You have some impressive 04:35:05
11 numbers as it relates to the increase of
12 people of color in your department. I
13 just saw that chart. I did not know
14 there was that level. But I do want to
15 ask you a question about contracts. We 04:35:18
16 in the City of Philadelphia are trying to
17 be as aggressive as possible to ensuring
18 that contracts go to M/W/DBE firms.

19 Based on the statistics that we
20 had showed with respect to your contracts 04:35:33
21 in the District Attorney's Office, it's
22 listed at only 4 percent and is actually
23 down from 9 percent. Can you explain
24 that?

25 MR. KRASNER: What I can tell 04:35:44

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 you is that we believe it should be a

3 priority. It's something that we are

4 working on. We want to do better with

5 it, and we are currently in the process 04:35:51

6 of engaging with community-based

7 contractors for diversionary programs.

8 We believe that if those contracts come

9 through, that will represent a

10 significant improvement in the level of 04:36:04

11 minority inclusion with our contracts.

12 But, honestly, I think it's

13 something that we can do better and that

14 we should do better, not only in that

15 context but in others. 04:36:14

16 With certain staffing -- excuse

17 me. With certain budgetary requirements

18 recently, it has not been the top

19 priority. We were just trying to keep

20 this ship afloat with chewing gum and 04:36:28

21 Scotch tape, but as we move into a period

22 when the federal government actually is

23 showing some care and concern for the

24 City of Philadelphia, we are hopeful that

25 we'll be able to improve that. 04:36:37

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCIL PRESIDENT CLARKE: All
3 right. I know you didn't mean the way it
4 sounded, it's not an area of concern. I
5 know you didn't mean it like that.

04:36:45

6 MR. KRASNER: As I said that,
7 it is an area of concern. It is
8 concerning.

9 COUNCIL PRESIDENT CLARKE: I
10 misheard you. All right.

04:36:51

11 MR. KRASNER: My mistake.

12 COUNCIL PRESIDENT CLARKE: I
13 know there's no way you said that.

14 Mr. DA, you referenced just now
15 in your response, you talked about
16 community engagement, but we had this
17 conversation the other day about
18 having -- and I shouldn't assume. The
19 individuals that you work with, we work
20 with out in neighborhoods,

04:36:58

21 community-based groups that are doing a
22 lot of the good work out there, and we
23 talked about the fact that some of this
24 should be structurally embedded in the
25 City government so they wouldn't have to

04:37:10

04:37:21

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 year to year ask for a grant. You can't
3 build capacity if you have no sense of
4 where you're going to be next year.

5 Are you referencing the 04:37:29
6 opportunities for some of these
7 community-based organizations actually
8 having contractual relationships with the
9 DA's Office? Is that what you're saying?

10 MR. KRASNER: The most 04:37:40
11 important thing to us is that the proper
12 services and the proper forms of
13 prevention are provided in a city that
14 for many years struggled. I mean, it is
15 not the best funded city in the world, 04:37:50
16 and that's no criticism of the City. I
17 love the City. But we want the services
18 provided. To the extent that we can be a
19 part of that solution, we're happy to do
20 it, but we certainly know that the big 04:37:59
21 solutions come from the City. They don't
22 come in a DA's Office with its much
23 smaller budget.

24 COUNCIL PRESIDENT CLARKE: I
25 understand. I mean, we're going to -- 04:38:09

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 we're on the record of talking about
3 possibly figuring out a way to get these
4 folks structurally embedded in the
5 government as opposed to this year to 04:38:18
6 year, administration to administration,
7 and whatever department that can help
8 with this, this would be good for us I
9 think in the long run for a whole lot of
10 different ways, not only with our numbers 04:38:29
11 but in terms of the effectiveness of a
12 lot of these groups that are out there
13 doing this for zero right now.

14 So okay. I thank you. Thank
15 you for that. Okay. I'm going to turn 04:38:40
16 it over. I'll come back a little later.
17 I'll turn it over.

18 The Chair recognizes Councilman
19 Jones.

20 COUNCILMAN JONES: Thank you, 04:38:46
21 Mr. President.

22 And I too would like to
23 congratulate you, Mr. District Attorney.

24 I'm going to narrow my
25 questions to a couple of topics. One, 04:39:00

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 earlier I asked about bail in the City of
3 Philadelphia, quoting you on asking for a
4 million dollars bail and receiving lesser

5 bail and how that correlation let more 04:39:16

6 shooters on the street to return to their
7 given occupation of shooting people. But

8 I want to focus a little bit on that, but

9 I want to talk about witnesses, because

10 you cited in earlier testimonies about 04:39:37

11 the need for witnesses to show up, be

12 reliable, not be intimidated, and in some

13 ways sometimes be relocated for their

14 safety. Could you speak to those,

15 Mr. District Attorney? 04:39:56

16 MR. KRASNER: Yes, sir. And

17 thank you for your kind words,

18 Councilmember Jones. We had quite a

19 campaign team, and I really appreciate

20 all the support that we got. 04:40:05

21 So it is very important that we

22 do not expose witnesses, victims,

23 co-victims to fear of retaliation or to

24 actual retaliation. One of the real

25 problems we had had with the pandemic is 04:40:18

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 that the processing of cases can go
3 standstill, and this meant that people
4 who were in a sensitive, vulnerable
5 position have been exposed for a longer 04:40:27
6 period of time. That fear can take hold,
7 and, I mean, simply put, actual
8 retaliation can occur.

9 So our office works very hard
10 at relocation. It is not cheap. It 04:40:37
11 often costs something on the order of
12 \$30,000 for a family. That's kind of an
13 average number. And the relocation is
14 partial. We're not actually talking
15 about taking a whole family, moving them 04:40:48
16 to Arizona, changing all of their
17 identities. What we're talking about is
18 usually something much more limited than
19 that, because we don't have the resources
20 of the feds. 04:40:55

21 But we have been very vigorous
22 about pursuing it. We have people who do
23 it all the time. I have taken a lot of
24 phone calls, often from Councilmembers,
25 on the weekend and at night when a 04:41:06

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 constituent advises them that there's a
3 concern, and we try to move as quickly as
4 we possibly can on that. We view that as
5 being a very important part of what we 04:41:15
6 need to do.

7 COUNCILMAN JONES: So we'd like
8 to work with you and our counterparts at
9 HUD to talk about housing that can be
10 dedicated to witness relocation, used for 04:41:31
11 a period of time, sold so that people
12 don't get used to locations that are used
13 for relocation, also working with the
14 Philadelphia Housing Authority or other
15 housing authorities to do that, and would 04:41:49
16 love to work with someone in your staff.

17 MR. KRASNER: We would love to
18 assist with that, partnering with that
19 any way that we can. First Assistant
20 Listenbee has been heavily involved with 04:42:02
21 that and, you know, if you would like the
22 numbers on the funding that we get and
23 how we use it, we're happy to provide
24 that as well, but we would be happy to
25 partner with you on that, Councilmember. 04:42:10

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 It sounds like a very worthy program.

3 COUNCILMAN JONES: So I want to

4 thank you and your team. In times when

5 it's difficult when you hear about a 04:42:20

6 murder, it got so bad for a period of

7 time, Mr. District Attorney, when you

8 called my cell phone, I was like Pavlov's

9 dog. I got nervous. But your team,

10 whether it was the man with three names, 04:42:37

11 G. Lamar Stewart, Chance Lee, Bill

12 Pritzer and others, have been remarkable

13 on those difficult times of being in

14 communities dealing with the issue of gun

15 violence. So I wanted to publicly thank 04:42:56

16 them.

17 Thank you, Mr. President.

18 COUNCIL PRESIDENT CLARKE:

19 Thank you, Councilman.

20 The Chair recognizes 04:43:03

21 Councilwoman Quinones-Sanchez.

22 COUNCILWOMAN SANCHEZ: Good

23 afternoon. I too want to congratulate

24 you. I like the way you said the first

25 time is three and a half years, the next 04:43:17

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 is four and a half years. You know how I
3 feel about that. So congratulations.

4 Question real quick, and I'm

5 going to say to you what I said to the 04:43:24

6 other independent elected officials,

7 because I feel very strongly about this.

8 In Council we have to work with you to

9 make sure that you have the budget that

10 you need to comply with the mandate of 04:43:33

11 the voters and that they have given to

12 you, and as you know, we've been working

13 at this over the last few years. COVID

14 shifted a lot of things, so I'm going to

15 go specifically to your request of 04:43:46

16 4.25 million, and you're saying that

17 you're \$2 million short of pre-COVID.

18 Can you quickly explain to us what the

19 \$2 million investment will help you to

20 do? 04:44:01

21 MR. KRASNER: Councilmember,

22 I'm going to call forward Cecilia Madden

23 from my staff to delineate that. She'll

24 be right here.

25 MS. MADDEN: Good afternoon. 04:44:13

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 The 2 million would be --

3 COUNCILWOMAN SANCHEZ: Put your
4 name on the record for the record.

5 MS. MADDEN: Cecilia Madden, 04:44:25
6 Director of Administration. Thank you.

7 We're short about 2 million of
8 our FY20 levels. That's about 1.3 in
9 Class 100, another 500 or so thousand in
10 Class 200, and 150,000 in Class 300/400. 04:44:39

11 So that would bring us back to FY20
12 levels. That would allow us to fill some
13 vacancies that we absorbed throughout the
14 past year. It would allow us to do some
15 cost-of-living adjustments, certainly 04:44:56
16 some merit increases for people who have
17 been putting themselves at risk throughout
18 the entire pandemic, working on site, in
19 our office, in court, in the community at
20 the Juvenile Detention Center, et cetera. 04:45:10

21 So that's the breakdown for the
22 roughly 2 million that we are short.

23 COUNCILWOMAN SANCHEZ: So
24 you're saying that there are positions
25 that you chose not to fill during the 04:45:20

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 COVID that were being assumed by other
3 people. And so have you ever been denied
4 the ability to hire someone when needed
5 through the Finance Office or you've been 04:45:32
6 able to work through through the COVID
7 emergency?

8 MS. MADDEN: We have been able
9 to work through it. We put people into
10 grant-funded positions. We tried to 04:45:42
11 absorb our personnel costs that way. We
12 have hired people into grant-funded
13 positions, hired people external from the
14 office. We have gotten no pushback from
15 the Budget Office in terms of requesting 04:45:54
16 new positions, which has been really
17 helpful.

18 We have had to hire additional
19 head count in support staff and in
20 attorneys to fill very critical 04:46:03
21 vacancies, like a supervisory role for
22 our federal litigation unit and for our
23 IT unit, and the Budget Office was very
24 cooperative and pushed those positions
25 through. 04:46:15

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILWOMAN SANCHEZ: So when
3 you were not granted the 2 million, have
4 you guys officially submitted to the
5 Finance Office saying the shortfall and 04:46:23
6 its impact?

7 MS. MADDEN: We submitted the
8 cut scenarios that were requested. We
9 also submitted a modest request for
10 additional funds. We can follow up with 04:46:34
11 the Budget Office to formalize the match
12 to FY20 levels.

13 COUNCILWOMAN SANCHEZ: Is any
14 of this money carryover from before?
15 Because I know in the past when we had 04:46:47
16 some of the challenges around carryover
17 allowance about utilization of it.
18 That's not the case in this; this is all
19 new money?

20 MS. MADDEN: This is all new 04:46:56
21 money.

22 COUNCILWOMAN SANCHEZ: But it's
23 going back to your Fiscal '20
24 pre-pandemic funding level?

25 MS. MADDEN: That's correct. 04:47:03

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILWOMAN SANCHEZ: Okay.

3 Thank you. Thank you very much. Let me
4 get the DA back.

5 MR. KRASNER: Councilmember, 04:47:13

6 thank you for those questions. I do want
7 to be clear that we went a very long
8 period of time not filling attrition. We
9 initially had an enormous budget cut of

10 20 percent, and Council has been 04:47:24

11 extremely thoughtful and gracious in
12 making sure that as we fell way behind,
13 because that was a completely

14 unsustainable budget, that we got the
15 funds we needed to carry through, but 04:47:34

16 part of the deal that we were able to
17 work during the pandemic was really an
18 unsustainable crisis deal where we would
19 have attrition and not fill it, and

20 that's what we did for quite some time. 04:47:44

21 With the election of a new President, we
22 knew that better times were coming. And
23 we are aware that the law allows us to
24 hire without limitation. We're aware of

25 that, but obviously we are trying to work 04:47:57

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 with all entities in the City. We
3 recognized that it was a crisis not just
4 for us but for everyone, and so what
5 happened during the pandemic, simply put, 04:48:07
6 is not sustainable. We are short staffed
7 as it is right now, but that's why we are
8 looking backward to that prior level
9 of -- I wouldn't say, you know, generous,
10 but I would certainly say sufficient 04:48:18
11 funding that we had before the pandemic.

12 COUNCILWOMAN SANCHEZ: Thank
13 you. I appreciate that.

14 So I'd like to go -- I don't
15 know if you've had an opportunity to hear 04:48:28
16 some of the conversations earlier today
17 from the courts as they reopen, and we've
18 been talking a lot about the systemic
19 racisms and all the different structures,
20 fees, fines, all the bureaucratic stuff 04:48:42
21 that we do to poor people, not realizing,
22 and the system did this for many, many,
23 many years.

24 As we move forward and moving
25 out of the pandemic, what are the one, 04:48:53

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 two, three things that concern you as we
3 open up your courts with our ability to
4 move through these cases that we should
5 be aware of, from your perspective?

04:49:01

6 MR. KRASNER: Are we speaking
7 around issues of race or are we speaking
8 just more generally?

9 COUNCILWOMAN SANCHEZ: I think
10 systemic. I think that there has been
11 for a long time, there's been this sense
12 of we have these fines, these fees. Many
13 of the systems have been allowed to use
14 this money for general operating. We are
15 now at a different time and place where
16 we're saying that no one should be denied
17 due process because they can't fill out
18 an application, don't have access to a
19 lawyer, or the ability to pay a fee.

04:49:11

04:49:23

20 What is your concern as the
21 courts ramp up again of the issues that
22 we should be aware of as we want to
23 ensure people due process?

04:49:33

24 MR. KRASNER: Thank you for the
25 question. Well, one of the issues which

04:49:44

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 we have actually been looking at during
3 the entire administration is exactly what
4 you have noted, which is that some of our
5 diversion programs; for example, some of 04:49:52

6 our supervisions or treatment programs,
7 require all kinds of fees and costs that
8 broke people can't pay. And so rather
9 than people getting into a particular
10 diversionary program, being accountable 04:50:04

11 in ways that don't include a conviction
12 and then being able to move on, what
13 happens is their case remains open
14 literally forever in some cases. Why?

15 Because they weren't able to pay an \$800 04:50:15
16 fee or a \$225 fee.

17 One of the ways we have tried
18 to address that, but it's not ideal, is
19 we have tried to address it by using our
20 power to drop cases. Sometimes rather 04:50:28

21 than go into a formal diversionary
22 program where the courts are requiring
23 all kinds of fines and costs, if we have,
24 for example, a person who has been using
25 drugs who is charged with possession of 04:50:39

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 drugs and we say to them, Today is your
3 court date, you and your lawyer go make
4 contact with treatment, get us a valid
5 letter back saying what kind of treatment 04:50:49
6 you've done, we'll drop it in court. Our
7 power to drop it in court exists without
8 requiring fines and costs, right?

9 Sometimes we even have judges whose hands
10 are tied because state law requires them 04:51:02
11 to use the system to extract money, which
12 then goes to the state funds, things of
13 that sort.

14 So we have tried in many
15 different ways, including working with 04:51:10
16 some think tanks, to see under the
17 Pennsylvania law how we could get out
18 from under some of these fines and costs
19 that do more harm than good to poor
20 people, and we've had to be creative. We 04:51:19
21 will continue to do that.

22 Some of the other concerns that
23 we have as the courts open obviously are
24 that we have witnesses who are afraid to
25 go out. We have witnesses who are worn 04:51:28

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 out. We're going to see high numbers of
3 cases in courtrooms. We're going to have
4 to be well prepared to do these cases.
5 It's not going to be easy to pick juries, 04:51:38
6 because not everybody wants to be on a
7 jury right now and sit close to people.
8 Not everybody wants to ride SEPTA.
9 Imagine a court system where people who
10 ride public transit can't participate 04:51:49
11 because they're afraid to get on public
12 transit due to the existence of a
13 pandemic. You know, it's potentially a
14 system that really works against poor
15 people and also Black and Brown people 04:51:58
16 who may look like (connection issues).
17 So these are all concerns that
18 we have, and we really look forward to
19 working with judicial leadership. There
20 is some new judicial leadership now, and 04:52:12
21 so far, we've enjoyed a really excellent
22 relationship with them, and we're looking
23 forward to working with them to try to
24 open courts fully as society opens and
25 handle these challenges. 04:52:23

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 COUNCILWOMAN SANCHEZ: We'll

3 continue this line of questioning on the

4 second round. Council President Clarke

5 asked that question directly of the court 04:52:30

6 system around the efficiencies around

7 virtual, right, to eliminate some of this

8 stuff. So we're going to be following

9 that very closely, because we definitely

10 don't want to see a laundry list of 04:52:39

11 continuances and just cases being listed

12 for the purpose of saying they were

13 listed. Again, that becomes a violation

14 of people's rights and time and cost,

15 right? It's systems costs. 04:52:51

16 So thank you very much, Council

17 President. I'll wait around for the next

18 round. Thank you.

19 COUNCIL PRESIDENT CLARKE:

20 Thank you, Councilwoman. 04:52:57

21 Councilwoman Parker, I want to

22 apologize. I was supposed to tee you up

23 early on per our conversation earlier.

24 Councilman Johnson, if it's

25 okay. I know Councilwoman Parker had 04:53:06

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 another meeting.

3 Councilwoman Parker.

4 COUNCILMAN JOHNSON:

5 Absolutely. 04:53:12

6 COUNCILWOMAN PARKER: Yes.

7 Thank you, Mr. President, and thank you,
8 Councilmember Johnson.

9 Let me start, DA, by also
10 saying congratulations to you, but I want 04:53:19

11 to begin where both you and Council

12 President ended. Council President

13 questioned about it and you talked about

14 it in your testimony. Last month your

15 office, the Economic Crimes Unit, in 04:53:31

16 partnership with the Police Department

17 Major Crimes Unit, arrested an individual

18 who's accused of deed theft of 14

19 properties and related offenses, and you

20 know, Mr. DA, that eight of those 04:53:45

21 properties were in the Ninth Councilmanic

22 District, and I wanted to for the record,

23 because we hear when things are wrong,

24 but I wanted to thank the Assistant

25 District Attorney Kimberly Esack. And, 04:53:58

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Kimberly, if I chopped up your name,
3 charge it to my head and not my heart.

4 And Mike Lee, who has been working with

5 us on issues associated with criminal 04:54:06

6 justice reform long before it became

7 popular during my tenure when I was in

8 the State House.

9 Mr. DA, your office, along with

10 my office and there have been many 04:54:18

11 others, are active participants in the

12 Philadelphia Bar Association's Fraudulent

13 Conveyance Task Force, and I want to

14 state for the record that in your

15 testimony just now, you talked about that 04:54:30

16 DA's detective training getting the most

17 experienced detectives that will assist

18 in investigating these economic crimes.

19 I want to go on record as saying I

20 wholeheartedly support that. We need 04:54:47

21 more arrests and prosecutions of deed

22 fraud. And we also and we will, thanks

23 to Council President Clarke, on the front

24 end work on more prevention via our

25 Neighborhood Preservation Initiative and 04:55:03

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 then the outstanding work of our Register
3 of Wills, along with our Records
4 Department, in addressing the tangled
5 title issue.

04:55:12

6 With that being said, Mr. DA,
7 can you do me a favor, because what I
8 want to show is not only are Black and
9 Brown communities disproportionately
10 impacted by crime, criminal activity
11 taking place in the City of Philadelphia
12 in homicides, but when we look at where
13 the economic crimes are taking place, we
14 will see them being victimized many times
15 over.

04:55:23

04:55:37

16 So can you GIS for us where all
17 of the economic crimes have been
18 prosecuted and tell us the type and do
19 that by Council district, and if it's
20 possible for you to compare with us what
21 that was like during the prior
22 administration. Can you technically do
23 that?

04:55:48

24 MR. KRASNER: Councilmember, I
25 think we can. I just want to be clear,

04:55:56

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Councilmember. Are we speaking of deed
3 theft specifically or all kinds of
4 economic crime?

5 COUNCILWOMAN PARKER: All of 04:56:04

6 those crimes that have come under
7 economic crimes, because a lot of crimes
8 associated with our seniors are the
9 caretakers taking care of them, but

10 they're financially abusing them at the 04:56:14

11 same time and taking their money. And I
12 would argue that we didn't have in a
13 prior administration a very robust

14 economic focus on Economic Crimes Unit,
15 right, because it wasn't a sexy thing to 04:56:29

16 prosecute, but finally we're starting to
17 really take it seriously. So I want us
18 to see how we've been faring under your
19 administration versus the prior

20 administration. Is that possible? 04:56:42

21 MR. KRASNER: Yes,

22 Councilmember. We have a grant-funded
23 data group here, and I think they can dig
24 in and do that, and I appreciate the

25 invitation. We'll get on that right 04:56:51

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 away.

3 COUNCILWOMAN PARKER: Thank
4 you. And if it was possible to figure
5 out how many of them were also senior 04:56:56
6 victims, that would also be helpful,
7 because we would be able to connect them
8 and know where to target certain
9 services, so I appreciate that.

10 In addition to that, you don't 04:57:09
11 have it now, but I remember the first
12 time I saw it when you were working on
13 attempting to diversify the office, you
14 GIS'd for us all of the colleges where
15 you had recruited across the country. 04:57:22

16 And we are right now working extremely
17 hard to diversify our Philadelphia Police
18 Department. We passed a residency
19 requirement, but I want to see where your
20 office has recruited those who have been 04:57:34
21 interested in criminal justice so that we
22 can also ensure that some of those same
23 strategies are being employed for our
24 Police Department. So can you forward
25 that information to the President as 04:57:49

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 well?

3 MR. KRASNER: Yes, we can,
4 Councilmember. Those are law school
5 students of course, but we're happy to do 04:57:55
6 that. We do actually have a lot of
7 college graduates or college students who
8 come to the office. Often the college
9 graduates will come work with us for two
10 or three years, and then they will go on 04:58:06
11 to law school or go on to some other
12 profession or occupation. They tend to
13 find us rather than our finding them, and
14 often they are from this area, from some
15 of the great schools that we have in this 04:58:16
16 area.

17 But in terms of the active
18 recruiting, we'll be happy to provide the
19 list of all of the law schools where we
20 have been actively recruiting. Obviously 04:58:23
21 we do accept applications from everywhere
22 and anywhere, but we'll be happy to
23 provide that list.

24 COUNCILWOMAN PARKER: Then my
25 final two questions that I definitely 04:58:32

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 need to get on the record, because I have
3 some people in the community who are
4 listening right now. I want to give you
5 a hypothetical and I want you to tell me 04:58:40
6 what will happen.

7 If you were near Temple Road
8 and Phil Ellena, if you were near Olney
9 Plaza in Olney, if you were off of Rising
10 Sun Avenue where we've been having a 04:58:53
11 significant amount of crime taking place,
12 residents will tell you that, I called my
13 Councilperson and the Police Department
14 to talk about a number of folks who have
15 sort of just taken hold of a particular 04:59:10
16 corner or they're at a particular house
17 on the block. Marijuana now, it's all
18 day long. I'm afraid. And I want you to
19 put yourself -- most of these people who
20 are calling me, DA Krasner, these are 04:59:25
21 seniors, and the first thing we do when
22 this happens is, we call -- I don't care
23 if the 2nd, the 35th, or either the 14th.
24 I mean, I've gone out and walked with
25 officers, walked with captains and went 04:59:36

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 on corners and said, listen, here's my
3 number, my e-mail, text me, call me. You
4 know, need help with a resume, need help
5 with a job, let us know. We've had some 04:59:48
6 of our credible communicators
7 communicating with folks who are not that
8 far removed from where some folks are.

9 What response do I give to the
10 senior who says to me, Cherelle, I can't 05:00:02
11 sit on the steps, I'm on oxygen,
12 marijuana is being smoked right here just
13 constantly all day, I'm taking care of
14 the grand-kids, I don't even want them to
15 be able to come outside? What kind of 05:00:17
16 response do I give when we've sent City
17 agencies, services, a lot of the reentry?
18 What kind of response do I give? And
19 then they say, well, we call the police
20 and nothing happens. 05:00:32

21 MR. KRASNER: So just so we are
22 clear, this office has not prosecuted
23 possession, possession only, of
24 marijuana. We prosecute dealing
25 marijuana all the time. And the police 05:00:42

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 are well aware that we prosecute
3 essentially every marijuana dealing case.

4 We understand that in the
5 current state of law in Pennsylvania, you 05:00:52
6 know, the solution I think a lot of
7 people expect, which would be
8 recreational adult use marijuana in a
9 controlled way, the same way that we have
10 state store system, we expect that that 05:01:08
11 is coming. There seems to be bipartisan
12 support with both republicans and
13 democrats in the state legislature and
14 for using it as a source of taxation to
15 benefit public schools, things of that 05:01:17
16 sort. Some of that will eliminate some
17 of these issues.

18 But I just want to be very
19 clear. If any police officer who says
20 the DA's Office does not prosecute 05:01:27
21 dealing of marijuana is not telling the
22 truth. We prosecute it all the time. We
23 prosecute it in every case where there is
24 evidence to support it, and we will
25 continue to do that until there is a 05:01:38

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 change in the law.

3 COUNCILWOMAN PARKER: Okay. So

4 I want to get these last two on the

5 record, and I also need you to clarify 05:01:44

6 this for me. So you're telling me that

7 if the senior calls me because she wants

8 to sit on her porch and her neighbor, who

9 is not selling marijuana, but her

10 neighbor decides to sit on the porch with 05:01:55

11 his friends and they smoke marijuana

12 there non-stop, I have to tell the

13 senior, Senior, because they are not

14 selling marijuana or dealing marijuana

15 and they are only using it, there is 05:02:11

16 nothing that law enforcement can do? If

17 I say that, am I giving the right answer?

18 MR. KRASNER: Respectfully, no,

19 that's not the correct answer. First of

20 all, the police have been and continue to 05:02:22

21 give CVNs, which is a civil violation

22 notice for people who are in possession

23 of marijuana, something that began before

24 our administration started.

25 But, second, what you are 05:02:36

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 describing goes beyond the mere
3 possession of marijuana. What you're
4 actually describing is acting in a way
5 that is disturbing a neighbor by 05:02:42
6 proximity, by doing this publicly in a
7 way that is blowing smoke in the
8 direction of someone who, for example,
9 has impaired breathing, and that falls
10 within other criminal categories. That 05:02:52
11 could be something like disorderly
12 conduct. It could be something like
13 obstructing the highway. If police tell
14 people to leave and they won't leave,
15 then that can even rise to the level of a 05:03:02
16 misdemeanor disorderly conduct.

17 So the process you're
18 describing there, the activity there goes
19 well beyond simply possessing marijuana,
20 and there are legal remedies in terms of 05:03:14
21 potential to arrest and prosecution.

22 COUNCILWOMAN PARKER: Thank
23 you, Mr. President, for your leeway.

24 DA, I want to leave you with
25 these questions on the record. If you 05:03:22

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 can get a quick answer in, that would be
3 great. If you have to do it on the
4 second round, that's fine.

5 We talked last year about a 05:03:30

6 forward-thinking collaboration with the
7 Police Department and the DA's Office
8 where you would embed prosecutors in
9 different police districts. Give us an

10 update on what that is. 05:03:42

11 Next, in terms of that
12 collaboration, we talked about embedding
13 a DA data analyst in the Police
14 Department. So give us an update on
15 where we are with both of those. 05:03:52

16 And thank you, Mr. President,
17 for your leeway.

18 COUNCIL PRESIDENT CLARKE:

19 Thank you, Councilwoman.

20 MR. KRASNER: Thank you, 05:03:59

21 Councilmember. I appreciate that
22 question. We continue with our Assistant
23 DAs. These are prosecutors who are
24 actually working in the detective

25 divisions, six detective divisions, two 05:04:09

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 each. That is 12 people. It's been very

3 positive in a number of ways, although

4 the pandemic has interfered to some

5 extent, but there is an increasing level 05:04:17

6 of trust between police and these

7 prosecutors, which is positive. It has

8 become an excellent way for us to get a

9 lot of intelligence, and that

10 intelligence feeds our internal 05:04:27

11 intelligence unit.

12 It has aided the police in

13 various ways in terms of facilitating,

14 for example, their expediting getting an

15 answer on a warrant or something of that 05:04:37

16 sort, and we feel that that has been a

17 very positive situation.

18 I don't know exactly where we

19 are with the civilian data analyst,

20 although I do know that our data team, 05:04:51

21 which is 15 people, has regular meetings

22 with the Police Department, and there's

23 quite a bit of exchange of data and a

24 great relationship of trust there that

25 initially didn't exist. Of course we 05:05:02

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 didn't even have a data team at first.
3 But it's grant funded. They're doing a
4 good job. And I have to say the PPD has
5 done an excellent job of hiring civilian 05:05:09
6 data analysts who we feel are acting in
7 good faith, working with us in good
8 faith.

9 So that seems to be going well,
10 but I don't have a precise answer for 05:05:17
11 whether we have a data analyst embedded.

12 Does anybody on my staff have
13 that answer yet?

14 We do not yet. That is
15 something that we look forward to doing. 05:05:25

16 COUNCIL PRESIDENT CLARKE:

17 Thank you. Thank you, DA.

18 Thank you, Councilwoman.

19 The Chair recognizes Councilman
20 Johnson. 05:05:35

21 COUNCILMAN JOHNSON: Thank you,
22 Council President.

23 Thank you, District Attorney
24 Krasner, for being here, and as everyone
25 else has said, thank you. We 05:05:45

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 congratulate you on your victorious win
3 yesterday, mandate as well.

4 So a couple of my questions,
5 zeroing in on issues I always like to 05:05:52
6 focus on, the issue of gun violence.

7 And, one, I want to get an idea of the
8 level of progress that has been made with
9 the new task force review team with the
10 Philadelphia Police Department. I know 05:06:04

11 it started on December the 7th. We're
12 now in May. Obviously the level of issue
13 of gun violence is a key issue that we
14 all are addressing here in the City of
15 Philadelphia, and the only way we're 05:06:16
16 going to address it and reduce it and
17 eliminate it is all of us addressing it
18 collectively.

19 So can you give us an update on
20 the review team? 05:06:23

21 Also, do you have dedicated
22 funding in this budget request or plans
23 to increase your support for your Gun
24 Violence Task Force to help us track down
25 where these illegal guns are coming from 05:06:34

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 that are flooding the streets of
3 Philadelphia?

4 And the last, but not least, in

5 a totally different area, has your 05:06:41

6 administration thought about looking at

7 prosecuting individuals that are illegal

8 dumping as a matter of environmental

9 justice or maybe looking at -- I have an

10 interest in hopefully getting you and the 05:06:54

11 Philadelphia Police Department and a

12 couple other environmental groups

13 together around the table to begin

14 looking at the issue of illegal dumping

15 all throughout the City of Philadelphia, 05:07:03

16 which is rising to the point of a level

17 of urgency in terms of bringing down the

18 quality of life of our neighborhoods.

19 And also I just want to

20 acknowledge your community engagement 05:07:12

21 worker, Detective G. Lamar Stewart, who

22 has been on the phone with me on many a

23 nights when these homicides and shootings

24 are taking place, and Mike Lee for

25 working with my staff around policy and 05:07:25

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 legislation.

3 Go ahead, sir.

4 MR. KRASNER: Thank you,

5 Councilmember, and thank you for your 05:07:30

6 kind words for both G. Lamar Stewart and

7 Mike Lee, who are sitting about three

8 feet away from me where you can't see

9 them, that's how they are, slipping me

10 notes for when I goof up. But anyway, 05:07:44

11 they're right here, and I appreciate your

12 acknowledging them.

13 In terms of dumping, I know

14 that this was a focus and that we did

15 some press around it because we had 05:07:51

16 ramped up some of the enforcement around

17 dumping as of probably 18 months ago. I

18 cannot -- I have not had an update myself

19 in recent period of time, but my

20 understanding from ADA Lander Rotaco 05:08:05

21 (ph), who just walked into the room, is

22 that it's still going on and it's still

23 at an elevated level compared to prior

24 administrations, and we are happy to meet

25 and see what we can do further. I can 05:08:15

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 only imagine the pandemic has probably
3 made that situation worse for a whole lot
4 of reasons that we all understand.

5 In terms of the task force, 05:08:22

6 Councilmember, I've been a little sloppy
7 with my language, so I think what you're
8 referring to is the group of senior PPD
9 officials and senior people from our

10 office who meet weekly to look at cases. 05:08:33

11 That has been a very, very successful
12 engagement with PPD. As I may have
13 explained on another occasion, one of the
14 first things that they found was a small
15 flaw in the system, which is 80 cases. 05:08:46

16 They found about 19 cases where the DNA
17 was taken from the gun, but no swab was
18 taken from the defendant, and that of
19 course was the purpose, to match the gun
20 to the defendant. To the credit of the 05:08:57

21 PPD, they immediately remedied it for
22 those cases and they put in action what
23 was necessary to make sure that captains
24 and other supervisors would ensure that
25 the work got done. 05:09:09

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 We, on the other hand, agreed
3 to be as available as we could to
4 immediately approve warrants, because a
5 warrant was necessary for taking a cheek 05:09:15
6 swab or otherwise obtaining DNA from a
7 defendant.

8 So that was one early example.
9 Two of the ways in which we continue to
10 work with them, and I'm looking forward 05:09:23

11 to more progress as we move forward, are
12 in terms of looking at social media
13 immediately after people are caught and
14 before they're released, before they have
15 an opportunity to erase it. We want to 05:09:39

16 see what we can do there, and I have to
17 credit the PPD for doing a good job with
18 limited resources in that regard. But it
19 is so important, because often we have
20 cases that are okay but they're really 05:09:48

21 not home runs, and for us to be able to
22 go to social media and obtain from social
23 media crucial evidence that may show
24 involvement of shooting or the actual
25 carrying of a firearm in question is just 05:10:02

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 essential. So that's something we
3 continue to work with PPD to improve as
4 much as we can.

5 And then of course there are 05:10:09

6 issues around phones, and part of this
7 relates to forensics. I won't go too far
8 down that road other than to say I'm

9 still a champion of PPD having the

10 resources it needs to really dig into 05:10:19

11 phones. I mean, the fact is I wouldn't

12 want to invade Councilmember Jones's

13 personal space here, but everybody knows

14 that what is in a cell phone tells all

15 kinds of information. Even the United 05:10:32

16 States Supreme Court, who you would think

17 have pretty ordinary lifestyles, even the

18 U.S. Supreme Court has recognized

19 unanimously the high level of privacy in

20 those phones. 05:10:44

21 Why am I telling you this?

22 Because you need warrants. In order to

23 get into phones, you need warrants. And

24 to the extent we are able to get people

25 with that burner phone before it's thrown 05:10:50

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 away, we're able to get that warrant
3 right away, we're able to get in that
4 phone right away, we may find incredibly
5 important things in a city that is 05:10:58
6 struggling to solve shooting cases of all
7 types.

8 So those are some of the things
9 we continue to work on. There's a lot of
10 just sort of like really nitty-gritty 05:11:04
11 details about live stop and how we can do
12 live stop, better things of that sort to
13 go on. But I consider it a very, very
14 successful collaboration, and I think the
15 Commissioner would probably agree with 05:11:15
16 them.

17 COUNCILMAN JOHNSON: And those
18 efforts are all in the effort to make
19 sure that proper evidence is, I guess,
20 provided to you and your team for a 05:11:27
21 successful prosecution, correct?

22 MR. KRASNER: It is. Yes, it
23 is. It's also to make sure we got the
24 right person, because when there's four
25 kids in a car and there's one gun, we 05:11:38

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 want to make sure we got the right
3 person. That's essential to our task as
4 well.

5 We recognize that the police 05:11:46
6 are not going to be able to solve all
7 crimes. There's no way they can. We
8 recognize some cases are going to come in
9 with weak evidence and there's nothing
10 that we or police can do about it, but 05:11:55
11 what we want to do is make sure that we
12 absolutely maximize the available
13 evidence for each case, not just so that
14 we can obtain a conviction but also so we
15 can make sure we have the right people. 05:12:05
16 We fully understand big picture.

17 You know, I can think of
18 particular evidence grabs that we've done
19 over the last few years that took a
20 shooting case and turned it into five 05:12:14
21 homicides. One piece of evidence gave us
22 that, and that is incredibly important.
23 That's the kind of work that we love to
24 do with the PPD. We want to work with
25 them closely on that. So that's part of 05:12:28

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 what we hope by adding some forensic
3 capacity but also this process. So
4 they're telling us what they think we can
5 do better and we're telling them what 05:12:36
6 they might be able to do better in
7 supporting them. We hope we get to the
8 point where we have the City that's
9 solving some of these shootings at a
10 higher rate, at a higher rate (connection 05:12:48
11 issues).

12 COUNCILMAN JOHNSON: And my
13 last question as I wrap up, and I think I
14 asked this maybe about a year ago. So is
15 your team at the table with the 05:13:01
16 Administration's, I guess it's, Office of
17 Violence Prevention? There's a meeting
18 with Probation, Parole, I think DHS.
19 They meet on either a weekly or a monthly
20 basis. Is your team a part of that 05:13:21
21 strategy as we look at not just gun
22 violence but violence in the City of
23 Philadelphia as a whole, an intricate
24 part of that strategy?

25 MR. KRASNER: The short answer 05:13:32

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 is yes. We deal with OVP all the time
3 and not just in terms of GVI, which is
4 essentially a form of Focused Deterrence
5 in the City, but we have constructive and 05:13:42
6 frequent --

7 COUNCILMAN JOHNSON: We do have
8 Focused Deterrence running here in the
9 City of Philadelphia?

10 MR. KRASNER: Well, despite 05:13:49
11 what you may have heard recently from a
12 source of information that wasn't always
13 correct, yes, indeed. There is Gun
14 Violence Intervention, which is a form of
15 Focused Deterrence in the City of 05:13:59
16 Philadelphia.

17 We have frequent meetings
18 with -- a whole lot of communication with
19 DHS. Could it perhaps be more
20 structured? Perhaps, and we're willing 05:14:09
21 to work on that. We hope to interact as
22 much as we possibly can collaboratively
23 with other agencies.

24 COUNCILMAN JOHNSON: All right.
25 I'm going to wrap up, and I just want to 05:14:18

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 commend your team. The information I
3 didn't know until we had the Special
4 Committee on Gun Violence last hearing is
5 that y'all are going in schools and 05:14:24
6 talking to our young people, and that
7 provides to give them a sense of hope
8 that they can be more than what they may
9 see in their immediate neighborhood. So
10 I just want to -- y'all should talk about 05:14:34
11 that more from a trauma standpoint. It's
12 something that's needed in our
13 Philadelphia school system as well as our
14 charter schools, which are actually the
15 number one institutions that have young 05:14:45
16 people who have been shot and/or
17 murdered. So you have more young people
18 being shot and murdered in charter
19 schools than you have in traditional
20 public schools. 05:14:53
21 And so I just want to say hats
22 off to your team from that aspect, and
23 it's something that hopefully we can be
24 supportive of and it's talked about more
25 as we move forward. 05:15:02

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Thank you, Council President,
3 for your latitude.

4 District Attorney Larry
5 Krasner, congratulations again, and let's 05:15:05
6 keep fighting the good fight.

7 MR. KRASNER: Thank you,
8 Councilmember. Look forward to it.

9 COUNCIL PRESIDENT CLARKE:
10 Thank you, Councilman. Thank you. 05:15:11

11 The Chair recognizes Councilman
12 Thomas.

13 COUNCILMAN THOMAS: Thank you,
14 Council President.

15 And like many of my colleagues 05:15:17
16 said, congratulations, District Attorney
17 Larry Krasner. In the sense of time, I'm
18 not going to be too long, because we've
19 been at this all day so far.

20 Your presentation was very 05:15:27
21 informative. My colleague are asking
22 great questions, so most of my questions
23 have already been asked.

24 My first question is about the
25 exoneration unit. I am aware of a number 05:15:34

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 of different cases and situations where
3 people are growing somewhat anxious. I
4 think that the work that's been done has
5 been novel work thus far, but I think 05:15:47
6 what it does is is now starting the buzz
7 and folks are starting to get anxious,
8 because we know that we have people who
9 have been wrongfully incarcerated, and
10 these are incidents that have happened 20 05:15:59
11 or 30 years ago.

12 So if you could just take maybe
13 15 to 30 seconds to talk about what's
14 going on with that unit. I know you
15 talked about it in your PowerPoint. But 05:16:08
16 how does your ask as far as the number of
17 you're asking for in your budget relate
18 to the work that's being done there in
19 that unit specifically?

20 MR. KRASNER: Our ask -- well, 05:16:16
21 let me be quick. So the work we've done,
22 I must say, I think is tremendous and it
23 gives people hope and it makes them trust
24 that there is some fairness in the
25 system, which is incredibly important at 05:16:31

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 many levels, but when you give people

3 hope, they get hopeful. And so we have

4 increasing levels of people requesting

5 review of their cases to see whether 05:16:41

6 those cases have integrity. You can see

7 561 cases in '18, 804 in '19. And as we

8 grind through them, having a staff that

9 grew in a prior administration from

10 basically one and a half attorneys to 05:16:58

11 what is close to ten attorneys now, as we

12 grind them, it's just a ton of work.

13 We would love to be able to do

14 more and to do it more quickly. We

15 have -- we recognize the times we are in. 05:17:07

16 We have not asked for a bunch of

17 additional money to do that, but I'll

18 tell you right now, if we had another

19 million dollars, we could staff that with

20 several more attorneys and they could 05:17:17

21 move a lot more quickly.

22 I do understand the

23 anxiousness. We need to have experienced

24 attorneys to review these cases, and

25 obviously we also need experienced 05:17:27

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 attorneys to handle our most sensitive
3 cases in a courtroom.

4 So we have not actually asked
5 for a bunch of money to increase it, but 05:17:34
6 we would be delighted if City Council was
7 able to find a way that they could
8 provide additional funding, because we
9 would like to see those cases moved
10 forward more expeditiously. 05:17:45

11 COUNCILMAN THOMAS: Thank you.
12 I think for me I just -- maybe it's just
13 personal experiences. I have a number of
14 families who have just been reaching out
15 to me about this, and DA Krasner, you 05:17:56
16 know that I've reached out to your office
17 about this issue about people who are
18 constantly pushing me and forcing me to
19 push your office as it relates to this.
20 So I do appreciate the work, but at the 05:18:07
21 same time, in the midst of trying to
22 continue to be better for the citizens of
23 Philadelphia, I do think we have a lot
24 more to do and I want to continue to push
25 this area as well. 05:18:16

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 I do want to go to another line

3 of questioning, similar to what my

4 colleagues talked about, Councilmember

5 Parker as well as Councilmember Johnson. 05:18:24

6 Just specific anecdotes and stories

7 around gun violence and crime and

8 scenarios where people feel like that our

9 city is operating in a space of

10 lawlessness. A lot of us are 05:18:35

11 congratulating you. You just ran a tough

12 campaign. A lot of money was spent to

13 send out certain messages and

14 information, and I'm wondering now that a

15 lot of that is over, what are we going to 05:18:46

16 do to combat some of that messaging?

17 I'm extremely concerned as it

18 relates to where we are as a city as

19 we're going into the summer. Anybody who

20 is from Philadelphia knows that the 05:18:56

21 summertime is always when an exclamation

22 point goes on the activity that we've

23 seen leading up to the summertime.

24 So what can we do around

25 messaging, narratives, what can we do to 05:19:06

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 maybe have focus groups, conversations?

3 How can we better control narratives

4 around what we're doing around crime and

5 criminal activity in the City? 05:19:17

6 MR. KRASNER: I understand your

7 point. Well, you know, for a long time,

8 I was hopeful that there would be kind of

9 a united front with the Police

10 Commissioner and the Mayor, for example, 05:19:26

11 and we would have press conferences

12 weekly that would address these issues.

13 I am still open to that, and that is why

14 we started -- that's one of the reasons

15 why we started doing our own weekly press 05:19:36

16 conference in which on Mondays, every

17 single Monday, we cover the gun violence

18 that has happened in the prior week. I

19 did that and offered an invitation to the

20 Police Commissioner and also the Mayor 05:19:47

21 for them to join us at any time, and I am

22 glad to say that there's some of that

23 going on, but especially with a new

24 presidential administration, I think it

25 would be very helpful if everyone would 05:19:59

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 accept my invitation that the U.S.
3 Attorney and the PPD and the Mayor and
4 the Attorney General all come together
5 and present a united message on a regular 05:20:12
6 basis about what we're doing.

7 The fact is, we do the work. A
8 nearly 85 percent conviction rate on
9 shooting cases is very high by both
10 Philadelphia and national standards, 05:20:22
11 especially when it's done with integrity,
12 and it is. But I am actually hopeful now
13 that this primary is over that some of
14 the motivation for putting out certain
15 kinds of messaging is gone. I'm hopeful 05:20:34
16 that people are willing to deal with the
17 issues as they really are and that we can
18 get past that and everybody can press
19 reset, we can get past that and we can
20 work together more effectively, because 05:20:44
21 some of that motivation will be going.

22 COUNCILMAN THOMAS: Thank you.
23 And what I'll say is, that's something
24 that I'm extremely concerned about, and I
25 think one of the things that I know I'll 05:20:57

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 offer myself up and I think that we all

3 have to do collectively is to do

4 something around what we're doing as it

5 relates to our effort, not just 05:21:06

6 specifically to combat this issue of gun

7 violence. I think that communication is

8 happening, and people are starting to

9 hear it, but we got to start to see even

10 more transparency. 05:21:17

11 So another thing that I have

12 heard recommended in the midst of

13 Councilman Johnson's Special Committee on

14 Gun Violence hearings, we talked about

15 technology and social media and things 05:21:28

16 like that, so the monitoring of social

17 media and then the messaging around what

18 we're doing to monitor social media,

19 because the trauma that happens when

20 people commit a crime and then they go on 05:21:40

21 social media and brag, like that really

22 is impacting the retaliation. So if

23 people understood some of the things that

24 were going on, maybe it could limit some

25 of that. 05:21:49

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 But then also on the
3 communication and transparency side,
4 again, in the midst of thinking about
5 this messaging stuff, I do think that we 05:21:56
6 have to find a way to win that battle,
7 because right now I do feel like we're
8 losing it, and the summer is going to be
9 here very soon.

10 So I just want to keep pushing 05:22:05
11 you, your office, all of us involved to
12 rethink and think about what we're doing
13 around transparency.

14 And then the last thing I'll
15 say to close out, if someone was looking 05:22:13
16 for the places in the City that have the
17 most criminal activity outside of some of
18 these creative apps, like we need more
19 readily available information. I know
20 you say you do the press conferences, but 05:22:27
21 we also need more readily available
22 information so we are aware of the
23 criminal activity that's taking place but
24 then also the outcomes. Because often
25 when we're talking about criminal 05:22:37

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 activity, we hear when it first takes
3 place, there's no arrest, and I know you
4 do the weekly press conferences and
5 sometimes that communicates some of the 05:22:44
6 bigger incidents that happen, but, again,
7 more transparency, how can we figure out
8 like this is a high crime area and this
9 is specifically what we're doing to
10 combat some of the crime we see in this 05:22:54
11 high crime area.

12 I know that was a lot. You
13 don't have to respond, District Attorney
14 Krasner, because I know we're pressed for
15 time and colleagues want to go for a 05:23:02
16 second round, but I'm really just going
17 to keep pushing this, because, again, a
18 lot of us care about the gun violence
19 thing, and I think part of it is tangible
20 things that we need to do, but another 05:23:09
21 part of it is is a narrative that's out
22 there that we really need to find our way
23 to combat. Some of it is fictional, some
24 of it isn't, but the fictional stuff I
25 think we could do something about. 05:23:19

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Thank you, Council President.

3 Thank you, District Attorney

4 Krasner.

5 MR. KRASNER: Thank you, sir. 05:23:24

6 COUNCIL PRESIDENT CLARKE:

7 Thank you, Councilman.

8 The Chair recognizes

9 Councilwoman Gym.

10 (No response.) 05:23:34

11 COUNCIL PRESIDENT CLARKE:

12 Councilwoman Gym?

13 (No response.)

14 COUNCIL PRESIDENT CLARKE: One

15 more time. Councilwoman Gym? 05:23:46

16 (No response.)

17 COUNCIL PRESIDENT CLARKE:

18 We'll go on to Councilwoman Sanchez and

19 somebody can track the Councilwoman down.

20 The Chair recognizes 05:23:54

21 Councilwoman Sanchez.

22 (No response.)

23 COUNCIL PRESIDENT CLARKE:

24 Where is everybody?

25 Councilwoman Quinones-Sanchez, 05:24:07

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 I know you're here. Councilwoman, are
3 you still here?

4 (No response.)

5 COUNCIL PRESIDENT CLARKE: 05:24:17

6 Okay. All right. Well, you all are
7 witnesses. I called multiple times.
8 People can always reach you offline, as
9 you've indicated. So if there's some
10 additional questions, because we still 05:24:32
11 have the Defenders Association to go
12 today. So I want to get this on.

13 So, DA, again, thank you,
14 congratulations, and we look forward to
15 working with you. We're all in this 05:24:41
16 together. Time to move forward and get
17 it done. People are depending on us big
18 time. So thank you.

19 MR. KRASNER: Council
20 President, thank you for those kind 05:24:53
21 words. I look forward to visiting with
22 all members of Council individually and
23 trying to figure out what we can do
24 better and how we can be in a
25 relationship and how we can reset and do 05:25:02

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 a better job together. I really
3 appreciate the questions and I appreciate
4 you.

5 COUNCIL PRESIDENT CLARKE: 05:25:07
6 Okay. Thank you. Thank you. Thank you,
7 DA.

8 Next up we're going to have the
9 Defenders Association. Mr. Tauber?
10 There you go. 05:25:39

11 MR. TAUBER: Yes, I'm here,
12 Council President.

13 COUNCIL PRESIDENT CLARKE: I'm
14 glad to see somebody else is here.

15 MR. TAUBER: We're always at 05:25:46
16 our post over here.

17 COUNCIL PRESIDENT CLARKE: Good
18 afternoon. Okay. You're connected.
19 Just state your name for the record and
20 please proceed with your testimony. 05:25:55

21 MR. TAUBER: Very well. My
22 name is Alan Tauber.

23 Good afternoon, Council
24 President Clarke and distinguished
25 members of Council. My name is Alan 05:26:04

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Tauber. I am the Acting Chief of the
3 Defender Association of Philadelphia. As
4 many of you know, our former Chief, Keir
5 Bradford-Grey, stepped down in April of
6 this year. I was selected and agreed to
7 lead the agency while our Board conducts
8 its search for her successor.

05:26:14

9 For those Councilmembers who
10 have not had the pleasure of formally
11 meeting before today, let me say that
12 this opportunity to appear before you on
13 behalf of the Defender is really very
14 special to me. I started my career here
15 at the Defender 24 years ago before
16 joining the City's private bar and then
17 returned to the office to serve as First
18 Assistant at the request of Chief

05:26:24

19 Bradford-Grey. And so I'm excited and
20 honored to guide the Defender through
21 this transition and build upon the
22 foundation Chief Bradford-Grey laid for
23 the Defender to serve and be seen as the
24 largest and most skilled neighborhood
25 criminal defense law firm in the City.

05:26:35

05:26:46

05:26:57

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Joining me today is Carolyn

3 Jester, our Chief Financial Officer; Lori

4 Mach, our Deputy Defender; and Everett

5 Gillison, our Chief Administrative 05:27:08

6 Officer.

7 As you know, this time last

8 year in response to COVID-19, our court

9 operations were largely suspended by

10 court order. This closure understandably 05:27:19

11 and quite dramatically impacted case

12 processing. The closing of the courts

13 brought our justice system to an

14 unprecedented grinding halt, but while

15 the various ways for cases to exit the 05:27:32

16 system were blocked, arrests did not stop

17 and new cases continued to enter the

18 system. This imbalance resulted in

19 approximately 12,000 more open cases in

20 April of 2021 than there were open in 05:27:45

21 April of 2019.

22 To give you some context, in

23 April of 2019, a fairly typical

24 pre-pandemic month, the criminal legal

25 system resolved 4,916 cases. In April of 05:27:58

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 2020, it resolved 54 cases.

3 Court operations have slowly
4 resumed, but COVID-19 protocols have
5 severely limited case processing in the 05:28:11
6 Philadelphia courts. Today courts are
7 addressing cases at about 50 percent of
8 their pre-pandemic pace, which means the
9 backlog of cases has simply continued to
10 grow. Under current conditions, the 05:28:25
11 system struggles to keep pace with new
12 arrests.

13 As you can see, new cases
14 continue to outpace disposals throughout
15 2020 and into 2021, putting us deeper 05:28:38
16 into what can best be described as case
17 debt. I don't have to tell you that all
18 of the criminal legal system stakeholders
19 are facing a daunting amount of work.
20 This is particularly true for my office. 05:28:52
21 We represent 70 percent of all people
22 charged with criminal offenses in the
23 City and one in five of all homicide
24 cases.

25 What this means for Defender 05:29:03

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 services depends in large part on how
3 many new arrests are made each month and
4 how quickly avenues open for cases to
5 exit the system. Our current estimate 05:29:14
6 based on now a year's worth of data
7 suggests we will need to close
8 2,312 cases per month, about 100 more per
9 month than the 2020 average, just to keep
10 pace with new assignments. 05:29:30

11 But eliminating the backlog
12 will require our staff to close on
13 average 4,300 cases per month for the
14 rest of this year, nearly double the
15 average monthly cases we closed in 2020. 05:29:43
16 With our current staffing reduced 4
17 percent last year due to COVID-19 budget
18 cuts, our staff is obviously looking at a
19 significant increase in everyday
20 workload. 05:29:58

21 Though it will mean an even
22 heavier burden upon reopening in June and
23 into the foreseeable future, we remain
24 committed to expediting our clients'
25 cases. Additional delays in addressing 05:30:09

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 these cases have very real and severe
3 adverse impacts on our clients and their
4 families, especially as so many
5 Philadelphians are still reeling from the 05:30:21
6 devastating economic impacts of the
7 pandemic. They literally cannot afford
8 to have pending charges hanging over
9 their heads.

10 Waiting for trials to resume is 05:30:31
11 even more life-threatening for our
12 incarcerated clients, who face difficult
13 and sometimes dangerous conditions in the
14 jails due to the rising prison population
15 and ongoing staff shortages. Unnecessary 05:30:43
16 delays threaten not only our clients'
17 well-being, but the very integrity of our
18 system by jeopardizing the liability of
19 case outcomes.

20 Clients who face interminable 05:30:56
21 postponements are confronted with the
22 Hobbesian choice of forfeiting their
23 right to a trial in exchange for a
24 potentially ill-advised guilty plea
25 simply from the perception that they need 05:31:08

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 to do so to protect their own physical
3 safety.

4 Our incarcerated clients'
5 physical safety has been and remains a 05:31:15
6 top priority for our office. It drove
7 our efforts to decarcerate the City jail
8 last spring when the jail itself was the
9 epicenter for Coronavirus infection in
10 the City. 05:31:28

11 This City Council's investment
12 in the Defender allowed us to make
13 significant technological investments
14 over the past five years. These
15 investments have enabled our attorneys to 05:31:38
16 work remotely to identify clients for
17 motions and expedited hearings. The
18 court closure in 2020 was announced on a
19 Tuesday. By that Friday, our attorneys
20 had already begun preparing and filing 05:31:51
21 motions to secure release of our clients.

22 All of our attorneys and most
23 of our social workers were able to fully
24 work remotely and access all of the
25 necessary criminal justice databases in 05:32:02

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 support of this effort. Because we were
3 able to access our accurate and
4 well-maintained case management system
5 remotely, we were able to generate the 05:32:13
6 daily lists for courts and the District
7 Attorney's Office when remote hearings
8 began on April 7th, 2020. We were also
9 able to staff the remote hearings not
10 only with attorneys but with social 05:32:29
11 workers, who provided the court with
12 detailed release plans created for
13 clients and up-to-date information about
14 ever-changing services provided by
15 community partners and congregate care 05:32:39
16 placements.

17 When our initial effort to
18 secure a lease was not successful, our
19 staff continued to work to find
20 additional supports for our clients, such 05:32:48
21 as transportation, housing, telehealth
22 services, until the judge was reasonably
23 assured that the clients' release did not
24 pose a risk to public safety.

25 As a result of these efforts, 05:33:02

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 we achieved a historically low jail
3 population, which both saved the City
4 money, by our estimates upwards of
5 \$15 million at a time when there were
6 serious financial concerns, and which
7 enabled the jail to employ social
8 distancing protocols to mitigate the
9 spread of COVID-19.

05:33:13

10 Despite the limitations
11 COVID-19 safety protocols placed on the
12 operations of the court, our office
13 continued to prepare our cases. New
14 clients were interviewed and connected to
15 services. Investigations went on. Bail
16 and detainer motions were litigated
17 daily. And we helped create and staff
18 remote hearings in both Family Court and
19 the adult criminal courts.

05:33:26

20 Improved communications with
21 our clients also became a top priority.
22 We were able to restructure our client
23 interviews to expand early bail review,
24 ensuring that all incarcerated clients
25 are assigned to be interviewed within

05:33:37

05:33:49

05:34:01

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 three business days of their arrest.

3 We developed a remote interview
4 system and an online Ask a Defender form,
5 which will likely remain an option for 05:34:10
6 our clients to continue to use after the
7 restrictions of the pandemic lift.

8 We established a Municipal
9 Court hotline that was staffed with
10 attorneys every day to answer or respond 05:34:19
11 to questions and concerns from our
12 clients and their families. We also
13 updated our phone system to effectively
14 triage and respond to the thousands of
15 calls we received each week. 05:34:31

16 Some units, like our Probation
17 and Alternative Sentencing Unit,
18 continued with little interruption. Our
19 technological investments allowed staff
20 from that unit to interview incarcerated 05:34:44
21 clients in advance of their probation
22 hearings remotely from the courthouse and
23 provide realtime individualized
24 information to judges on the bench.

25 Other units, like our Children 05:34:55

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 and Youth Justice Unit, found creative
3 ways to divert cases that did not require
4 a criminal justice system response away
5 from the court system.

05:35:04

6 Our attorneys provided
7 individualized social history information
8 to the District Attorney's Office and
9 piloted a new community-based pretrial
10 support system for youth at the time they 05:35:15
11 needed it most, and that was done at no
12 cost to the courts or any other City
13 agencies to support the initiative.

14 Our emergency petitions in the
15 heart of the COVID pandemic and expedited 05:35:29
16 hearings in the spring were successful in
17 decarcerating the jail. Over 1,470
18 people were released as a result.

19 Although the jail population
20 has been steadily rising since reaching 05:35:43
21 the historic low on May 8th of 2020, the
22 situation that we see today would have
23 been much more -- would have been far
24 worse if not for the success of the
25 program in reducing the population last 05:35:57

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 year.

3 Now that the people released

4 during that program -- now that the

5 people have been released for over a 05:36:09

6 year, we can confidently say the effort

7 to decarcerate the jail did not have an

8 adverse impact on public safety. We

9 closely followed the outcomes of our

10 clients who were released and we observed 05:36:21

11 rearrest rates. We observed that the

12 rearrest rates were consistent with those

13 historically reported in other reentry

14 context in the City, despite the

15 particular economic hardships faced in 05:36:34

16 the City this year.

17 If there is some small silver

18 lining in the pandemic, it is that we

19 have proven that with careful

20 collaboration among the justice partners, 05:36:44

21 prison population can be controlled

22 without any enhanced risk to public

23 safety.

24 Continuing to build our

25 community partnerships enables us to 05:36:55

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 achieve the best possible outcomes for
3 our clients. This year while many of our
4 partnerships moved away from in-person
5 events and into the virtual space, we 05:37:03
6 learned these relationships are here to
7 stay. Participatory defense brought to
8 the City by Keir Bradford-Grey is a
9 dynamic community-driven model and
10 provides support for people facing 05:37:15
11 criminal charges. The participatory
12 defense hubs continue to help people who
13 have been arrested and their families
14 navigate the criminal legal system
15 throughout the pandemic. All but two of 05:37:26
16 the eight hubs throughout the City now
17 meet weekly to support clients, and
18 despite the limitations on in-person
19 gatherings, our community partnership
20 coordinator has facilitated the 05:37:35
21 installation of two additional hubs in
22 the City, which are expected to launch
23 later this year.
24 Similarly, our pre-entry
25 partnership, a network of community-based 05:37:45

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 agencies that provides support to people
3 who have been arrested, has become a
4 model alternative to a cash bail system.

5 Over 35 agencies have signed formal 05:37:57

6 partnership agreements, and nearly 50
7 organizations attend our bimonthly
8 partnership meetings. These

9 organizations are all working to be part
10 of a solution that hold people 05:38:09

11 accountable without unnecessarily
12 saddling them, often from communities of
13 color, with a lifelong burden of a
14 criminal conviction.

15 Restorative response - the 05:38:19

16 criminal charges filed against those who
17 participated in last year's protests of
18 the killing of unarmed Black people
19 provided a unique platform to highlight
20 our commitment to reducing racial 05:38:31
21 inequity in the criminal legal system.

22 The Defender has worked with private
23 members of the Bar, Troy Wilson, Paul
24 Hetznecker, to develop the Restorative
25 Response Program for the civil unrest 05:38:42

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 cases. Those who participate in the
3 program, nearly all of whom are young
4 people of color, will exit the system
5 free of felony convictions that would 05:38:51
6 otherwise have shut off all manner of
7 professional, educational, and business
8 prospects in their young lives. Because
9 we represent over 500 of the people
10 charged in these cases, the Defender has 05:39:03
11 taken the lead in making the Restorative
12 Response Program a reality.

13 We anticipate the overwhelming
14 majority of participants will complete
15 the program and be eligible for automatic 05:39:12
16 expungement of their arrests before the
17 end of the summer.

18 We know that we as criminal
19 legal system stakeholders stand at a
20 crossroads. Our city is hurting, and I 05:39:24
21 would be remiss not to acknowledge that
22 suffering people who have been impacted
23 by increased violence in the City have
24 experienced.

25 I will not pretend we don't 05:39:33

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 have a daunting job before us, but we
3 also know this is not a time to cut
4 corners or to return to shortsighted
5 policies that data and history have shown 05:39:42
6 to be ineffective. Traditional justice
7 system responses only serve to exacerbate
8 the root causes of violent behaviors and
9 perpetuate racial injustice.

10 The Defender Association of 05:39:52
11 Philadelphia believes that now is the
12 time to commit to long-term investment in
13 public safety. That means investing
14 resources into innovative policies and
15 programs that limit criminal justice 05:40:01
16 responses to those that most
17 fundamentally require a criminal justice
18 response.

19 A well-funded Defender is an
20 investment in more reliable and just 05:40:12
21 outcomes for the people we represent.
22 Moreover, it helps ensure a fair, more
23 efficient criminal justice system that
24 advances the cause of public safety and
25 justice for all Philadelphians. 05:40:23

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 I appreciate your time and will
3 be happy to take any questions.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you. Thank you so much. 05:40:44

6 A couple of questions. Parity
7 for a long, long time, parity was an
8 issue. Are we good now?

9 MR. TAUBER: Council President,
10 we're close. We're close. We're getting 05:41:13
11 closer, and we will probably be
12 addressing that with Council at the next
13 budget cycle.

14 As you know, we are -- we are
15 the most recent union shop in the City, 05:41:27
16 and we are in the process of negotiating
17 our first collective bargaining agreement
18 with the UAW local for our attorneys, and
19 we're in the midst of discussing issues
20 of compensation and benefits. We expect 05:41:47
21 to address this in a comprehensive way
22 during the next budget cycle.

23 COUNCIL PRESIDENT CLARKE:

24 Okay. So actually the District
25 Attorney's Office talked about the 05:42:01

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 backlog in our court system and court

3 cases. Has this -- I'm assuming it has.

4 How has this impacted your ability to

5 adequately represent defendants? 05:42:12

6 MR. TAUBER: Thank you for that

7 question. We have -- the budget cuts

8 last year resulted in our leaving certain

9 professional positions unfilled, both

10 professional and support staff positions 05:42:30

11 unfilled. That included attorneys,

12 investigators, social workers.

13 The caseloads -- the case

14 volume that we're looking at is a

15 significantly daunting one, and as I 05:42:42

16 indicate in my testimony, we estimate

17 that there will be -- it will take a

18 substantial effort to get back to an

19 equilibrium. That means even if we --

20 even in the budget that we have submitted 05:43:00

21 and which the Mayor has recommended,

22 there will be added work even if we

23 backfill all those positions, but without

24 filling those positions, it would be --

25 it would really push us almost to the 05:43:16

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 breaking point to add the additional work
3 to the reduced staff we have now.

4 People have been working under
5 very difficult conditions. Attorneys 05:43:25
6 have been going to the prison, visiting
7 clients in the prison, even during some
8 of the darkest days of the pandemic, and
9 have endured a lot of hardships this past
10 year, and we think it's critical to be 05:43:39
11 able to fill those positions and come
12 back to what our proposed 2020 staffing
13 levels are if we're going to have any
14 chance of digging out of this backlog.

15 COUNCIL PRESIDENT CLARKE: 05:43:58
16 Okay. And I think you've indicated that
17 you are the interim?

18 MR. TAUBER: Yes. That's
19 correct.

20 COUNCIL PRESIDENT CLARKE: Are 05:44:06
21 you seeking --

22 MR. TAUBER: So our Board, I
23 believe, is about to announce the search
24 of a new chief for the office next week,
25 and that's going to be a nationwide 05:44:19

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 search. So it will -- I'll be here for a
3 while at the very least before that
4 process is completed.

5 COUNCIL PRESIDENT CLARKE: 05:44:29

6 Okay. Are you interested in being
7 permanent?

8 MR. TAUBER: I'm considering
9 that.

10 COUNCIL PRESIDENT CLARKE: All 05:44:36
11 right.

12 MR. TAUBER: My experience has
13 been actually very positive in the past
14 month and it's been quite gratifying to
15 lead the organization at this moment. 05:44:45

16 COUNCIL PRESIDENT CLARKE:
17 Okay. All right. Well, thank you.

18 Are there any other questions
19 by members of the Committee for this
20 witness? 05:44:55

21 COUNCILMAN THOMAS: Council
22 President, it's Councilmember Thomas.

23 COUNCIL PRESIDENT CLARKE: The
24 Chair recognizes Councilman Thomas.

25 COUNCILMAN THOMAS: Thank you, 05:45:00

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 Council President.

3 First of all, I just want to
4 say congratulations to our Interim Public
5 Defender. I appreciate the work you're 05:45:06
6 doing already.

7 Just real quick before we close
8 out this one, I wanted to specifically
9 talk about data as it relates to your
10 budget. My office has been put in the 05:45:16
11 position where we've been able to get
12 some data that has helped drive our
13 legislation and the work that we've done,
14 and Council President talks often about
15 legal opinions, and that's another thing 05:45:27
16 we've been able to get from the Public
17 Defenders' Office.

18 So I'm just wondering, when
19 looking at data and the work that you're
20 doing around criminal justice reform, 05:45:38
21 what's your future plans around data and
22 how the work that's being done around
23 data collection can impact some of the
24 criminal justice reform that you just
25 talked about? 05:45:49

1 5/19/21 - WHOLE - BILL 210320, ETC.

2 MR. TAUBER: Sure. Thank you,

3 Councilmember. I returned to the office

4 about two years ago, and one of the

5 things Chief Bradford-Grey had done when 05:45:57

6 she started was developed a policy unit,

7 and one of the principal objectives of

8 the unit was to gather data about

9 policing and about court results and

10 begin to measure all facets of the 05:46:14

11 criminal process, and it's been very --

12 the efforts to date have been very

13 successful and very illuminating and

14 helpful.

15 Our attorneys have been able to 05:46:26

16 gather a significant amount of data about

17 policing initially, and it was -- as

18 you're aware, because we shared this with

19 City Council, it revealed some very

20 disturbing patterns of racial bias, and 05:46:42

21 that information, my understanding, is

22 informing some legislation that we're

23 hopeful will shortly be enacted.

24 That work goes on. We want to

25 expand that. We want to expand these 05:46:58

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 efforts into some other areas,
3 particularly including the provision of
4 social services and to measure the
5 benefits and impacts of the support our 05:47:13
6 community groups and our social services
7 providers provide to our clients.

8 So the old adage, what can't be
9 measured can't be managed, what we'd like
10 to do is see what the -- we'd like to see 05:47:28
11 who is succeeding, how well they're
12 succeeding, and then that would make our
13 efforts at connecting our clients to
14 needed services more efficient.

15 We also believe that what we 05:47:39
16 know to be true anecdotally, which is
17 connecting our clients to services
18 results in more successful criminal case
19 outcomes. When I say that, I mean that
20 it reduces recidivism and it also makes 05:47:54
21 life outcomes better for our clients as
22 well. We'd like to measure that. We'd
23 like to inform City Council, the courts,
24 and the District Attorney of that -- of
25 how those efforts are successful, because 05:48:08

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 we believe that information will lead to
3 reform, will lead to better
4 decision-making and prosecution,
5 sentencing, probation, and every aspect 05:48:20
6 of the criminal process.

7 And the last area that we
8 really would like to initiate is data
9 collection on conditions of confinement,
10 which has been a real subject of concern 05:48:32
11 in the past year.

12 In the first couple of months
13 of this year, I spent a lot of time
14 reading. I'll tell you, I read hundreds
15 of letters from clients who are in jail, 05:48:48
16 and there are a lot of hair-raising
17 stories about the conditions there. I
18 sat in on Council's hearings in March
19 when we were talking about vaccination
20 and the correction officers came and 05:49:02
21 spoke of the conditions of confinement.
22 We would like to capture this data,
23 because we think that will also lead to
24 very, very critical and important
25 reforms, both potentially through 05:49:13

1 5/19/21 - WHOLE - BILL 210320, ETC.
2 legislation but reforms and, again, how
3 prison is used by the judges, how it's
4 requested by the District Attorney, and
5 how it's viewed by the Department of 05:49:26
6 Probation and Parole.

7 So those are areas where we are
8 just starting to look into and starting
9 to work with, and with the budget we
10 proposed, we can make real headway in 05:49:37
11 those areas.

12 COUNCILMAN THOMAS: That's good
13 to hear. Thank you for the response, and
14 I just want to say also thank you to Kate
15 Parker and the entire team over there who 05:49:48
16 leads that effort, and I'm glad to hear
17 that this is something that's going to
18 continue. So thank you. We appreciate
19 you.

20 Thank you, Council President. 05:49:55

21 COUNCIL PRESIDENT CLARKE:

22 Thank you, Councilman.

23 I'm not seeing any additional
24 questions by members of the Committee for
25 this witness. So with that, I want to 05:50:03

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1 5/19/21 - WHOLE - BILL 210320, ETC.

2 thank you very much.

3 MR. TAUBER: Thank you, Council
4 President.

5 COUNCIL PRESIDENT CLARKE: Good 05:50:11
6 luck as it relates to your potential
7 tenure.

8 MR. TAUBER: Thank you, Council
9 President.

10 COUNCIL PRESIDENT CLARKE: All 05:50:17
11 right. If there are no other questions
12 or comments, the Committee will stand in
13 recess until Monday, May 24th, 2021 at
14 9:30 a.m., at which time we will
15 reconvene on Microsoft Teams. I would 05:50:35
16 like to say that will be callbacks for
17 Monday.

18 So thank you all and, again, be
19 safe, and see you guys in the morning.

20 (Committee of the Whole
21 adjourned at 3:43 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
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