



AFSCME-LOCAL 810-DISTRICT COUNCIL 47

**AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES AFL-CIO
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA-COURT OF COMMON PLEAS PROFESSIONAL EMPLOYEES
1606 WALNUT STREET--PHILADELPHIA, PA 19103 (215) 893-3754**

Louise Carpino, President · Mario Ferrari, Vice President · Jim McGee, Treasurer · Lisa Poe-Dickens, Secretary

EFFECTS OF MAYOR NUTTER'S PROPOSED BUDGET ON THE PHILADELPHIA ADULT PROBATION AND PAROLE DEPARTMENT (APPD)

Envision or picture the criminal justice system as a large circle with the police at the top, circling down to the courts, district attorney and public defender, then going back up with probation and parole (courts) and finally ending at the top again with the prisons.

Funding for the police and the prisons has been growing over the past ten years, while funding for the courts and the district attorney has declined. Therefore police can continue to make the arrests, but the courts and the district attorney are unable to process the volume. 58% of arrests are dismissed simply because they cannot be presented in time. These individuals are released only to be arrested again. Of the arrests that are adjudicated, 70% are placed on probation or parole. Because the Adult Probation and Parole Department (APPD) cannot closely supervise this large volume of cases, these individuals are re-offending, getting arrested by the police and being recycled through the already clogged up system. Depending upon the nature of the new arrest, the offenders on probation/parole will be held in the prisons on probation detainers unable to make bail until the outcome of their new arrest is determined. If convicted, a Violation of Probation hearing must be held, where again time constraints because of backlogs create scheduling problems. During this process, the offender is held in the prisons on the probation detainer, unable to make bail. 75% of offenders in the Philadelphia Prison System are in pre-trial status with as many as half of those being held on probation detainers.

These logistically complex backlogs are exacerbated each year when the courts and the district attorney continue to be funded at a rate much lower than the prisons or the police. In fact, this funding scenario, where all the parts of a system are not funded equally, wastes the money that is spent on the adequately funded parts. The police have to keep arresting the same individuals, some of whom are violent and dangerous, and the prisons must pay enormous overtime costs and settle lawsuits because of overcrowding,

not to mention their inability to attempt any sort of real rehabilitation because of dangerous conditions created by overcrowding.

The 2010 budget that the Mayor has offered to the courts is even less adequate than 2009 and will force the courts to either lay off over 200 workers or to close the courts 2 days per month.

APPD is already down 43 officers because of the hiring freeze that was imposed due to last year's budget cuts. This forced the APPD to stratify the caseloads to concentrate on the more violent offenders by creating larger administrative caseloads (500 offenders per caseload) of what they determined to be "low risk" offenders. Many of these "low risk" offenders have drug/alcohol problems that will not be addressed under this type of supervision and are certain to get worse. But, because of the extreme understaffing created by the large turnover (veteran officers make sub-standard wages) and the hiring freeze, these offenders will not be able to be rehabilitated by the APPD. "Triaging out" the most violent offenders was the best that could be done given the existing funding levels, even though some violent offenders are drug dealers that are certain to now have more customers and less incentive to stop their criminal activity because drug use by "low risk" offenders will surely increase without drug/alcohol treatment.

If the courts close for 2 days per month, the 58% of cases that are dismissed for time reasons will rise to a level that will be extremely dangerous. This could create a situation where 70% of the arrests the police make are never presented. Also, with this dismissal rate, serious crimes will not be prosecuted, creating dangerous conditions in the community.

Many offenders are already aware of this dismissal rate and no longer hire an attorney right after arrest. They play a numbers game instead, banking on the close to 60% chance that the case will be dismissed for time reasons. Imagine their delight if the courts are closed 2 more days per month and the dismissal rate rises to 70%. The police will still be able to make the arrests, but if there is only a 30% chance that there will be consequences for the criminal activity, the police will be wasting a lot their time and the criminal activity is bound to increase.

Clearly, this existing method of funding is detrimental to the proper functioning of the criminal justice system and the safety of communities and needs to be adjusted. Businesses and homeowners can be given all the

enticements in the world, but in reality people do not want to do business, to work, to play or to live in an environment that has uncontrolled criminal activity.

PROPOSED CHANGES

(1) AFSCME DC 47 Budget Task Force worked with Local 810 to develop cost savings for the criminal justice system in the areas of prisons and probation.

- Roughly 70% of offenders have drug and/or alcohol abuse/addiction problems.
- Disease model of addiction advocates early intervention to prevent development of disease.
- President Obama recently appointed University of Pennsylvania's A. Thomas McLellan as second in command to the nation's drug czar.
- McLellan, known as the "father" of the disease model of addiction, advocates for early intervention to prevent the progression of the disease.
- This creates the assumption that new federal dollars for drug treatment will be available for states and cities.
- Lack of resources allocated to APPD prevents the early intervention drug/alcohol treatment that prevents the progression of the "disease", and the increasingly more serious crime that is associated with this progression.
- Existing data shows that compulsory drug treatment through the criminal justice system is effective in rehabilitating offenders and improving recidivism.
- Limited resources are forcing criminal justice professionals to re-think how monies are allocated in order to get the best return for their investment.

- Approximate costs are \$35,000 per year to house a non-violent offender in jail versus \$1,000 per year to supervise that same non-violent offender on probation/parole.
- Investing in early intervention by hiring more probation/parole officers will pay off not only by reducing prison costs, but by reducing the violent crime associated with drug dealing and with the more advanced stages of drug/alcohol addiction.
- Hire new probation/parole officers, so that veteran officers can intensely supervise non-violent offenders released on parole (with judicial approval).
- Non-violent offenders can be rehabilitated through drug/alcohol programs while being supervised on probation/parole.
- Non-violent offenses are generally defined as those without a victim.
- Savings per year, per non-violent offender is \$34,000.
- Rehabilitated non-violent offenders will no longer be using illegal drugs, thereby making drug dealing a less profitable and attractive criminal activity for violent offenders.
- Less drug dealers will help law enforcement to reduce the violent crime that is associated with disputes over drug territories, especially by gangs.
- Early intervention in drug and alcohol abuse/ addiction problems can not only rehabilitate non-violent offenders, but can also affect violent crime associated with drug dealing.
- Total savings by hiring 11 more probation officers and releasing 1250 non-violent offenders on parole (with judicial approval) is 42,875,000 per year.
- By only considering ½ of this amount in savings, \$21,437,000 could be saved per year (see flyer).

(2) Councilman Curtis Jones, Jr. is advocating for the creation of Community Courts that are in the community, similar to the Red Hook Community Justice Center in Brooklyn, NY.

- If any offender that a judge feels can be successfully supervised in the community is ever to live up to the judge's assessment, the probation officer must be out in the community where the offender lives. This is where the treatment facilities are, the offenders homes are, and where family, friends are.
- APPD supervises 50,000 offenders from a 14 story high-rise building in Center City Philadelphia.
- This type of supervision from the office is called "Bunker" or "Fortress" probation and according to the 1999 "Broken Windows" study actually promotes recidivism.
- Working in a "bunker" prevents the probation officer from properly supervising and rehabilitating the offender.
- Creating Community Courts that are in the community would allow probation officers to work at these courts that are near where the offenders live, so proper rehabilitation and supervision could take place.
- Proper supervision and rehabilitation would provide a unique opportunity for the Probation Officer to affect positive change with individuals while saving the taxpayers the costs of incarceration and protecting the community.
- Community Courts in the community would divert new non-violent offenders into early intervention programs that would attempt to correct the criminal behavior before actual adjudication, thereby lessening the arrest backlog that already exists in the courts.
- Lessening arrests would lessen the offenders sent to prison and placed on probation.

- Less pressure on the Court System will in turn allow the existing backlog to be reduced; thereby lessening the amount of arrests that are thrown out before they even have a chance to be presented.
- Less pressure on the Prison System will result in less crowding so that those in custody will be able to participate in rehabilitative programs while in jail.
- Lessening arrests would allow offenders that successfully complete the Community Court program to avoid a criminal record that impedes so many offenders from finding viable employment.

To structurally repair our Criminal Justice System, funds must be evenly allocated, with focus on treatment that saves money and lives. Rehabilitated offenders can become productive members of our communities. They will be able to take care of their children, work, pay bills and taxes and set an example for youth in the communities. If the Mayor continues to unwisely invest dollars in an unevenly funded Criminal Justice System, he will in effect be unwittingly promoting recidivism.