

First Judicial District

Testimony

Fiscal Year 2012 Operating Budget

Presented to: Philadelphia City Council – Committee of the Whole
Honorable Anna C. Verna, Council President

Date: *April 26, 2011*

On behalf of: The First Judicial District of Pennsylvania
Philadelphia Court of Common Pleas
Philadelphia Municipal Court
Philadelphia Traffic Court



By: Honorable Pamela Pryor Dembe, President Judge, Court of Common Pleas,
and Chair, Administrative Governing Board
David D. Wasson, Esq, District Court Administrator, First Judicial District
Charles A. Mapp, Chief Deputy Court Administrator
Kevin A. Cross, Deputy Court Administrator, Financial Services

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Testimony

A) INTRODUCTION AND BUDGET REQUEST

Good Morning, Council President Verna and Council Members of the Committee of the Whole. I am David D. Wasson, Esq, Court Administrator for the First Judicial District (FJD) since March 2011, and with me is Charles A. Mapp, our new Chief Deputy Court Administrator. Also with us is the President Judge of the Court of Common Pleas and Chair of the Administrative Governing Board, Pamela Pryor Dembe, and Kevin A. Cross, Deputy Court Administrator for Financial Services. We are here to submit testimony in support of the District's Fiscal Year 2012 General Fund and Grants Revenue budget request. This testimony will highlight our request for enhanced service delivery, status of the Family Court facility, update on the Clerk of Court transition, revenue contributions, diversity and minority business participation and efficiencies, returns on investment and accomplishments. A link to our website is provided here to view our most current annual report. <http://www.courts.phila.gov/publications/index.asp#reports>

Table 1 details the FY12 General Fund budget request as submitted by the City-Administration. The funding for the Clerk of the Courts was added to the FJD budget in mid-year FY11 and completes the transition of this function to the First Judicial District. The funding for the ARRA funded positions restores fifty-two positions to the General Fund after two years funded by federal stimulus monies. The counsel fee and juror fee increase ensures that uninterrupted payments are maintained in FY 2011 and 2012.

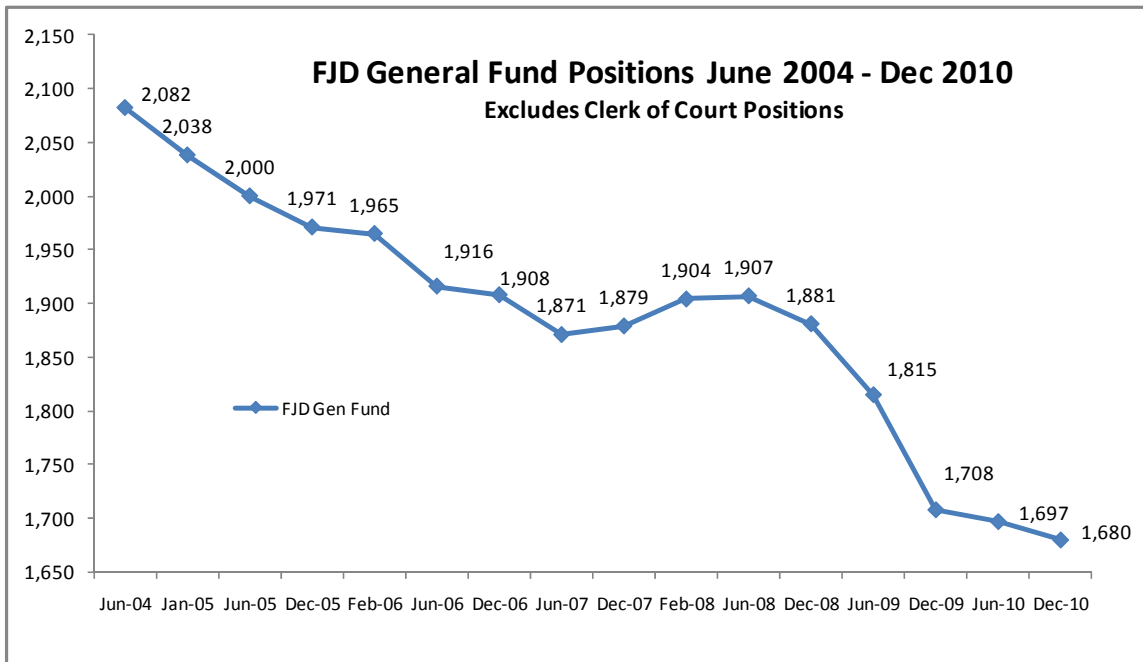
Table 1: FJD FY12 Proposed Appropriation & Enhanced Service Request

FY12 Original Appropriation	99,096,983
Funding for Clerk of Courts	4,367,340
ARRA Funded Positions	2,400,000
Funding for Juror and Counsel Fee Shortfall	1,000,000
FY12 FJD General Fund Proposed Appropriation	106,864,323
Restoring Clerk Reductions (\$366,000 & \$181,972)	547,972
Other Grant Shortfalls	450,000
Expansion of Accelerated Misdemeanor Program	600,000
Funding for Counsel Fee Increase	2,000,000
Enhanced Supervision Services	2,000,000
FY12 Adjusted Budget with Enhanced Service Request	112,462,295

The other items in Table 1 were included in our budget letter to the Mayor dated January 21, 2011, but as of this date are not funded and we ask City Council's consideration for funding these items.

As detailed in our prior year testimony, the District has absorbed substantial reductions in our General Fund budget, participated in the City's Recovery program and re-engineered its workforce. The District has assumed its fair share of reductions, with its budget reduced from \$114.5 to \$99.1 million or 13.5% since December 2008. The reduction culminates the elimination of four hundred General Fund positions (400) over six years (detailed in Chart 1) excluding the assumption of the Clerk of Court function. We are pleased to have funding restored for the previous ARRA positions to the General Fund, knowing that our participation in the City's Recovery efforts has helped stem-off the City's worst economic downfall since the Great Depression.

Chart 1: FJD General Fund Position Levels: June 2004 – December 2010



The FJD further acknowledges the supplemental funding for court-appointed counsel and juror payments for FY11 and FY12. This will offset FY10 reductions. Going forward, the Courts and the City must consider developing a strategy to fund a fee increase for

criminal appointments, which have had only minor increases since 1996. There are legitimate concerns that current rates may affect the quality of justice.

(B) ENHANCED SERVICES REQUESTED

1) Clerk of Courts Reductions

In March 2010, FJD assumed the functions of the Clerk of Quarter Sessions, now known as the Clerk of Courts. When this occurred, FJD faced two budget reductions totaling \$548,000. These funds must be reinstated into the budget for the clerks and courtroom support staff to support Zone Court, the Accelerated Misdemeanor Program and other programmatic initiatives. The newly formulated Clerk of Courts has reduced overtime and sick time usage, received training in courtroom operations and revenue collections will exceed last year's amount.

2) FJD Grant Shortfalls

We will lose grants such as the Victims of Juvenile Offenders grant (not renewed in the Governor's budget), Restrictive Intermediate Punishment Program and Preventing Homicide with Probation and Parole Program. Collectively, these total over \$450,000 and given the depth of our previous reductions, the FJD cannot absorb these additional shortfalls. As with the ARRA funds, these programs support public safety and reduce costs to city agencies by providing diversionary and specialized probation services, supporting alternatives to incarceration and assisting victims of juvenile crime.

We strongly urge support for the Youth Violence Reduction Program (YVRP), which provides funding for 31 probation officers (Adult -25 and Juvenile -6). Funding is essential to maintain the officers' complement and caseload assigned for the targeted population of under- 25-year-olds who are most likely to kill or be killed.

3) Expansion of the Accelerated Misdemeanor Program and Community Court

Philadelphia Municipal Court will assume complete management of the current Community Court operation and merge it with the expansion of the successful Accelerated Misdemeanor Program (AMP) providing services to all geographic regions of Philadelphia. Unlike the present Community Court, which is presently limited to the

South and Central police divisions, the expanded AMP will encompass court operations in six (6) police districts and a courtroom in the Criminal Justice Center in Phase I. We anticipate scheduling upwards of 100 misdemeanor cases daily. Phase II deployment would encompass a Redhook-type, community based/court managed locations which would require additional funding.

To fund the Phase I expansion, \$600,000 is needed for staffing. This will generate savings of \$1.4 million in Police Officer court appearances, offender incarceration days and Sheriff transportation costs.

4) Restoring Levels of Supervision Services

Since December 2008 we have lost 56 adult probation officers, 21 juvenile probation officers and 25 warrant officers. The estimated cost to partially recoup these positions is \$2 million. Restoring these positions will allow probation officers to maintain caseloads at levels mandated by state supervision agencies and for warrant officers to aggressively pursue the apprehension of fugitives. Failure to restore will seriously impact public safety.

Additionally, the FJD proposes increasing the number of electronic monitoring units as an alternative to incarceration. Two options are proposed to increase the number of EM units by 800 over two years. One option calls for adding 400 units for each of two years. The other option is an investment of 800 units within one year. For both options, the cost for additional staff and equipment is approximately \$4.5 million and will result in \$24.2 million savings annually in reduced offender incarceration days. It will also permit those under supervision to hold jobs.

5) Assigned Counsel Fee Increase

The FJD proposes a \$2 million increase across all criminal payment types and leaves it to the discretion of the City-Administration to fund the increase. If funding is provided, we will work with the Administration and the Criminal Section of the Bar Association to increase payment for all appropriate fee types.

(C) NEW FAMILY COURT FACILITY

The Courts are pleased to announce that progress is being made on the Family Court facility. Pennsylvania Chief Justice Ronald D. Castille recently said there might be a ground breaking on the courthouse in May. This is made possible by the major parties reaching consensus on all aspects of the sale and financing of the project. The next step is approval of the agreement by the state Attorney General's office.

(D) CLERK OF COURTS UPDATE

The Clerk of the Courts has been part of the First Judicial District for one-year now and we proudly provide this update to City Council on the status of this transition. Of the 104 employees who were originally Clerk of Quarter Sessions employees, 94 transitioned to the FJD. Two ordinances have enabled the transfer of authority and appropriation to the District, and this FY12 budget request includes funding for these employees within the FJD. During this year of transition to the District, we have re-affirmed the trust and confidence in the Clerk of Courts as a viable partner in the Criminal Justice process. Summarized below are some areas of focus, steps toward achievement, initiatives and accomplishments:

1) Establishing a management structure has enabled the Clerk to function as a cohesive unit where best practices can be administered to all courtroom clerks and accountability for courtroom operations is in place.

2) Establishing a quality-control component by independently reviewing courtroom files, providing feedback to court clerks and identifying training needs.

3) Reviewing and redefining current accounting procedures and systematically resolving outstanding banking and financial activity. Implementing automated cash control procedures has enhanced collection processing.

4) Initiating the process of creating a paperless Criminal Court, which is expected to replicate the efficiencies seen in the Civil Court transformation.

(E) REVENUE CONTRIBUTIONS TO GENERAL FUND BUDGET

The cost to operate the Philadelphia Courts totals \$163 million. Through the collection of fees, fines, reimbursements and grants the FJD contributes \$129.0 million or 80% of its operating cost. Overall, the City’s General Fund contribution to the judiciary is less than one-percent (1.0%) of the total general fund budget. The FJD in cooperation with the City is pursuing all avenues to collect outstanding fines due. The FJD has created substantial savings for other City agencies and departments. Through a plan to expand our civil case management system, the Courts will be able to assure that Sheriff’s funds from realty and tax sales are promptly and accurately distributed to lenders, debtors, and the City.

(F) FJD EMPLOYEE DEMOGRAPHICS AND MINORITY/WOMEN AND DISABLED OWNED BUSINESS (MWDSBE) PARTICIPATION

The below table shows the FJD’s multi-cultural employee make-up. Having a diverse employee composition ensures our citizens will be treated with respect and dignity when they need the services of the Court.

Table 2: 2011 FJD Employee Demographics

<u>Employee Demographic Type</u>	<u>Number</u>	<u>Percentage</u>
African American	943	36%
Asian	21	1%
Hispanic	103	4%
Other/Multi-cultural	27	1%
White/Caucasian	1,514	58%
Employee Total	2,608	100%

The Administrative Office of Pennsylvania regulates the contracting and Procurement functions of the District. Participation by minority, women and disabled business owners is important to the Court. Our FY10 actual participation amount was 47%. We expect the ending FY11 amount to equal FY10, and for FY12 to be consistent with prior years.

Table 3: Minority Women, Disabled Owned Business Participation

	Total Contract \$	M/W/DSBE Total	%MBE	%WBE	%DSBE	%Total
FY08 Actual	6,009,057	2,036,451	21.1%	12.8%	0.0%	34.5%
FY09 Actual	5,070,703	1,889,823	20.9%	16.4%	0.0%	37.3%
FY10 Actual	5,983,208	2,842,501	32.0%	15.5%	0.0%	47.5%
FY11 (YTD 2/28/11)	5,015,078	1,913,389	27.1%	11.1%	0.0%	38.2%
FY12 (Projected)	TBD	TBD	TBD	TBD	TBD	TBD

(G) EFFICIENCIES, RETURNS ON INVESTMENTS AND EFFORTS

The FJD has remained at the national forefront of creating, collaborating and implementing programs that streamline case processing, provide efficient and fair delivery of justice and wherever possible look to minimize criminal justice costs.

Our efficiencies in these operations have produced fewer incarceration days, reductions in prisoner transportation, lessened drug testing lab fees and reduced or eliminated police officer appearances. Below is a series of programs and the return on investments or efforts accrued from the resources invested. The savings are based on efficiencies generated to the FJD and other justice partners. Table 4 summarizes the below programs and shows the savings each generates and a program summary is attached.

Table 4: Summary of Return on Investment Savings

<u>Program</u>	<u>ROI/ROE - Savings</u>
EM Expansion Program	\$ 24,225,606
Smart Courtroom Video Program	7,835,969
Electronic Monitoring Unit	3,750,000
Expedited VOP Hearings	814,200
Advanced Review and Consolidation	230,400
Mental Health Court	37,200
Video Crash Court	3,091,682
Small Amounts of Marijuana	2,455,942
Accelerated Misdemeanor Program	715,186
Veteran's Court	397,576
TOTAL	\$ 43,553,761

(H) CONCLUSION

The Philadelphia Judiciary appreciates this opportunity to present to you some of its accomplishments, concerns and the realities it faces and has overcome. We have demonstrated our ability to do more with less, thereby providing honest value on investment and remain a cooperative justice partner. We are also hopeful you will allow the Judiciary to remain a strong and committed partner by approving our budget request as outlined.

On behalf of the Philadelphia Judiciary, Administrative Governing Board and employees of the First Judicial District, we respectfully seek City Council's consideration and approval of our FY12 General Fund budget request of \$106,864,323, Grants Revenue budget request of \$56,922,030 and consideration of the enhanced delivery of services requested in this testimony. We seek this request consistent with past City of Philadelphia and FJD budget agreements, which allow retention of any and all savings generated by the First Judicial District.

Thank you for your consideration.