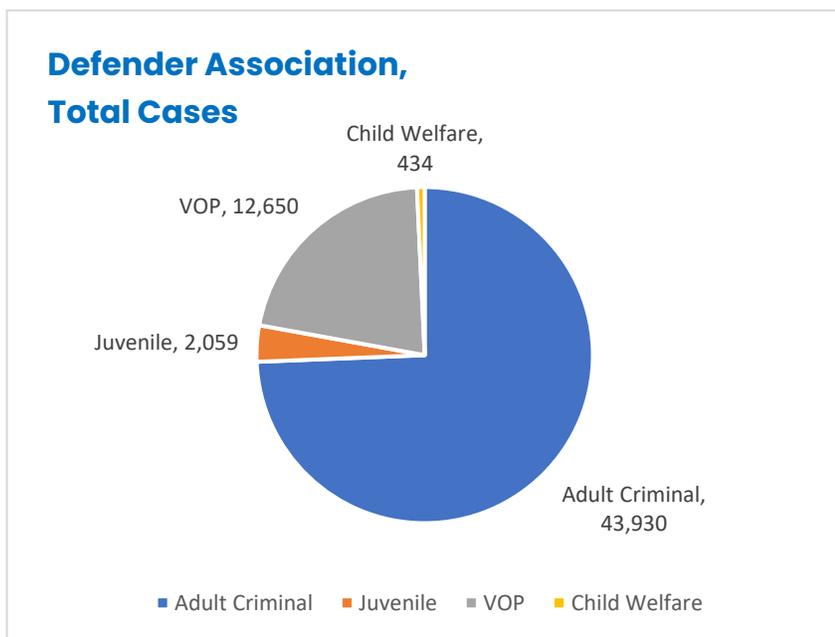


OVERVIEW

Thank you for taking the time to consider the Defender's budget and why this allocation of resources is essential to building a safer, fairer, more effective criminal justice system for our city.

During our testimony today we intend to show the value of the services we offer and why a **12% increase in the Mayor's proposed budget (\$5.8 million)** is necessary to maintain and expand the high-quality indigent defense services that we provide.

The Defender Association of Philadelphia is a 501(c)3 non-profit organization, that has, without interruption, contracted with the City of Philadelphia to provide legal representation for indigent criminal defendants and other litigants since 1973. Though we have served as court-appointed counsel for 49 years, the agency has been in the business of providing indigent defense since our founding 88 years ago in 1934.



Today, the Defender provides legal service in nearly 70% of the criminal cases opened in the City of Philadelphia each year. We represent adults and youth charged with violations of the Pennsylvania criminal code from arrest through appeal, at violation of probation and county parole hearings and children who have been arrested and are involved with delinquency proceedings. We similarly provide specialty representation to clients who are eligible for early termination of probation or parole and

record sealing or expungement. And our work also includes representation of people involved in involuntary mental health proceedings and dependent and neglected children.

PAY PARITY

The Defender prides itself on providing the “best defense that money can’t buy,” and serving as a value-added service to the city and the communities we serve. However, while we strive to be a good steward of limited city funds, we urge Council to end the exploitation of our workforce and provide adequate funding for us to fairly compensate our line-level, legal and non-legal staff.

The \$5.8 million in additional funding we requested can be broken into two categories: \$3.8 million to fund salary increases for non-attorney staff, and \$2 million to bring pay parity for our attorneys.

The Defender Association’s attorney and non-attorney staff are, on average, paid less than their counterparts in city agencies or in neighboring counties.

- Our starting attorneys earn **.89 cents for every dollar** earned by starting DAO attorneys. Addressing this pay parity issue has been a top priority as we negotiate **our first collective bargaining agreement with the union representing our attorneys.**
- **Defender’s starting salary for administrative staff is \$29,000 per year** – an amount that qualifies a family of four for benefits under SNAP and the Low-Income Home Energy Assistance Program.
- **While the average salary for administrative staff in the city is over \$53,000 per year,** their counterparts at the Defender—who, on average have 17 years of experience—earn an **annual salary of \$38,125.** This pay inequity is particularly troubling since **70% of our administrative staff identify as people of color.**

Many of our administrative staff must work more than one job to make ends meet. Some have worked at the Defender’s Association for more than 3 decades and **haven’t saved a penny for retirement, because they only recently started making more than \$40,000 a year.**



Admin Staff Profile: Barbara Thompson

- ▶ Barbara is 70 years old, and has worked for the Defender for 16 years
- ▶ On the weekends, she cleans houses to make ends meet



These pay inequities are observed across every personnel classification. For example, annual salaries for 70% of Defender paralegals is \$40,000 or less each year. Meanwhile, the average salary for paralegals at the District Attorney’s Office last year was \$49,161.

Furthermore, while city employees can typically expect to receive a cost of living wage increase

annually, our staff cannot reasonably expect to receive such an increase. In fact:

- **90% of our eligible social workers** have received no pay increases for 3-5 years;
- **80% of our eligible senior line attorneys** have received no pay increase for 3-4 years;
- **80% of our eligible senior admin staff have received no pay increase for 3-5 years;** and
- **None of our paralegals** have received a raise for more than 3 years.

City Agency Salary Comparison

Table 1: Salary Comparisons: Non-attorney Staff

| Job Function | Average Salary (Citywide) | Average Salary (Defender) |
|------------------|---------------------------|---------------------------|
| Admin. Assistant | \$53,000 | \$38,125 |
| Clerk* | \$42,200 | \$36,000 |
| Investigators | \$85,353 | \$42,000 |
| Paralegals | \$48,801 | \$39,000 |
| Social Workers | \$62,475 | \$49,000 |

*classified as “legal interns” by the Defender

We obtained a list of all current job roles at Defender and conducted a search of all equivalent roles across 19 Philadelphia government agencies to obtain salary comparisons. To show a 3-year comparison, salary was measured at Q3 of 2019, 2020, and 2021. ¹This analysis

¹ The full salary analysis is attached to this written testimony and labeled “Appendix I.”

includes salary comparisons for the following roles in alphabetical order: [Administrative Assistant](#), [Attorney](#), [Clerk](#), [Investigator](#), [Paralegal](#), and [Social Worker](#).

Defender salaries, across every position, are notably lower than averages across the city. In addition to earning less on average than similar peers, [our staff are not enrolled in any pension program as part of their compensation package](#).

When the stagnant salaries are combined with relaxation of residency requirements for employment in neighboring counties, inflation, and a labor market in flux, it becomes very difficult for the

| Table 2: Salary Comparisons: Attorneys | | |
|---|-----------------------------------|-----------------|
| Department/ Organization | DAO & Other Depts. | Defender |
| Average Starting Salary | \$64,000 | \$57,000 |
| Average Salary | \$81,940 | \$72,000 |

Defender to recruit and retain a highly qualified, diverse, and experienced staff.

Our office is simply unable to compete in the labor market with the Mayor’s proposed budget. But perhaps more importantly, this budget does not adequately reflect the dedication of our staff or the value of the services we provide to the community.

This presents obvious challenges to morale, the ability to incentivize and recognize extraordinary service, and to retain highly qualified staff at a time where our services are needed now, more than ever.

LEGAL SERVICES

In calendar year 2021, Defender provided direct legal representation to [30,092 individual clients](#), in [59,073 cases](#) and represented individuals during [200,752 scheduled court hearings](#).

| Table 3: Cases and Hearings, Calendar Year 2021 | | | |
|--|---------------------|---------------------|-----------------------|
| Case Type | New Cases | Total Cases | Total Hearings |
| Adult Criminal | 23,064 | 43,930 | 145,981 |
| Juvenile | 791 | 2,059 | 11,313 |
| VOP | 12,650 (by hearing) | 12,650 (by hearing) | 42,491 |
| Child Welfare | 268 | 434 | 967 |
| Total | 36,773 | 59,073 | 200,752 |

Most of the clients we represented in 2021 were adults facing new charges and/or alleged violations of probation in adult criminal court. While most of our clients are adults, Defender also represented 1,957 youth in delinquency, dependency, and adult criminal prosecutions.

| Table 4: Clients, Calendar Year 2021 | | |
|---|--------------------|----------------------|
| Case Type | New Clients | Total Clients |
| Adult Criminal* | 17,476 | 29,658 |
| Juvenile | 636 | 1,397 |
| VOP | 6,863 | 6,863 |
| Child Welfare | 268 | 434 |
| Total | 25,243 | 38,352 |
| *Includes 126 Direct Filed Juveniles (DFJs) | | |

Of our clients facing criminal charges, the majority, 80.7% were male and of those for whom we have data on race and ethnicity (84% of total), 66.4% were Black, 17.6% were White Hispanic, and 13.4% were White Non-Hispanic. And of the 70% of our clients with verified addresses at the time of their arrest, 84% were Philadelphians.

| Table 5: Clients by Race & Gender | Female | Male | Total |
|--|----------------|--|---------------|
| Black | 1,909 (11%) | 7,769 (44.7%) | 9,678 (66.4%) |
| Other | 43 (0.3%) | 347 (2%) | 390 (2.7%) |
| White Hispanic | 437 (2.6%) | 2,126 (12.3%) | 2,563 (17.6%) |
| White Non-Hispanic | 440 (2.6%) | 1,514 (8.7%) | 1,954 (13.4%) |
| Column Total | 2,829 (19.4%) | 11,756 (80.7%) | |
| Total Shown | 14,585 | | |
| Total confirmed residents* | 17,417* | *includes residents not identified by race | |

The Defender's Role in Improving Public Safety

Although we represent people from neighborhoods throughout the city, **most of our clients reside in the neighborhoods most directly impacted by mass incarceration, community violence, and chronic underinvestment in life-affirming services that help communities thrive.**

As part of our legal practice, we connect clients to resources to address the root causes of their entanglement with the justice system. For many, our office provides the first meaningful opportunity they have had to connect with supportive services.

Take, for example, young clients who choose to carry and use guns. Part of our duty as counsel is to ask questions to determine exactly what brought these clients through our doors. We strive to find out if they've suffered from lifelong poverty, or a lack of quality education; have mental illness or suffer from a condition related to substance abuse; have witnessed or been victims of

Figure 1: Defender Clients - Philadelphia Residents vs. Non-Residents

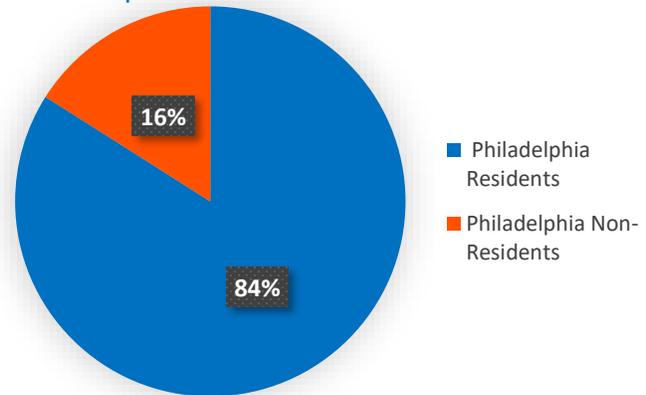
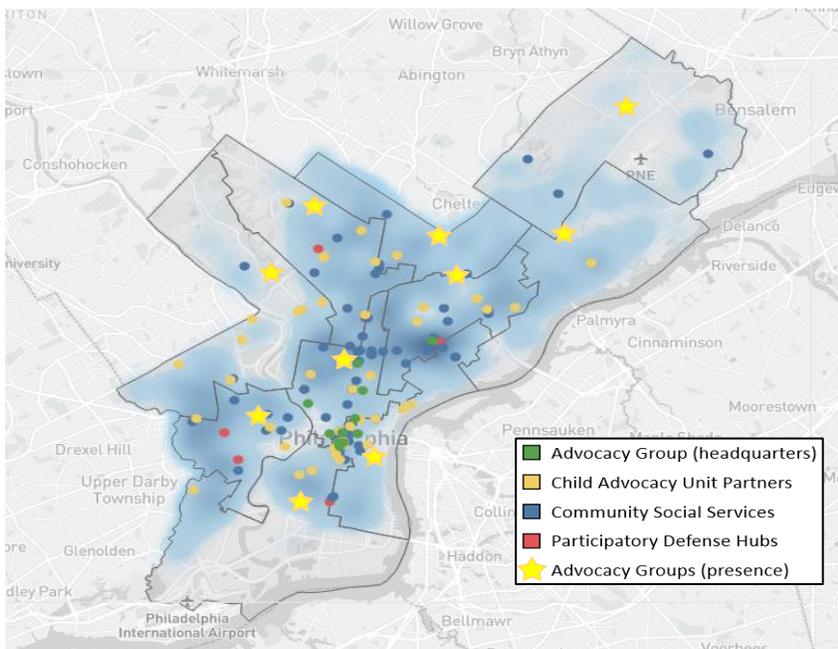


Figure 2: Defender Clients' Residence at Arrest CY 2021



Darker blue = higher number of clients

violence themselves; or felt their lives were endangered. Our experience has taught us that it is a combination of issues that drove them to certain behaviors. **Around 83% of our clients facing the most serious charges report that they themselves have been the victims of violence.** We know that today's Defender client is often yesterday's prosecution witness.

During times of escalating levels of community violence, it is easy to lose sight of the individual nature and circumstances of the case and the character and attitude of the person charged. That's why

it's even more critical today that the Defender have the resources needed to work closely with our clients to achieve the most equitable outcome in their case. We connect them to the supportive services, test the strength of the case against them, and prepare effective mitigation reports that tell a more complete picture of them as a person.

If we want to stop the cycle of violence and improve public safety, then our representation of our clients necessarily includes getting them the resources that are proven to address their own trauma and victimization.

SOCIAL SERVICES

Social Worker Assignments

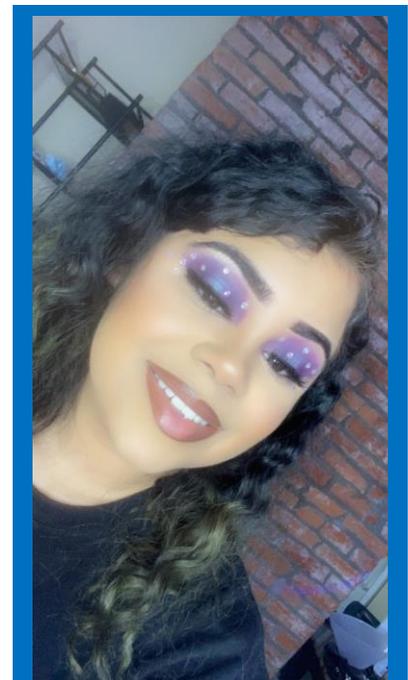
To achieve better case and life outcomes for our clients, our office provides social services across all its practice areas. Social workers are assigned to different units, including but not limited to:

- the Social Services Unit;
- Juvenile Special Defense Unit (JSDU);
- Children and Youth Justice Unit (CYJ);
- Children Advocacy Unit;
- Homicide Unit;
- Special Defense Unit (SDU); and
- the Mental Health Unit (MH).

Social workers may review cases through attorney referral, FIR (Forensic Intensive Recovery) referral, and by reviewing each case heard in courtrooms to which social workers are specifically assigned. At certain key criminal justice system interaction points for youth defendants, [Defender social workers advocate for all clients, not just Defender clients. Social workers from the Mental Health units also step in to assist clients with serious mental illness who are represented by court-appointed counsel.](#)

Defender Social Worker Clients

Defender social workers engage with clients across the spectrum of the client's case with our office and may work with a client for a limited time, throughout the duration of the case, or only to gather information for sentencing. Last year, 4,115 unique clients received social services from Defender social workers in the 2021 Calendar Year.



Defender Client Profile:

Alize

(See Appendix II)

Defender clients most commonly receiving social services support, on paper, look very similar to Philadelphians who are the most likely to be the victims of violent crime. Specifically, 57% of the clients who received social services were under the age of 30, 85% were male, and of the 73% of our clients for whom race and ethnicity data is available, over two-thirds were Black. Notably almost 1/3 of the clients receiving social services were children.

Defender Clients per Unit

Social workers often provide social services at different touch points in a client's interaction with the criminal justice system. Multiple social workers may handle the same case at concurrent or consecutive stages in the case and often are part of the legal team responsible for preparing a case for a scheduled court hearing.

While our Adult Social Services unit is available to support all practice units, highly specialized social workers are assigned to practice units dedicated to representing youth charged as adults, children with dependency or delinquency cases, clients with severe mental illness, and clients charged with homicide and special defense cases.

Our Adult Social Services Unit received 1,185 referrals for 1,105 unique clients from Defender attorneys in 2021.

828 (69.9%) of referrals were for clients with a history of substance abuse.

636 (53.67%) referrals were for clients with some history of mental health issues.

440 (37.13%) referrals were for clients who were either homeless or had unclear housing situations.

In addition to the attorney referrals, **our Adult Social Services team received and processed 1,638 FIR referrals** for both Defender and non-Defender clients – a task performed exclusively by our administrative staff assigned to the social services unit.

- **Social workers from the Mental Health Unit** provided services to **314** clients in 2021. This is an essential service as 14% of people held in the Philadelphia jail have been identified as seriously mentally ill.
- **Social workers in the Homicide and Special Defense Unit** provided highly specialized services to **207** clients in 2021.
- **Social Workers from our Children and Youth Justice Unit** provided support to **1,990** clients at intake, assisting *both Defender and non-Defender clients and their families* at the entry point to the system. They also provided social services screening and support for **1,397** individual child clients and were available to support the legal team

advocating for children’s release to the least restrictive conditions necessary at 1,677 detention review hearings.

- [Social workers from our Child Advocacy Unit](#) supported each of 434 individual children involved in child abuse/neglect or the termination of parent rights proceedings.
- [Our Juvenile Special Defense Unit social workers](#) provided social services support for 126 children with pending adult criminal charges.

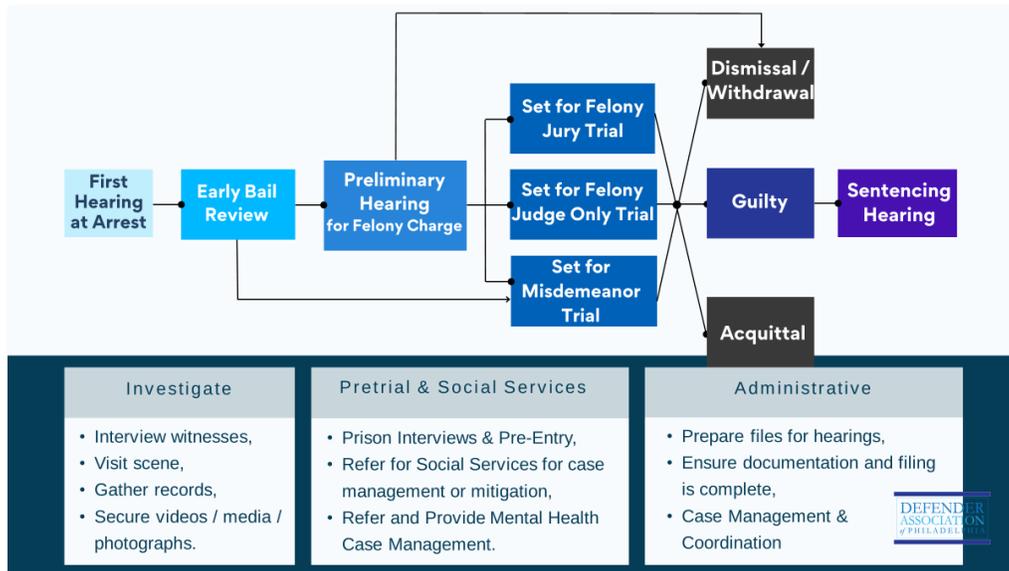
During the pandemic these activities continued mostly in-person, when many other agencies were able to work remotely.

Client-Centered Advocacy

Our clients’ team also includes investigators, paralegals, file clerks, legal interns, bail advocates, and a host of non-legal staff who work tirelessly behind the scenes to ensure cases are promptly and thoroughly prepared. It is not an exaggeration to call the Defender’s non-legal staff, “the backbone” of the office. They perform a wide array of essential tasks such as:

- interviewing clients early on in their case,
- interviewing witnesses, visiting the scene, ensuring evidence that is video or posted on social media is preserved,
- ensuring discovery is available for clients to review,
- entering hearing data accurately for monthly reports,
- forwarding orders of release to verify clients are released promptly,
- coordinating witnesses to appear at trial,
- bringing clothing for incarcerated clients to the jail,
- processing all the FIR referrals for the courts, and
- preparing motions and petitions to be filed on behalf of clients.

Figure 3: Case Processing Map



The Defender’s ability to nimbly manage a high-volume criminal practice ultimately leads to cost savings and a more efficient justice system. Throughout the pandemic, Defenders were less likely to request continuances in Municipal or Court of Common Pleas and our clients generally have shorter case processing times than similarly charged arrestees represented by private and other court-appointed counsel.

Shorter case processing time allows the system to function more effectively and improves the overall quality of justice for both arrestees and victims of crime. It also contributes to more reliable case outcomes, more integrity in the courts, and reducing the jail population, which improves the conditions of those currently incarcerated in the county jail.

After achieving a record low jail population in March of 2020, system stakeholders observed a steady rise in the jail population in 2021, starting at 4,395 in January and peaking at of 4,862 in May. As of December of 2021, 44.9% of the county jail was comprised of people with charges other than homicide, pending or new charges and an open detainer in Philadelphia. This rising population was attributable, at least in part, to longer pretrial periods in detention. In December of 2021, the average length of stay for people incarcerated in the county jail was 289 days, 90 days longer than the July 2015 average.

Safety precautions imposed to prevent and mitigate the spread of COVID-19 in our jails had an immense impact on the ability to conduct client interviews. Despite these limitations, Defender staff prioritized our incarcerated clients’ access to counsel:

- we made **1,219 in-person visits** to the county jail to see at least one (but often more) client at a time, and
- scheduled **17,364 ‘virtual office’ appointments** with incarcerated clients through zoom, online portals, and the GTL platform.

Community-Oriented Defense Model

Tracking Outcomes from COVID-19 Emergency Decarceration Efforts

Because of our success with community partnerships, the Defender, the Courts, and the DAO collaborated to safely reduce the jail population in an effort to mitigate the spread of the coronavirus in our county jail and community.

During this time, Defender filed 1,387 written petitions for our clients’ release from county detention and staffed 4,308 hearings for expedited release. By May 31, 2020 1,474 were released because of these efforts. One year following the release, the rates of re-arrest for the cohort involved in these special hearings were lower than those reported for returning citizens released in 2015.

Despite the increases in non-fatal and fatal shootings citywide, our cohort **was no more likely to be arrested for a crime of violence than other returning citizens**, according to the Re-Entry Coalition’s study.

| Table 6: Re-Arrest Rates for Emergency Releases | | |
|--|---|--|
| Rearrest Categories | One-Year Re-Arrest Rate Among Emergency Releases¹ | One-Year Re-Arrest Rate from Philadelphia Prisons (2015)* |
| Total Rearrest | 29.6% | 36.9% |
| Violent Rearrest | 5.4% | 5.4% |

*[Calculating a Unified Recidivism Rate for Philadelphia: A Data Snapshot of Reentry and Recidivism 2012-2015 \(2018\)](#). The Philadelphia Reentry Coalition

Restorative Response: A Community Response to Arrests Arising from Protests

While the protests following the murders of Walter Wallace and George Floyd made national headlines in 2020, our office was hard at work ensuring equitable responses to the arrests that were made during the period of civil unrest. In collaboration with members of the private bar, and with the support of City Council, the Mayor’s Office, and the District Attorney’s Office, the Defender and its community partners implemented the Restorative Response Program. The program was established to create an alternative path to resolve 639 arrests which occurred during the period of civil unrest—one that emphasizes community re-engagement over criminal punishment.

Over 30 agencies participated in supporting participants through a range of opportunities to become involved in a range of supportive and engaging activities, including restorative circles, peer mentorship, parenting classes or community food distribution or clean up. By the fall of 2021, over half of the arrestees were able to re-engage with their community and avoid the collateral consequences of conviction.

Connections to Community

Defender also works to support our community partners initiatives as well. Despite pandemic-imposed limitations on in-person gatherings, the Defender participated in 240 different reported community activities, reaching over 2,000 people throughout the city.

The types of Activities included:

- Expungement Clinics
- Legal Clinic or “Defender Day”
- Tabling at Community Events
- Community Dialogue
- Rally, March, or Activist Events
- Volunteering at Food Pantries
- Meetings with Community Groups
- Awards or Fundraisers for Community
- Parent-Teacher Conferences (for CYJ staff)
- Community Education/Training
- Defender-led Coalition Meetings
- Supporting Community Meetings & Events
- Policy Advisory Groups

Expungement & Early Termination of Probation

Our non-legal and legal staff similarly work hard to relieve the burden collateral consequences of justice system involvement have on our clients and communities we serve by filing motions to expunge or seal eligible court records or requesting early termination of probation. In CY 2021, we filed 13,486 petitions to expunge or seal eligible criminal history records and through the MacArthur Safety and Justice challenge we filed 564 petitions for early termination of probation.

Conclusion

A budget is a statement of values, and we are asking for a budget increase that reflects the value of the role the Defender Association plays in creating safer communities and a fairer, more efficient criminal justice system.

While other criminal justice system stakeholders are slated to receive significant increases to their multi-million-dollar budgets, the Defender—despite our record of focusing on front end pretrial supports—received no additional investment.

These resources are critical if we want to: **pay our staff a fair wage; ensure we have the personnel to staff courtrooms** designed to implement additional diversionary programming; and **retain a diverse staff of experienced and dedicated employees** who can triage and prepare cases accurately and efficiently.

The additional resources are necessary, not only to properly carry out our mission to provide free legal counsel to the poorest people accused of crimes in Philadelphia, but our work to connect our clients to community resources and services they need to keep them out of our justice system.

APPENDIX 1: City Agency Salary Analysis

Administrative Assistant – City Departments

Includes job titles: Administrative Assistant - Non-Confidential, Administrative Assistant 1, Administrative Assistant-Confidential, Adm Secretary II, Administrative Assistant, Adm Secretary I,

From the following Philadelphia government departments: DHS Dept of Human Services, DAO District Attorney, DPH Health, PPS Prisons, BPR Board of Pensions Retirement, FJD 1st Judicial District PA, DBH Behavioral Health ID Services, MDO Managing Director Office, LNI Licenses and Inspections, OSH Office of Homeless Services, CLR City Controller, Law Dept, OIG Ofc of Inspector General, OHR Office of Human Resources, CAO Office of Chief Admin Officer.

| Year | Average Salary |
|---|--|
| 2019 Q3 | \$52,748 |
| 2020 Q3 | \$54,393 |
| 2021 Q3 | \$52,967 |
| <p>The average salary for administrative assistants in other city departments is approximately \$53,000.</p> | <p>Average salary for administrative assistants at the Defender: \$38,125</p> |

Attorney Salaries

Includes job titles: Assistant District Attorney 1, Assistant District Attorney 2, Assistant District Attorney 3, Assistant District Attorney 4, Assistant District Attorney 5, Assistant District Attorney 6, Central Legal Staff Attorney I, Central Legal Staff Attorney II, Deputy District Attorney, Deputy To District Attorney, District Attorney, Human Resources Attorney, Labor Procurement and Litigation Attorney, Senior Attorney

From the following Philadelphia government departments: DAO District Attorney, FJD 1st Judicial District PA, Law Dept

| Year | Average Salary |
|---|--|
| 2019 Q3 | \$82,813 |
| 2020 Q3 | \$81,904 |
| 2021 Q3 | \$81,134 |
| <p>The average salary for attorneys in other city departments is approximately \$81,940.</p> | <p>Average salary for attorneys at the Defender: \$72,000</p> |

Clerk Salaries

Includes job titles: Bail Clerk, Clerk Temporary-FJD, Court Clerk, Court Clerk 2, Court Clerk Trainee, Law Clerk, Law Clerk 1, Law Clerk 2, Law Clerk 3, Law Clerk 4, Legal Clerk 1, Legal Clerk 2, Legal Clerk 3, Legal Clerk Iv, Legal Services Clerk

From the following Philadelphia government departments: DAO District Attorney, FJD 1st Judicial District PA

| Year | Average Salary |
|---|--|
| 2019 Q3 | \$41,927 |
| 2020 Q3 | \$42,542 |
| 2021 Q3 | \$42,846 |
| The average salary for clerks in other city departments is approximately \$42,200. | Average salary for legal interns* at the Defender: \$36,000 |

**the Defender doesn't have law clerks*

Investigator Salaries

Includes job titles: Prosecution Detective 1, Prosecution Detective 2, Prosecution Detective Lieutenant, Prosecution Detective Sergeant

From the following Philadelphia government department: DAO District Attorney

| Year | Average Salary |
|--|---|
| 2019 Q3 | \$ 84,000 |
| 2020 Q3 | \$ 86,025 |
| 2021 Q3 | \$ 86,035 |
| The average salary for investigators in other city departments is approximately \$85,353. | Average salary for investigators at the Defender: \$42,000 |

Paralegal Salaries

Includes job title: Paralegal

From the following Philadelphia government department: DAO District Attorney

| Year | Average Salary |
|--|--|
| 2019 Q3 | \$ 47,294 |
| 2020 Q3 | \$ 49,949 |
| 2021 Q3 | \$ 49,161 |
| The average salary for paralegals in the DAO is approximately \$48,801. | The average salary for paralegals at the Defender: \$39,000 |

Social Worker Salaries

Includes job titles: Social Work Services Manager 2, Social Work Services Manager 1, Health Service Social Worker 2, Social Worker 1, Correctional Social Work Counselor, Health Service Social Worker 1, Behavioral Health Social Work Administrator

From the following Philadelphia government departments: DHS Dept of Human Services, PPS Prisons, OSH Office of Homeless Services, DPH Health, FJD 1st Judicial District PA, DBH Behavioral Health ID Services

| Year | Average Salary |
|---|--|
| 2019 Q3 | \$61,057 |
| 2020 Q3 | \$62,961 |
| 2021 Q3 | \$63,407 |
| The average salary for social workers in other city departments is approximately \$62,475. | Average salary for social workers at the Defender: approximately \$49,000 |

APPENDIX II: Client Profile: Alize



The Defender’s Child Advocacy Unit first began representing Alize in 2012 when DHS filed a petition for dependency and she was removed from her mother’s home. Despite efforts to reunify Alize with her parents for over three years, both her parents’ rights were terminated. In 2018, Alize ran away from her group home placement. A missing persons’ report was filed, and private investigator was hired. We reached out to former caretakers, friends, and family, but Alize could not be located.

Then in 2020, two years after her disappearance, Alize reached out to our office. Our CAU worked with her and sought kinship care so she could return to Philadelphia and live with a family friend. We then continued to advocate for her to secure an independent living apartment. When her team visited her in her first apartment, they saw significant water damage which was creating unsafe conditions in the apartment. Immediately, we began advocating for a safer place for Alize to live. Ultimately, our CAU obtained a court order so she could be moved into the apartment where she currently resides.

Nearly 10 years after our office first began representing Alize, we are pleased to report that Alize is a determined, ambitious, young woman who intends to break the cycle of abuse, neglect, and untreated mental health issues that impacted her own family. Alize stays in contact with her team between court dates and we follow up to make sure she is receiving the medical care she’s asked for and to celebrate successes - like when she got her driver’s license on April 16th and continues to make strides forward - enrolling in a GED program while living independently.