



FY 2025 Budget Testimony

Keisha Hudson, Chief Defender

Introduction

Good morning, President Johnson, and esteemed members of City Council. I am Keisha Hudson, Chief Defender of the Defender Association of Philadelphia. I am pleased to provide testimony on the Fiscal Year 2025 Operating Budget for the Defender Association of Philadelphia. **We are requesting a total budget increase of \$15,000,000.**

Department Mission & Plans

Mission

The Defender Association of Philadelphia's mission is to provide high quality, client centered legal representation, courtroom advocacy, and a connection to social services. We strive to protect the constitution, ensure a fair and equitable criminal justice system, and improve outcomes for vulnerable populations.

Our Unique Role

Forty years before it was constitutionally mandated, the Defender Association was already serving people who were accused of crimes in Philadelphia and unable to afford representation. The primary source of the Defender Association's funding at our founding in 1934 came from the United Fund, or Community Chest. We remain an independent 501(c)(3) nonprofit organization. We have held the city's contract to provide constitutionally mandated indigent defense services since 1973. We have provided constitutionally mandated services to the citizens of Philadelphia for over 50 years. We have also provided representation to children who are the subject of dependency proceedings for 50 years and we represent adults with serious mental illness facing civil commitment. We routinely partner with city stakeholders and have been relied upon for insight into criminal justice reform initiatives city wide.

While our office does pursue supplemental grant funding for small pilot initiatives, we remain completely dependent on the city's contract to provide essential and constitutionally mandated services.

Plans for FY 2025

During FY 2025, Defender Association will continue its work to provide high quality representation for the children, youth, and adults that we serve. Ours is a high-volume practice, and last year we represented over 37,310 individual clients, including 3,120 individual delinquent and dependent children, and staffed over 211,500 individual court hearings.

	New Cases	All Cases*	Hearings
Adult Criminal	19,718	45,729	150,245
VOP	12,807	12,807	42,138
Juvenile	1,476	2,106	12,654
Child Welfare	292	1,383	207,703
Child Welfare Adoption	69	274	577
Totals	34,362	62,299	211,501

**We have more cases than clients because we represent some clients on more than one case in a year.*

I. Continuing to Dismantle the Womb to Prison Pipeline

Investing in Our Child Advocacy Unit

Last year, our budget request focused on investments for our Child Advocacy Unit (CAU). We presented information about the often overlapping and complicated relationship between our youth and adult criminal legal systems. Our focus then, as now, was on what we as Defenders can do to dismantle the ‘womb to prison pipeline’. This pipeline is loosely understood as the collective impact institutional structures have on children—particularly poor children of color—that make them more vulnerable to involvement with the dependency, delinquency, and adult criminal legal systems.

Last year we reported that:

- almost 13% of our adult clients had previously been involved in the dependency system;
- 22% our Black clients with multiple arrests in a 12-month period were formerly dependent children; and
- 25% of children who were charged as adults or had pending delinquency cases had a dependency background.

Thanks to City Council’s investment, just this past year, we designed and launched a new case management system for our dependent cases which will enable us to track individualized case

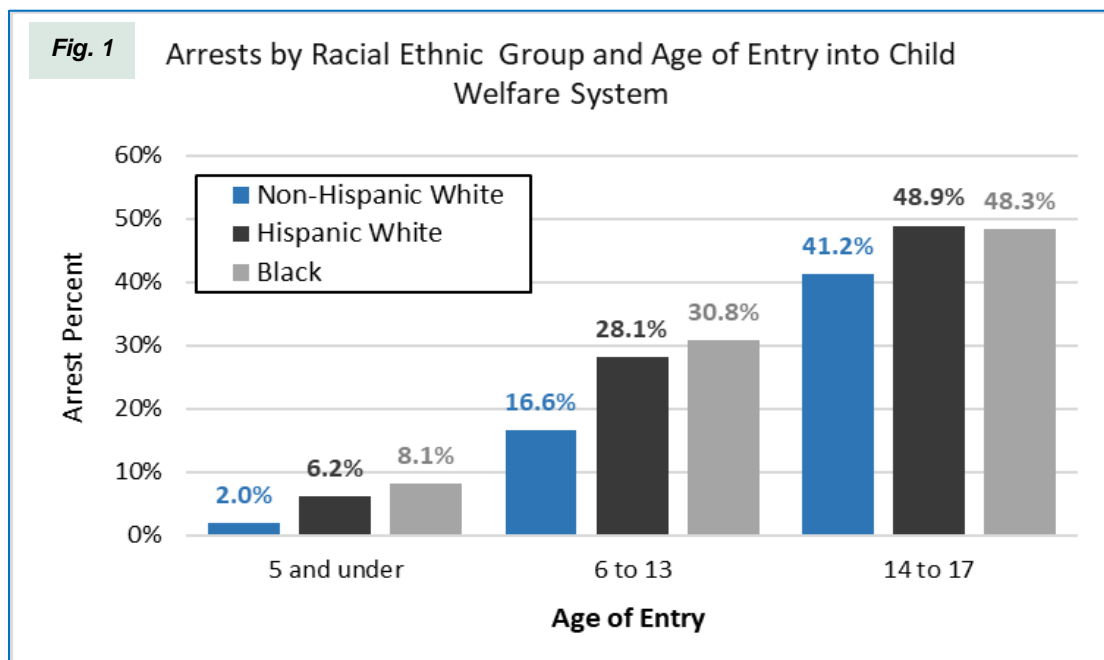
outcomes for our youth. We have only begun to leverage our data to understand the scope of the problem. Any impact we can have on improving our clients' life outcomes, and increasing the safety of the community we serve, must begin with improving our representation for children in the dependency system.

Because of City Council's continued and bold support of our services for dependent youth—particularly our CAU—last year, we were able to **provide 1,383 children** involved in the dependency system with an interdisciplinary legal team, composed of **an attorney, social worker and administrative support staff, while keeping our caseloads within national standards.**

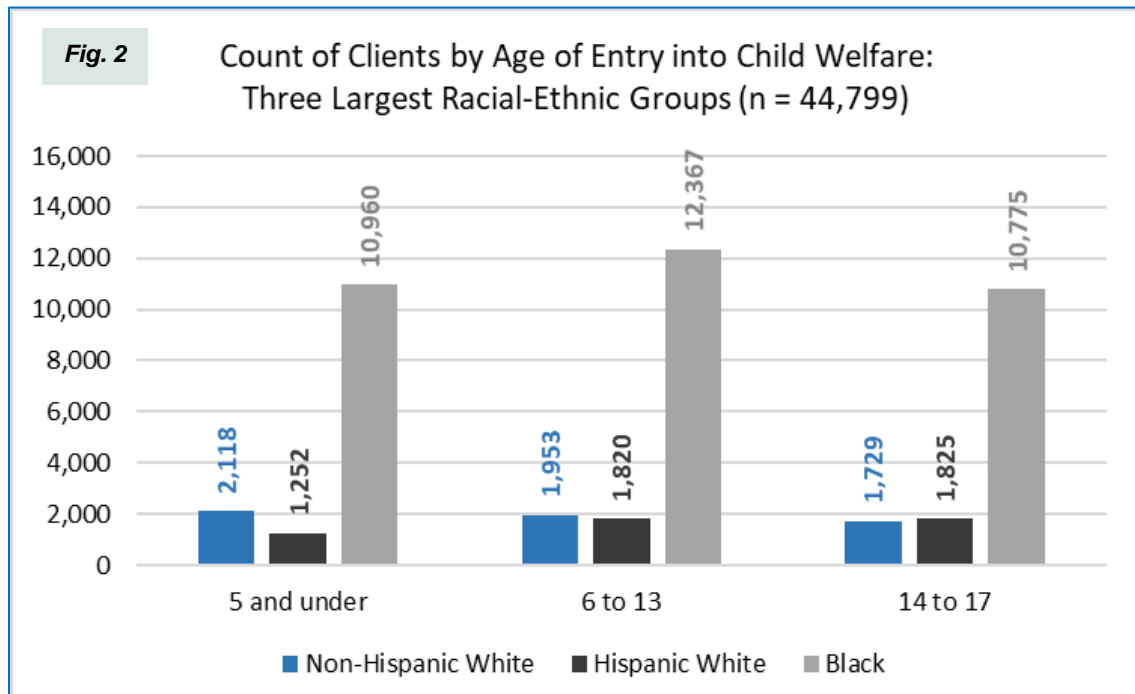
We have also recruited, trained, and on-boarded our **peer advocates**, four formerly dependent youth who help currently dependent older youth navigate the system and work with our management team to develop policies and practices informed by their lived experiences.

Part of this year's proposed investment will continue to support our dependent youth by enabling us to **provide youthful clients, particularly our older youth involved in the dependency and /or delinquency systems, with two experienced education attorneys and two housing navigators.** These stabilizing supports for older youth are not only necessary for our young people's smooth transition into adulthood but are also a data driven approach to improving public safety.

When we looked at arrest rates for over 48,000 children who had been involved in the dependency system for at least 30 days in the last 22 years, we found that older children entering the dependency system are particularly vulnerable to continued involvement with the delinquency or adult criminal legal systems (*Fig. 1*).



Even though the child’s vulnerability to arrest increases based on age of child welfare system entry, regardless of racial-ethnic background, this remains a racial justice issue because so many more Black children are exposed to the dependency system (Fig 2).



By targeting older youth for educational and housing support we believe we will not only ease their transition into adulthood, but also provide meaningful connection to education and community that will reduce their chances of being arrested.

Expanding the Interdisciplinary Model to Delinquency Cases

The lion’s share of this year’s requested budget increase would be used to continue to dismantle the womb to prison pipeline by bringing the same interdisciplinary model we deploy in dependency cases to youth entering the delinquency system. With these resources every child represented by Defender will have the social worker they need assigned to them at the very beginning of our representation.

Our experience with children entering the delinquency system tells us they all need the assistance of a social worker just as surely as those in dependency do. As previously mentioned, 25% of the children in the delinquency system have a history of involvement with the dependency system. Also, nearly all the children have experienced significant trauma in their young lives. Most reside in communities with high levels of violence, attend under-resourced schools, and have experienced other personal traumas, including that associated with arrest and detention. **The cumulative effect of these experiences often results in young people resorting to troublesome behaviors to protect themselves.** For example, last year we represented a ten-year-old child on a possessory firearm offense.

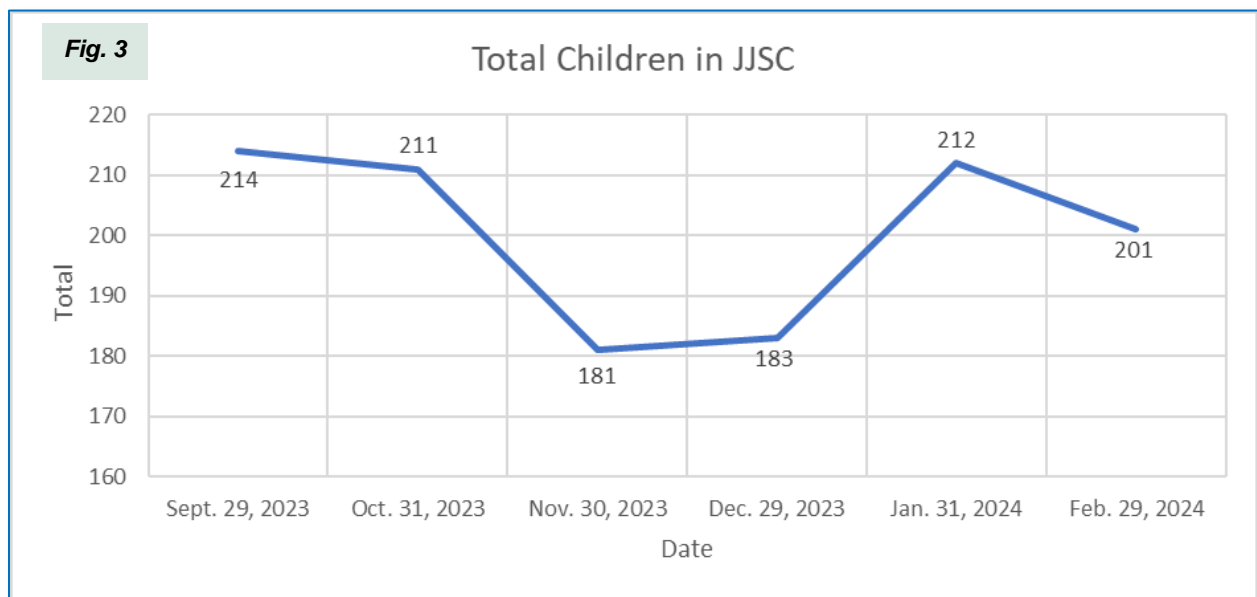
This investment will enable us to connect the young people with the support they need to avoid future entanglement or deepening entrenchment with the delinquency system and delay, if not

altogether avoid, their future involvement with the adult criminal justice systems. This additional staff will also:

- **build our capacity to provide representation and social services** to youth as diversionary opportunities for them expand in accordance with the City’s plan for public safety.
- **place our attorneys in the best position to advocate** for the most appropriate outcome for our youthful clients by lowering caseloads;
- **support efforts to safely reduce the JJSC population** by creating release plans for children housed there; and
- **better support young people** returning home from placement or detention.

Addressing Conditions at JJSC

Directing our efforts to safely decarcerate the Philadelphia Juvenile Justice Services Center is a top priority for our office next year. As Council is aware, overcrowding at the PJJSC has presented ongoing challenges for the facility and for the young people housed there. While stakeholders continue to work to reduce the daily detention population, it has consistently remained at or above capacity for months (*Fig. 3*).



Despite efforts to reduce the population, it remains a racial justice crisis impacting our young Black men. On February 29, 2024, for example, there were 201 young people housed in the detention center:

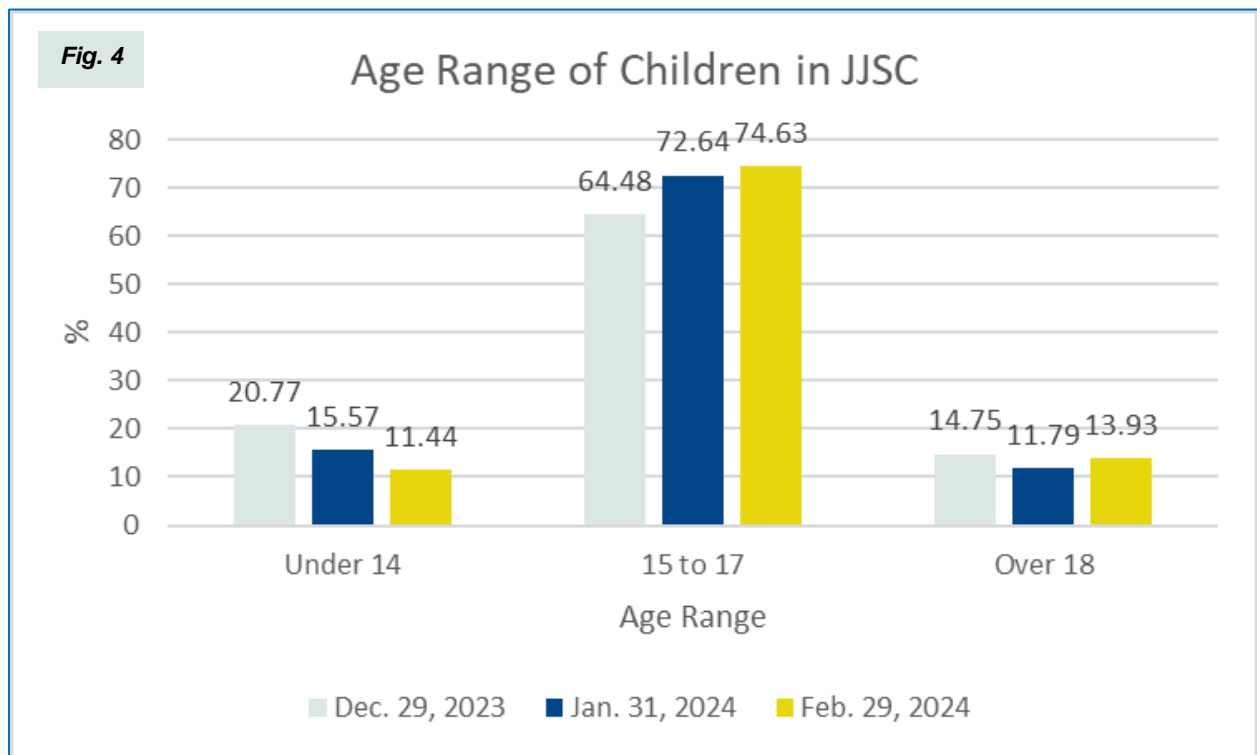
- **85%** of them were **Black**,
- **9%** were **Latinx**, and only
- **5%** were **White**, non-Latinx.

Every month, most young people in detention are male.

Table 1: Gender Breakdown February 29, 2024.

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Gender	Count	% of Total
Female	23	11.44%
Male	178	88.56%
Grand Total	201	100.00%

Middle school aged children routinely populate the PJJSC halls. There are children as young as 11 or 12 in the detention center every month. Perhaps most troubling, the **11% of the young people (23 children) aged 14 or under** represented a significant decrease from recent months (Fig 4).



Recently, most of the children in detention are those awaiting resolution of their case, not those waiting for transfer to state placement. For example, on February 20, 2024, almost $\frac{2}{3}$ (131) of the young people in the JJSC were presumptively innocent youth pending adjudication of their case. And over half of them (75 children) were pending delinquency cases from the time of the

arrest. To be clear, this does not include young people who were originally charged as adults. Another 6% (13 children) were there pending technical violations of their probation (*Fig. 5*).

Recent efforts to transfer children awaiting placement to those placements have reduced the number of children awaiting placement in the detention center. But it has not reduced the overall population because more children are now detained on pending charges or alleged violations of probation. Investing in our social workers for our office will enable us to work to secure release for the 'pre-adjudication' kids while they await resolution of their case. (*Fig. 5*)

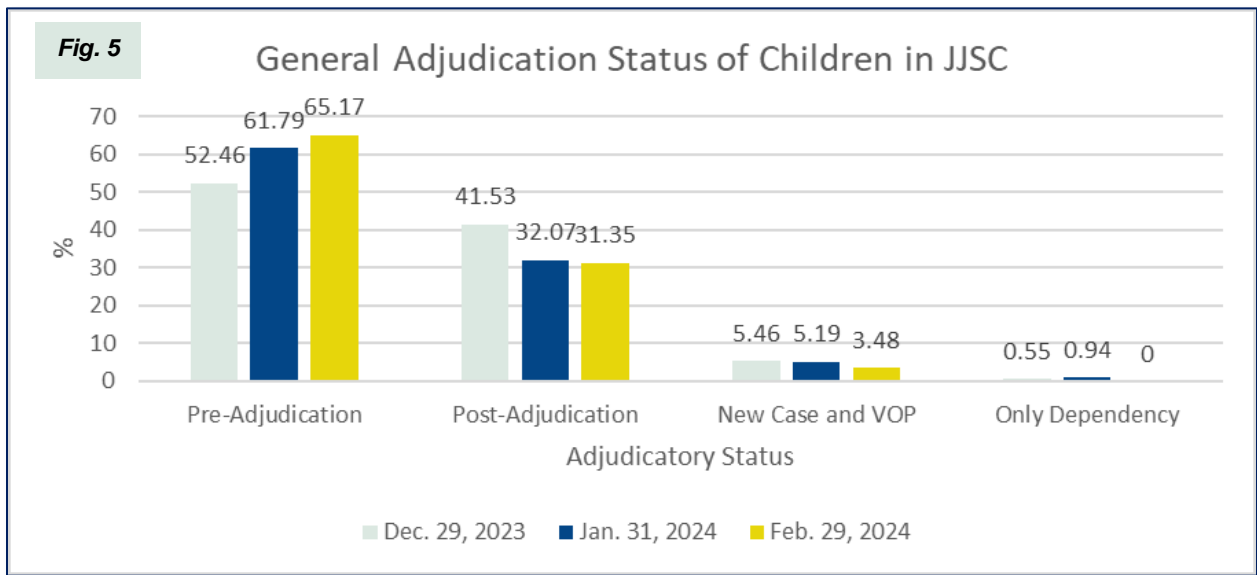
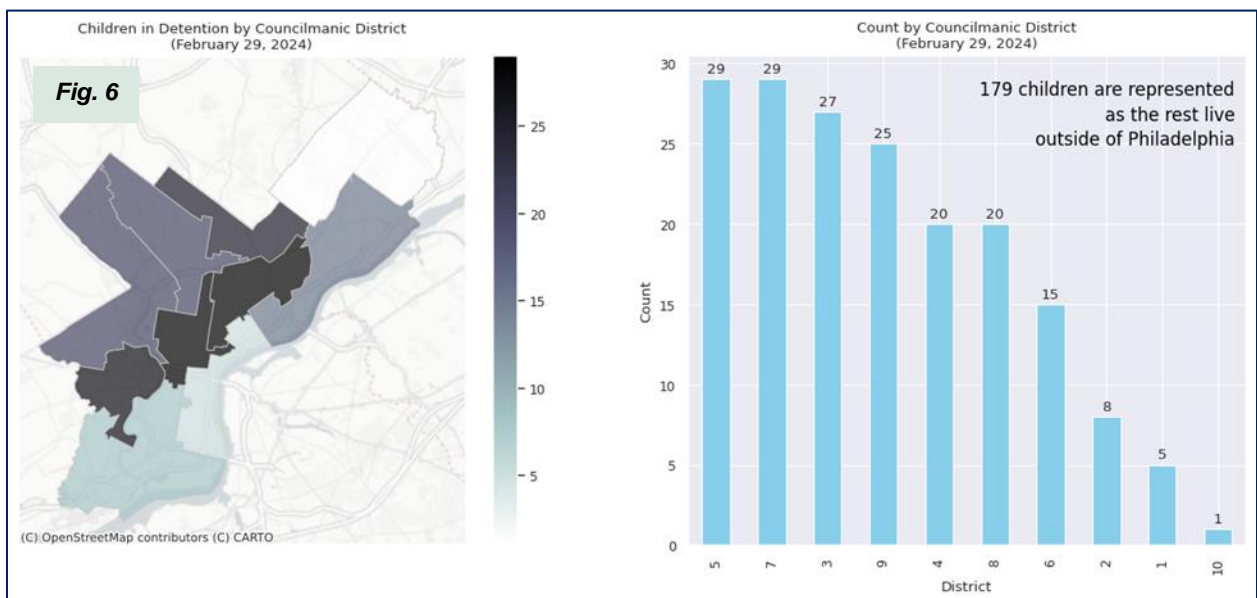


Figure 6 looks at how many children live in each councilmanic district. Of the 201 youth held in the JJSC on February 29, 2024, 179 of them have Philadelphia addresses (89.06%). Districts 5 and 7 had the greatest number of children in the JJSC (29 each). Districts 3, 5, and 7 are consistently the top 3 most represented districts at any given snapshot.



With the additional investment, our office can direct resources to leverage our existing partnerships with community- and neighborhood-based organizations to build community-based release plans that will allow our young people to be safely released from the PJJSC and back to their communities.

An Investment in our Children and Youth Justice Unit (CYJ) is an Investment in Public Safety.

Entanglement with the juvenile justice system could be an opportunity for meaningful intervention. But for many of our clients, it is instead a pathway to continued arrest and prison. **More than 1/3 of the adult clients we represented last year had a history of involvement with the delinquency system.** But exposure to the delinquency system wasn't equally distributed. **Nearly 40% of our Black adult clients experienced a history of involvement with the juvenile justice system** while only 18% of our White Non-Hispanic clients did.

Involvement with the delinquency system also means earlier, and often more frequent, contact with the adult criminal justice system. **Over 70% of our adult clients with a delinquency but no dependency history experienced their first criminal arrest between the age of 18-21,** while only 38% of their counterparts without a delinquency or dependency history did.

Regardless of their dependency history, children who have been involved with the delinquency system need more support than we can provide at current staffing levels.

This support is needed to forestall or eliminate their future entanglement with the adult criminal justice system.

Our youth social services advocates often obtain educational or other records and provide mitigation reports to tell a more complete story about the child who has been arrested. We have a total of nine social workers assigned to serve young people who have been arrested. Four work exclusively with children initially facing non-homicide adult criminal cases. Last year our office represented 70 children who were charged with non-homicide cases as adults. All but three cases were dismissed or returned to family court, and every one of them had a social worker assigned at their arrest. Our delinquency practice unit, which served 1,463 clients last year, currently has five social services advocates. We know with our current staffing levels we are unable to meet the needs of our clients which is why we are asking for resources to hire more social workers for youth.

Being Prepared for the Kensington Plan—More Supportive Services Needed

Though we've not yet been involved in the planning stages for the community triage and wellness centers, we hope to work collaboratively with Council and the Mayor's Office to implement plans that emerge for Kensington. We will require additional staff to provide individualized services for the higher needs more frequent utilizers of criminal legal system services typically have.

To be our most effective, the Defender relies on an interdisciplinary model, which includes attorneys, social workers, and administrative support. To staff a community court, we estimate that our office would need to bring on four social workers, six attorneys, and an administrative support professional which require an estimated \$1.1 million investment from the city. We know

that **29% of the adult clients we represented over the last 4 years have been repeat clients and faced charges more than once within a twelve-month period. Out of this group, 20% were at one time dependent children.** In our experience, clients with these more frequent arrests have more needs for social service support than clients with little to no criminal justice system contacts.

Focused efforts to support the anticipated needs of the unhoused people of Kensington will quickly overwhelm our current referral system. Typically, our adult clients are referred to social services by their attorneys. These referrals may be for direct services, and/or to develop re-entry support plans or mitigation reports, as appropriate. Our Social Services Unit provides supportive services for clients who are in or out of custody. These often include finding alternatives to placement or sentencing or connecting clients with mental health substance abuse treatment or housing. The unit also submits referrals for the Forensic Intensive Recovery (FIR) program, which dedicates substance use treatment slots to people housed in the Philadelphia jail.

In the last six months of the fiscal year, our adult social services received 1,371 FIR referrals and 786 referrals for supportive services. Supportive services included requests for direct services, re-entry planning and mitigation reports. 64% of our direct service referrals included requests for mental health, substance abuse, or housing assistance. Not including our specialty units, social services provided support for 1,833 clients in that time frame. While this is an extraordinarily high-volume practice, we know many more of our clients could benefit from more direct case management than we are currently able to offer.

II. Staff Recruitment and Retention Initiatives

Following the COVID-19 crisis, our office, like many city agencies, had a lot of vacancies to fill. In the last three years, our leadership team has placed particular emphasis on diversity recruitment initiatives and strategies designed to retain our staff. For example, last year with Councilmember Jones' staunch support, we launched our own subsidized public transit benefit to match the SEPTA program offered to city workers. This year we plan to continue our retention strategies, particularly building out our leadership training pipeline and honoring the provisions of our recently signed collective bargaining agreement with the union representing our attorneys.

To remain competitive with other city agencies, we are seeking an additional investment so we can:

- achieve pay parity with the local law department and District Attorney's Office and
- contribute a competitive match to our employee's self-funded retirement.

We are not part of the city's pension program and we lose seasoned attorneys to other city agencies because of this. We need investments so that our staff can retire in dignity.

In discussion with DAO and Law Department, we are woefully behind neighboring states in compensation for our attorneys. We have agreed that the three agencies ask for a starting salary of \$85,000. Under our collective bargaining agreement, raising our starting pay will also

require us to increase the step intervals. This investment is key to retaining our staff with more than five years of experience who are better suited to provide representation for increasingly complex legal cases.

Early recruitment is especially important to our work because the candidates we seek are highly sought after. To ensure that we can recruit the most diverse and highly qualified graduates, we begin recruitment a full year prior to anticipated start dates. To remain competitive in recruitment, we need to be able to honor the existing offers of employment accepted by 26 attorneys (20 for our criminal and delinquency cohort and six for the CAU).

Most of these incoming attorneys are from local area law schools, Widener, Temple, Penn, Drexel, and Villanova. Rescinding these offers would be particularly problematic, as it would have an adverse effect on mostly local law school graduates (many of whom turned down offers to accept ours) and place our future recruitment efforts at a significant disadvantage. It would likely have a negative impact on our efforts to diversify our pool of attorneys, a key component of our goal of having a workforce that better reflects the demographics of our and our clients.

Last year we represented 27,364 individual clients in adult criminal court. The majority of our clients were men, with 19% women. 64% of our clients were Black, non-Latinx, 18% were Latinx, and 16% were White, non-Latinx. We see similar demographics among our dependency clients, where 64% of our young clients identify as Black, non-Latinx, 15% as Latinx, and 16% were White, non-Latinx. Racial disproportionality was even more evident among our youthful delinquency clients, where 79% of our delinquency clients were Black, non-Latinx, 12% were Latinx, and 5% were White, non Latinx.

Given the high volume of our practice, and the demographics of the clients we represent, it's important for our office to continue our current work to recruit, train, and retain a diverse and talented team.

III. Operating Costs

The Defender Association seeks to continue upgrading our technology to maintain a modern law office. Unlike other city agencies, our office is not supported by OIT - a benefit we estimate to be valued at an average of \$4,387 per employee. **Unlike city agencies, we supply and maintain all our own equipment.** Every laptop, cell phone, server, officer phone, copy machine, scanner, and defibrillator in our building, are purchased and maintained with our city funds. All our licenses for software or to exchange electronic discovery or maintain or upgrade our case management software are also self-funded. Our professional staff are guarding the firewalls.

Furthermore, we have to pay rent, unlike city agencies which are typically housed in properties owned by the city. We pay real estate taxes, cleaning services, pest extermination, building security, maintenance, and repairs, and for any renovations or upgrades necessary to continue to house our growing operations. We furnish our offices. We repair or replace desks, chairs, bookshelves and filing cabinets as they age. These costs continue to rise every year and we need to maintain our presence near the courthouses and communities we serve.

IV. Proposed Funding Request:

Since we hold the city's contract to provide constitutionally mandated services, all our expenditures are classified as Class 200 expenses.

Our proposed budget includes funding for our existing services plus additional funding to support:

1. Salary and benefits for 26 attorneys joining our fall class,
2. Pay parity with local agency starting salaries,
3. 25 social workers,
4. Sustaining 6 positions to continue staffing early bail review programs initiated during the MacArthur Safety and Justice challenge,
5. 2 education attorneys and 2 housing navigators,
6. 5 attorneys for our juvenile delinquency practice,
7. Staff to expand our ability to support any response to the Kensington Plan,
8. Licenses for electronic evidence exchange, equipment purchases, and maintaining hardware and software,
9. Rent and building maintenance and operating cost increases,
10. Staff benefits, including rising costs related to health insurance premiums and benefits required under our attorneys' collective bargaining agreement.

The Defender is requesting 51 additional budgeted positions this year. Six of these requested positions are currently grant funded and staff our early bail review program initiated by our participation in the MacArthur Safety and Justice. **Notably, positions originally funded by the initiative in other stakeholder agencies have been sustained by the city's budget process, but ours have not.** The funding for this project is set to end on June 30, 2024.

Included in the 51 positions, we are also seeking thirty-four (34) staff members to support our ongoing efforts to dismantle the womb to prison pipeline. Specifically, two (2) education attorneys and two (2) housing navigators will serve both our dependent and delinquent youth and five (5) attorneys and twenty-five (25) social workers for our juvenile delinquency practice. Finally, eleven (11) new positions will support plans evolving through the Kensington Caucus, Mayoral initiatives, and our clients with a history of frequent recurrent arrests.

Conclusion

The Defender Association remains committed to becoming the community's law firm by building meaningful partnerships and achieving the best possible outcomes for our clients' cases and their lives. Last year we filed 12,317 petitions for expungement and record sealing. We successfully filed for early termination of probation for 166 clients. And we launched our Junior Defender program - a series of workshops to teach middle and high schoolers about the school to prison pipeline, and how they can leverage resources to advocate for changes to policies or practices that negatively impact their peers or themselves.

The city's continued investment in our office does more than provide essential, constitutionally mandated legal counsel to people entangled in our justice system. It also enables us to serve as an effective touch point and provide support people need to succeed socially, educationally, and economically. We look forward to our continued relationship with the city and fulfilling our ongoing promise to be effective stewards of limited government resources and provide high quality legal representation to the city we serve.