



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 160879

Introduced October 6, 2016

Councilmember Jones

**Referred to the Committee on
Law & Government**

RESOLUTION

Proposing an amendment to The Philadelphia Home Rule Charter to provide for the creation of a Criminal Justice Reinvestment Fund to reinvest savings from a reduced prison population into criminal justice reform programs and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, The City of Philadelphia has been committed to criminal justice reform, demonstrated by the creation of City Council's Special Committee on Criminal Justice Reform and the dedicated work of the Philadelphia County Criminal Justice Advisory Board; and

WHEREAS, Philadelphia's dedication to criminal justice reform was nationally recognized when the City was awarded a \$3.5 million MacArthur Foundation Grant to fund a plan to reduce the prison population by 34% over three years; and

WHEREAS, Currently, the average daily prison population in Philadelphia is 7,500 persons. It costs the City between \$94 and \$122 to house a prisoner each day. The Department of Prisons was appropriated over \$258 million for fiscal year 2017, to keep prisons running at this capacity. With a reduction in the prison population size will come a reduction in costs and result in savings to the City; and

WHEREAS, The Philadelphia Home Rule Charter should be amended to establish a Criminal Justice Reinvestment Fund, where a percentage of yearly savings caused by a reduced prison population will be reinvested to benefit programs and services that will further the City's dedication to criminal justice reform, and ensure that the prison population remains reduced while producing a safer city for our citizens to live in; and

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WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,

SECTION 1. The following amendment to The Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE II
LEGISLATIVE BRANCH
The Council – Its Election, Organization, Powers and Duties

CHAPTER 3 LEGISLATION

§2-300. The Annual Operating Budget Ordinance.

* * *

(8) Criminal Justice Reinvestment Fund.

(a) The annual operating budget ordinance shall provide for appropriations to a Criminal Justice Reinvestment Fund, to be created and maintained by the Director of Finance as a separate fund which shall not be commingled with any other funds of the City. Appropriations to the Criminal Justice Reinvestment Fund shall be made each year in the following amounts, except no appropriations shall be required for the first fiscal year of the Fund's existence:

(1) Such amounts as remain unencumbered in the Criminal Justice Reinvestment Fund from the prior fiscal year; plus

(2) Five percent of such amounts as remain unencumbered in the Prison General Fund Budget from the prior fiscal year; plus

(3) Such additional amounts as the Council shall authorize by ordinance, no later than at the time of passage of the annual operating budget ordinance and only upon recommendation of the Mayor.

(b) No funds shall be appropriated from unencumbered amounts in the Prison General Fund Budget to the Criminal Justice Reinvestment Fund, in any fiscal

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year in which the Council by ordinance has determined that such appropriation would be detrimental to the financial health of the City.

(c) For purposes of this Section and Section 6-111 (“Criminal Justice Reinvestment Fund”),

(1) “General Fund” shall mean the General Fund established by the Director of Finance and so denominated in the annual operating budget ordinance.

(2) “Prison General Fund Budget” shall mean funds appropriated to the Department of Prisons for the fiscal year.

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ARTICLE VI

EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES

Director of Finance, Financial Departments, Boards and Commissions, City Treasurer, Procurement Department, and Board of Pensions and Retirement

CHAPTER 1

DIRECTOR OF FINANCE

* * *

§6-111. Criminal Justice Reinvestment Fund.

(a) The Director of Finance shall create and maintain a Criminal Justice Reinvestment Fund as a separate fund which shall not be commingled with any other funds of the City. For each fiscal year, except for the first year of its existence, the Director of Finance shall make deposits to such Fund no later than three months after the start of such year in such amount as shall be appropriated by the Council pursuant to Section 2-300(8).

(b) The Director of Finance shall allow withdrawals from the Criminal Justice Reinvestment Fund only upon:

(i) approval by ordinance of a transfer of appropriations from the Criminal Justice Reinvestment Fund, pursuant to Section 2-300(6), and only for the purposes set forth in such transfer

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ordinance, which must be expressly related to criminal justice reform; or

- (ii) *A certification by the Director of Finance that such withdrawal is necessary to avoid either a material disruption in City services or to fund emergency programs necessary to protect the health, safety or welfare of City resident, and that it would be fiscally imprudent to seek emergency appropriations pursuant to Section 2-301(a). Such certification must be approved either by (i) a resolution adopted by two-thirds of all of the members of the Council, or (ii) an agency of the Commonwealth with responsibility for ensuring the fiscal stability of the City.*

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APPENDIX

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CHAPTER A-2

§ A-200. Schedule.

This Charter shall become effective on the first Monday of January, 1952, except in the following particulars:

* * *

(14) The amendment to this Charter relating to the Criminal Justice Reinvestment Fund shall take effect July 1, 2018.