

Special Committee on Criminal Justice Reform
November 3, 2017

COUNCIL OF THE CITY OF PHILADELPHIA
SPECIAL COMMITTEE ON CRIMINAL
JUSTICE REFORM

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, November 3, 2017
10:15 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DEREK GREEN
COUNCILWOMAN HELEN GYM
KEVIN BETHEL, Philadelphia Police
Department (retired)
WILFREDO ROJAS, Office of Community
Justice and Outreach (retired)
RICHARD McSORLEY, Deputy Court
Administration - Criminal Trial
REVEREND ADAN MAIRENA, W. Kensington
Ministry at Norris Square
JUDGE BENJAMIN LERNER, Deputy Managing
Director
TARIQ EL-SHABAZZ, ESQ., Criminal Justice
Attorney
JULIE WERTHEIMER, Managing Director's
Office
CLAIRE SHUBIK-RICHARDS, Pennsylvania
Prison Society
KELLEY HODGE, Interim District Attorney

RESOLUTION 170838 - Resolution authorizing the
Special Committee on Criminal Justice Reform
to hold hearings regarding the role of a bail
fund in Philadelphia.

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2 COUNCILMAN JONES: Ladies and
3 gentlemen, we're going to begin. I have
4 enthusiastic members of this Committee
5 that have gotten here on time. I think
6 this might be a record. And so I'm going
7 to take advantage and seize the moment.
8 I'm going to seize the moment.

9 Good morning. This hearing is
10 called to order. We are reconvening the
11 Special Committee on Criminal Justice
12 Reform. I recognize the presence of a
13 quorum of this Committee.

14 Ms. Williams, will you please
15 read those in attendance into the record.

16 THE CLERK: Starting from the
17 left, we have Wilfredo Rojas, Richard
18 McSorley, Tariq El-Shabazz, Councilman
19 Curtis Jones Jr., Kevin Bethel, Julie
20 Wertheimer, Claire Shubik-Richards, and
21 Reverend Adan Mairena.

22 COUNCILMAN JONES: We will also
23 recognize the presence of the author of
24 the resolution before us today,
25 Councilman Green, who has joined us, and

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2 we appreciate his dialogue and
3 discussion.

4 The Special Committee on
5 Criminal Justice Reform was established
6 on December 10th, 2015 by a unanimous
7 vote of the Philadelphia City Council.
8 Since our establishment, the Committee
9 has held 12 public hearings, half of
10 which were dedicated to public discussion
11 concerning bail pretrial of incarcerated
12 individuals.

13 From those hearings, the
14 Committee was able to issue two reports,
15 one of which was solely dedicated to the
16 recommendation of alternatives to
17 pretrial incarceration. In addition, the
18 public hearings and report of our work
19 was included in the consistent planning
20 that was done by members of the MacArthur
21 Foundation in partnership with CJAB, who
22 has been way out on this issue a very
23 long time, and we have joined them and
24 others in the national and local
25 discussion on criminal justice reform.

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2 We do this because the
3 continuum of justice reform is not a
4 straight line. It's not. In fact, when
5 we started this work, the MacArthur
6 Foundation had already given us a
7 generous grant, but we've come together
8 and we've exchanged ideas, and some of
9 those benefits before we've ever
10 implemented are really finding their way
11 into public policy.

12 When you think about it, we've
13 achieved an 18 percent reduction of
14 incarcerated individuals on State Road,
15 and that includes not just us up here,
16 but those of you out there who have made
17 a commitment to testify and being a part
18 of that discussion.

19 In addition, within our budget
20 in the City of Philadelphia, we've
21 increased the number of GPS technology.
22 This was low-hanging fruit that for years
23 we just kind of glossed over and didn't
24 do what we were supposed to do, but thank
25 you, Julie, for banging us over the head

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2 at budget time to make sure that we paid
3 attention to this.

4 We had traveled to State Road
5 and met with dozens of inmates. At least
6 one-third of them were there because they
7 could not afford \$100 to come home,
8 non-violent offenders that were
9 incarcerated for \$100.

10 We spend -- and we argue about
11 the figure -- somewhere around \$100 to
12 \$122 a day to incarcerate. So whether
13 you are a conservative member of this
14 body who are bean counters and want to
15 save the taxpayers' money or whether you
16 are a compassionate individual that just
17 wants to open the doors of the jail and
18 let everybody go, we have something for
19 everyone here. There's a reason to
20 engage in this process.

21 We as a Committee started the
22 process of evaluating day reporting
23 centers.

24 I'm not allowed to tell about
25 that?

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2 MS. WERTHEIMER: Yeah, you are.

3 COUNCILMAN JONES: You know, I
4 don't want to be out of -- but we are
5 looking at how we can, during the course
6 of a day, allow individuals not to lose
7 their life, whether it's their homes,
8 whether it's their jobs, but fulfill
9 their commitment to society. We're
10 looking at how to balance those things in
11 a day reporting center concept.

12 My good friend here gave about
13 a 20-minute tirade. I think it was 20
14 minutes. I didn't time it. But that
15 resulted in us bringing DHS in and stop
16 the unfair levy of wages and paying for
17 juvenile court proceedings, and some of
18 those fines followed those juveniles into
19 adulthood. This man right here made a
20 difference in a way that will be profound
21 over generations.

22 So in that process, we look for
23 other issues to discuss, other ways to be
24 helpful, other ways to make an impact on
25 the day-to-day lives of not just those

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2 individuals who are accused of crime who
3 are coming home from serving sentences,
4 but society in general, because it
5 impacts us all.

6 So with that, can you read the
7 title of the resolution to be heard
8 today, Ms. Williams.

9 THE CLERK: Resolution No.
10 170838, a resolution authorizing the
11 Special Committee on Criminal Justice
12 Reform to hold hearings regarding the
13 role of a bail fund in Philadelphia.

14 COUNCILMAN JONES: Would any of
15 the members of the Committee like to give
16 an opening statement?

17 Ms. Wertheimer.

18 MS. WERTHEIMER: Thank you,
19 Mr. Chair, and thank you, Councilman
20 Green, for the opportunity to make the
21 statement before we hear from the
22 witnesses, and I look forward to hearing
23 about the members' and communities'
24 efforts in their advocacy for bail reform
25 and to also provide bail relief through

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2 community bail funds.

3 Bail funds can absolutely serve
4 as a grassroots complement and temporary
5 measure to many of the efforts of reform
6 currently being undertaken by the system.

7 Since July of 2015, the
8 criminal justice partners in Philadelphia
9 have reduced the population by about 17
10 percent.

11 COUNCILMAN JONES: 17?

12 MS. WERTHEIMER: Yes.

13 COUNCILMAN JONES: I stand
14 corrected.

15 MS. WERTHEIMER: As of this
16 morning. Well, it fluctuates.

17 And we aim to achieve further
18 reductions totalling at least 34 percent
19 by May of 2019.

20 Part of those efforts are the
21 development of alternatives to the
22 current money bail system. Programs like
23 early bail review, pretrial advocates,
24 updated electronic monitoring, which the
25 Councilman mentioned, and a new pretrial

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2 risk assessment tool are all in different
3 phases of implementation and I believe
4 will be discussed in more detail by one
5 of today's panels.

6 But cash bail reform alone will
7 not significantly reduce our jail
8 population and safely, which is why there
9 are 19 different initiatives under the
10 MacArthur grant and many more beyond the
11 grant through CJAB, like day reporting.

12 I mention these things because
13 it's important to set the context of the
14 conversation, as are the data. Of the
15 6,698 individuals on State Road as of
16 this morning, about 30 percent are
17 pretrial, and when you exclude the 5
18 percent who are currently charged with
19 murder, who are automatically detained
20 without bail, that leaves about 25
21 percent of the jail population that are
22 held on cash bail. Of these, only one in
23 ten, or about 2.5 percent of the overall
24 jail population, which is roughly 170
25 people based on this morning's figures,

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2 have a bail of about \$5,000 or less,
3 which means posting \$500. This is the
4 universe that I assume these bail funds
5 are mostly seeking to address, but I look
6 forward to learning more about that and
7 about the impact that they're making.

8 COUNCILMAN JONES: Thank you.

9 Seeing no other members of the
10 Committee wishing to give a statement,
11 I'd like to hear from the author of this
12 resolution, Councilman Derek Green.

13 COUNCILMAN GREEN: Thank you,
14 Councilman and Chairman Jones. To all
15 the members of the Special Committee,
16 thank you for this opportunity. I want
17 to thank you for the work you've been
18 doing over the past number of months on
19 this issue of criminal justice reform. A
20 number of the things that you've been
21 doing have made some impact here in the
22 City of Philadelphia. I want to commend
23 you for your work and your time in being
24 focused on this issue.

25 I have had an interesting

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2 career in my life. I've been both an
3 assistant district attorney here in the
4 City of Philadelphia and also an
5 assistant attorney general in the
6 Delaware Department of Justice, and so
7 being a former prosecutor and just
8 reflecting on the issues of criminal
9 justice reform but also, more
10 importantly, regarding the concept of
11 cash bail. And so when you have
12 people -- and, Councilman Jones, you
13 talked about having visited State Road.
14 As a former prosecutor, I've spent a lot
15 of time up on State Road, and the concern
16 I have is that when you have someone that
17 allegedly committed a crime based on
18 probable cause but is still sitting
19 basically in an incarcerated position
20 because they can't afford to be released,
21 that's an issue. And so because of that
22 issue, I think -- and there's been a
23 number of jurisdictions who moved away
24 from having cash bail, but until we get
25 to that point, we need to have some type

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2 of bridge.

3 And so from my perspective,
4 having conversation about bail funds
5 provides an opportunity to provide that
6 bridge to a point where we may not have
7 cash bail in the future.

8 And so the goal of this
9 resolution is to continue this
10 conversation, seeing what's happening
11 both at the national level, other
12 jurisdictions, and also what's happening
13 here in the City of Philadelphia. And
14 when you think about -- and I'll just
15 give you some information from the
16 resolution that was drafted as being
17 heard today.

18 Today, one in four of the
19 people in the world who are incarcerated
20 are incarcerated in the United States,
21 despite our only having 5 percent of the
22 world's population.

23 Nationally, an average of
24 700,000 people are held in jails each day
25 because they cannot afford bail, with

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2 women representing the fastest-growing
3 group of incarcerated people in the
4 United States, and black and trans women
5 being especially vulnerable. For
6 example, black women are twice as likely
7 to be incarcerated as white women.

8 Whereas, eight of ten women
9 that are incarcerated are mothers, and
10 half are incarcerated in local jails,
11 mainly because they cannot afford to pay
12 bail, which undermines a woman's ability
13 to take care of her children, hold a
14 steady job, and maintain stable housing.

15 And Philadelphia has the fourth
16 highest incarceration rate of the
17 nation's 50 largest cities, with nearly 6
18 out of every 1,000 residents behind bars,
19 and most of those in the prison system
20 population awaiting trial.

21 And so today having a
22 conversation on bail funds I think, as I
23 said a few moments ago, provides that
24 bridge into a point when we may no longer
25 have cash bail.

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2 I want to thank the various
3 advocates and others who are here to
4 testify. I know we'll have
5 representatives from the Brooklyn Bail
6 Fund, ACLU of Pennsylvania, our
7 colleagues and comrades in the State
8 House, State Representative Jordan Harris
9 and State Representative Joanna
10 McClinton, who I know is here right now.
11 Our City Controller has also weighed in
12 on bail funds, the First Judicial
13 District, the Public Defender's Office,
14 the District Attorney's Office, as well
15 as at the more local grassroots level
16 from Black Lives Matter, the Philadelphia
17 Community Bail Fund, the No215Jail
18 Coalition, Frontline Dads, as well as
19 POWER.

20 So I think this conversation is
21 an important conversation and, as I said,
22 is a bridge into the point when we may no
23 longer have cash bail, but also this is
24 also a conversation about poverty, and
25 all of these issues are intertwined. So

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2 if you have a mother who allegedly may
3 have committed a crime based on probable
4 cause and now is awaiting -- is now on
5 State Road, that is an issue that may
6 cause her to possibly lose her job. And
7 so we need to look at how all these
8 issues are interconnected and also make
9 sure that we do what we can to address
10 this.

11 So I want to thank all of you.
12 I see our District Attorney has also
13 arrived. So I just want to thank you for
14 your time, thank all the advocates for
15 being here, so we can have a fruitful
16 conversation on the role of bail funds in
17 the City of Philadelphia.

18 COUNCILMAN JONES: We thank you
19 for continuing the discussion. None of
20 us is as smart as all of us, and we need
21 to hear from everybody and get different
22 points of view so that we can proceed on
23 good, solid information when we make
24 public policy.

25 The lady who used to sit where

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2 I sit now, former Councilwoman Marian
3 Tasco, said, Act in haste and repent in
4 your leisure, which was profound and I
5 always used to listen to that, and you
6 can appreciate that.

7 Ms. Williams, who -- we also
8 have the City Controller, Alan Butkovitz,
9 who I believe is going to testify as well
10 today.

11 So who do you have first,
12 Ms. Williams?

13 THE CLERK: The first panel of
14 witnesses will be Pilar Weiss and Nyssa
15 Taylor.

16 COUNCILMAN JONES: We're going
17 to also allow our elected officials to
18 get in a little early, because they have
19 bigger checks to bring from Harrisburg.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN JONES: Thank you.
23 Good morning.

24 (Good morning.)

25 COUNCILMAN JONES: Please bring

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2 the mic close to you. Remember always,
3 everyone, state your name for the record
4 and your title and begin your testimony.

5 MS. TAYLOR: Good morning.

6 COUNCILMAN JONES: Good
7 morning.

8 MS. TAYLOR: Thank you so much
9 for the invitation to speak today. My
10 name is Nyssa Taylor. I am from the ACLU
11 of Pennsylvania.

12 I provided written testimony as
13 well, which is probably more extensive,
14 so I'm going to keep my comments to you
15 today brief and focus on three issues:
16 the constitutional rights that are
17 impacted by cash bail, the 30 percent fee
18 that the City of Philadelphia takes from
19 everyone who pays bail, and who has the
20 authority to effectively eradicate cash
21 bail in Philadelphia.

22 First, cash bail impacts
23 constitutionally protected rights. The
24 presumption of innocence is one of the
25 most basic principles underlying our

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2 criminal justice system. We are innocent
3 until proven guilty, and detaining people
4 in jail until they have been found --
5 before they have been found guilty of an
6 offense flips this fundamental principle
7 on its head, as Councilman Green so
8 articulately introduced.

9 Cash bail also violates equal
10 protection and basic notions of fairness.
11 The system allows people with means to
12 purchase their freedom, while those who
13 are poor remain incarcerated. Freedom
14 from incarceration should not depend on
15 one's wealth or the color of one's skin.

16 The proposed Community Bailout
17 Fund is a good way to help ameliorate
18 this terrible situation, but should only
19 be viewed as a stop-gap measure in the
20 City's quest for true reform.

21 The 30 percent fee that
22 Philadelphia currently takes from every
23 citizen who pays bail will also impact
24 the Community Bail Fund. The Rules of
25 Criminal Procedure allow Philadelphia to

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2 keep a fee for reasonable costs, but
3 those costs should be directly connected
4 to the City's actual cost of
5 administering bail. And Philadelphia's
6 30 percent is out of step with many other
7 counties in the Commonwealth who charge
8 only \$25 or take 3 percent. It is
9 troubling that the City takes from those
10 who make bail, and even when completely
11 exonerated, our citizens will lose large
12 sums of money.

13 The First Judicial District has
14 the authority to change that fee. They
15 also have the authority to eliminate the
16 rules that the City -- and eliminate the
17 City's reliance on cash bail by changing
18 the local court rules.

19 So the Pennsylvania Supreme
20 Court set forth a broad framework for
21 pretrial relief in the Rules of Criminal
22 Procedure, and then under that framework,
23 the Pennsylvania Rules of Judicial
24 Administration give local courts the
25 ability to create rules that administer

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2 their own court system. So every court
3 has the authority to create their own
4 rules to administer their own system, and
5 that is where the rules come in that
6 impact cash bail. And the effective
7 eradication of monetary bail would not
8 conflict with Supreme Court rules, and I
9 think that's a really important point to
10 remember. Philadelphia could eliminate
11 cash bail today, and that would be in
12 complete compliance what Supreme Court
13 dictates on this subject.

14 So the Supreme Court, the Rules
15 of Criminal Procedure describe five types
16 of release on cash bail, and of those
17 five types, four of those types do not
18 require someone to post bail for release.
19 So I am going to ask Council and I'm
20 going to ask the First Judicial District
21 to create new rules, new rules that
22 eliminate the City's unfair, inequitable
23 reliance on money to buy freedom.

24 Thank you.

25 COUNCILMAN JONES: All right.

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2 So what I'd like to do is let both panel
3 witnesses testify and then open up for
4 questioning. Is that okay with everyone?

5 Please proceed.

6 MS. WEISS: Sure. Is that
7 working?

8 COUNCILMAN JONES: Yes.

9 MS. WEISS: I'm getting over --
10 I'm losing my voice. I wanted to make
11 sure.

12 Thank you, Chairman Jones and
13 members of the Committee, Councilman
14 Green, for having us here today. My name
15 is Pilar Weiss. I'm the Director of the
16 National Bail Fund Network, our project
17 housed at the Brooklyn Community Bail
18 Fund, which is the largest community bail
19 fund in the country paying about 2,000
20 bails unfortunately per year. We're a
21 network of about 20 community bail funds
22 that operate across the country, and we
23 work with a wide range of bail funds. So
24 I wanted to come today and speak to you
25 about sort of what that model looks like

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2 across the country, what it looks like
3 here, that potential for being part of
4 the efforts going forward.

5 So we work with dozens of
6 community bail funds that operate in a
7 really wide range of systems. Some of
8 them operate on a city level, a county
9 level. There's a few that operate
10 statewide. There's one that we
11 participate with that's actually a
12 national fund that operates across many
13 states. And they also operate under a
14 huge range of formations. There's no one
15 model for community bail funds. Some of
16 them are 100 percent volunteer run, some
17 of them have full-time staff, some of
18 them just pay bail, other pay bail and
19 also offer and connect with supportive
20 services.

21 But despite this huge variety
22 across the country of how community bail
23 funds operate, they really have two
24 common core values that all of them
25 manifest, and I really want to stress

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2 those two. One of them is that community
3 bail funds pay bail for folks with no
4 judgment and no expectation. They're not
5 a supervisory program. They're not a
6 diversion program. They're a group of
7 individuals from the community really
8 wanting to uphold the presumption of
9 innocence that our system is supposed to
10 be built on and make sure people have
11 their pretrial freedom. So that's the
12 first common value that all these funds
13 really share.

14 The second is, they all have a
15 common goal, which is to end the money
16 bail system. I'm sorry. I often use the
17 money bail system. Folks are using cash
18 bail interchangeable.

19 So I think here in Philadelphia
20 with the Philadelphia Community Bail Fund
21 as well as across the country with the
22 community bail funds that are part of the
23 network, we all see ourselves as
24 short-term solutions, Band-Aids, right?
25 We're not -- this is not the solution to

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2 the money bail system. But they act as a
3 temporary harm-reduction intervention and
4 are able to get people free and, I think
5 also importantly, point to many of the
6 issues that hopefully will be part of the
7 solutions that you all and others in
8 Philadelphia take on.

9 I often say that community bail
10 funds are kind of a canary in the coal
11 mine. They are so close to the front end
12 of the entry into the criminal legal
13 system and are able to really identify
14 some of the issues that often get hidden.
15 So from our work with the Philadelphia
16 Community Bail Fund so far and their
17 bailouts as part of the National Mama's
18 Bail Out Day, we've really seen how that
19 firsthand frontline work of bailing
20 people out has identified many, many
21 other additional issues. We all, I
22 think, are clear on the injustices of the
23 money bail system generally, but there's
24 all these other pieces that come up when
25 folks are bailing people out through a

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2 community bail fund. And so really
3 understanding what the needs of the
4 community are, whether it's services,
5 transportation, housing, healthcare, and
6 how the interaction with the legal system
7 is working.

8 So I think I would like to just
9 leave you with -- I could answer many
10 questions about other bail funds, if
11 that's helpful, but the overall -- we see
12 them as a Band-Aid and we see them as a
13 tool, and we hope that the work of the
14 Philadelphia Community Bail Fund that's
15 already been doing amazing work bailing
16 folks out is really taken into
17 consideration. We think that bail funds
18 often have a lot to offer in really
19 identifying what does community-centered
20 solutions and resources that have been
21 identified look like.

22 So one of the examples of the
23 Philadelphia Community Bail Fund and
24 other folks that may be bailing
25 individuals out, what are they

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2 identifying. How do we start to think
3 about the solutions for ending the money
4 bail system, looking at what those --
5 what the community has identified and
6 what the actual experiences of folks that
7 have been bailed out have regained their
8 presumption of innocence, have regained
9 their pretrial freedom, and have
10 interacted with the system, what do they
11 need to have a system that works going
12 forward.

13 So we really look forward to
14 the fact that you all are taking such a
15 proactive stance on this and looking at
16 it and thinking about how the bail funds
17 can be a temporary intervention and can
18 really be part of the tools to
19 identifying the right solution to any
20 money bail here in Philadelphia.

21 Thank you.

22 COUNCILMAN JONES: Well, thank
23 you for your testimony and putting your
24 voice at risk here this morning.

25 Succinctly, so we've been to --

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2 this Committee took a road trip to
3 Washington, DC where they have not had a
4 cash bail system for 20 years. We more
5 closely more recently had the State of
6 New Jersey, who only uses bail for the
7 last resort.

8 In your professional opinions,
9 where should we be and should we -- from
10 where we are right now in the bail system
11 to those possibilities, where do you
12 stand?

13 MS. TAYLOR: I think one of the
14 things that we need to be talking about
15 is need. How do we -- is need. We talk
16 a lot about risk assessment, but we don't
17 talk a lot about need. What do people
18 need to get to court? Do they need
19 subways? Do they text messages?

20 We were both at a conference --
21 was it yesterday? Wednesday, and there
22 was an organization, Uptrust, that is
23 doing text messaging, and they've been
24 working with the Defender Association,
25 and all of these other ways of

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2 communicating with people have the effect
3 of getting people to court more
4 effectively than cash bail for most. And
5 I would ask the City to really start
6 looking at how they can enter into an
7 investigation of the need.

8 COUNCILMAN JONES: All right.
9 You know I'm an elected official. That
10 meant I ran for office. So that didn't
11 answer my question, but we agree that
12 those things are important. We feel that
13 the more we can encourage and get people
14 into court, it does two things. One, it
15 gives justice, and it allows us to save
16 money instead of rescheduling trials.
17 And I'm sure the Controller has good
18 information on how much those
19 reschedulings cost, and so I'll wait on
20 that.

21 Councilman Green has put forth
22 a model that is almost -- and I'm not
23 stereotyping it, but like a doughnut tire
24 until we may get to a place where those
25 pieces are put into place.

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2 What we noted from DC is that
3 they spend a lot of money on the front
4 end to do pre-entry, and they spend --
5 they shift their funding to do things
6 that are more restorative, in my opinion.

7 So we're struggling with today
8 and over the last several hearings, it's
9 almost like not too hot, not too cold,
10 what's good for us.

11 You can answer that.

12 MS. WEISS: Thank you,
13 Councilman Jones. To your question, I
14 would say that the states that have made
15 big steps forward in bail reform have
16 done it in different ways. I think each
17 place is unique. I think that two
18 examples that you laid out, DC and New
19 Jersey, both have lessons that I think
20 Philadelphia and Pennsylvania as a state
21 can take.

22 I think that in DC, to your
23 point, they've really shown, because it's
24 been so long established, what it takes
25 to invest in pretrial services. I think

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2 that there's also questions, though,
3 about the DC system in terms of the
4 actual high percentage of people that are
5 held pretrial without bond. So they
6 don't have a cash system, but they have
7 the ability to hold people, right? And
8 so I think there's learnings there for
9 Philadelphia and for Pennsylvania to
10 think about it. That system has many
11 successes, but it also has some real
12 lessons learned about you can eliminate
13 money bail and then actually have an
14 increased number of people that are held
15 pretrial with no recourse for release.

16 I think, similarly, New Jersey
17 has been an inspiration for, I think,
18 bail reform advocates across the country
19 because it's been implemented -- invested
20 in new judicial additions and systems,
21 but I think we're also all learning from
22 it, that it uses a risk assessment tool
23 that has some real issues, right? And
24 that if similar kinds of systems or if
25 the question of how the system will

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2 release people on their own recognizance
3 and not use money bail is established,
4 what are the problems in the kinds of
5 bias and racist algorithms that may be
6 used in the New Jersey system, what kind
7 of a tool would Philadelphia create that
8 is very specific to the community. I
9 think that goes back to my earlier point
10 of really listening to what community
11 bail funds and other advocates that have
12 been working within the system have
13 identified as the needs and how you can
14 tailor the system that really meets
15 those. But I think both offer us sort of
16 some guideposts of where things have been
17 tested and where Philadelphia could be
18 even better.

19 COUNCILMAN JONES: I also
20 recognize the presence of my colleague
21 Councilwoman Helen Gym.

22 Mr. Shabazz.

23 MR. EL-SHABAZZ: Thank you.

24 Thank you, Councilman Jones.

25 First of all, thank you for the

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2 presentation. I think it was very
3 informative, and because the
4 presentations are to be informative and
5 there are people that are looking at
6 this, there are certain things that you
7 talked about that I want you to briefly
8 expound upon. I have the advantage of
9 having the written testimony, but other
10 people do not.

11 For example, you've touched
12 upon the constitutional right -- I have a
13 big mouth, so that kind of reverberated.

14 But you touched on the
15 constitutional right of someone who is
16 innocent until proven guilty being housed
17 as if they were incarcerated, but what
18 someone -- and I don't like to say
19 devil's advocate because I'm never a
20 devil, but the advocacy on the other side
21 said, Well, there's also a right to
22 public safety.

23 So what are the -- what is the
24 argument put forth? What would you say
25 to them with respect to that? That's the

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2 first thing.

3 The second thing is, you talked
4 about the 30 percent that is taken by the
5 City as part of a fee, if you will, when
6 cash bail is put up. Did you have an
7 opportunity to discover -- and I think
8 that we're going to have a chance to talk
9 to the Controller as well. Where did
10 that 30 percent go? What was it
11 reinvested in? Was it reinvested in
12 criminal justice? Was it reinvested in
13 some of the four other avenues you talked
14 about, house arrest or electronic
15 monitoring? Where is that money and
16 where did it go?

17 I think that those two
18 questions, if someone is sitting back and
19 saying, Well, you're going to let people
20 out and I'm afraid of them coming into
21 the neighborhood, how do you protect us
22 constitutionally, we can address that and
23 allay that, but the other thing is, how
24 do we reconcile this money that was held
25 on to by people that probably put a lot

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2 of money together to get a loved one out?

3 MS. TAYLOR: Both very good
4 questions. So I'm going to start with
5 your second one, and the answer is, I
6 don't know. I don't know where that
7 money goes. I don't know how it's
8 housed, and I think that that's something
9 I would absolutely ask the Committee to
10 look into.

11 With regard to the first
12 question, you are again spot on. The
13 Constitution -- both the United States
14 Constitution and the Pennsylvania
15 Constitution recognize bail. The Eighth
16 Amendment prohibits excessive bail, and I
17 think it's Section 1 -- Section 14,
18 Article I of the Pennsylvania
19 Constitution guaranties bail, not by
20 excessive sureties, but does allow that
21 if someone is arrested for a homicide or
22 if they're facing life in prison or they
23 are a public danger either to someone or
24 to the community, there is a public
25 safety aspect to it. But both of those

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2 must be proven by -- and I believe it's
3 by -- it has to be shown at a hearing.

4 And so I think one of the
5 issues is that there are ways to protect
6 public safety. That is not -- but that's
7 really -- and I think that the City can
8 do that, and I think other jurisdictions
9 have shown that cash bail is actually not
10 effective, because you could be really
11 rich and really dangerous. So I think
12 that's where the issue comes in.

13 MR. EL-SHABAZZ: And I have one
14 more question, not for you. I had a
15 question for someone who traveled from my
16 hometown to speak to us today.

17 You talk about a criteria for
18 community bail. There is some criteria.
19 Is that an accurate statement, first of
20 all, before I ask the question?

21 MS. WEISS: A criteria --

22 MR. EL-SHABAZZ: In other
23 words, community bail funds would assist
24 people that don't have the ability to get
25 out. What would the community bail fund

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2 do? And if it assists certain people, is
3 there a criteria, is there a grid, is
4 there something that we're looking at
5 that makes the determination as to who
6 was eligible and who was not?

7 And then the last question, and
8 I'm always concerned about it, is that
9 we've thrown around DC since I've been on
10 this Committee, since its inception, and
11 we learned about DC, but DC is federally
12 funded. So they are loaded on the front
13 end, but they're federally funding the
14 loading on the front end. So those
15 counseling, all of the alcohol
16 counseling, all of the housing
17 counseling, all of the education is paid
18 for. If we're doing it here and we're
19 looking at the model, how are we going to
20 do those things? How are we going to
21 fund it? How are we going to deal with
22 that? Are you able to give us something
23 different, because you have been engaged
24 in community funding?

25 MS. WEISS: Thank you so much

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2 and happy to have the Brooklyn connection
3 there.

4 On the first question, I don't
5 think -- I mean, community bail funds
6 establish criterias that are specific to
7 the jurisdiction they operate and the
8 values in which community groups are
9 involved in them. The networks that I
10 direct, we're very open that there's not
11 one criteria that is -- that should be
12 followed.

13 I think the two sort of themes
14 that I stress for bail funds, one of the
15 criteria is that if they're really a true
16 community bail fund, is to be
17 non-judgmental and not to have some sort
18 of hook on people or surveillance or a
19 demand. People's bail is paid with no
20 judgment.

21 Other bail funds across the
22 country have established all kinds of
23 different criterias based on how they're
24 able to relate to the system and also
25 what their budgets are, how much money

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2 they raised from community members and
3 also what their accountability to the
4 communities they work in. So there's
5 some bail funds -- and also how much the
6 average bail is, right?

7 There are some bail funds that
8 pay bails only at the \$500. There are
9 others that pay \$50,000 bails, right? It
10 really depends on what their resources
11 are. And there's also issues about how
12 referrals come in. There are some bail
13 funds that work very closely with public
14 defender offices, and that's part of the
15 way they coordinate. There are others
16 that take referrals from people calling a
17 hotline.

18 So I think it's really a
19 question for the Philadelphia Community
20 Bail Fund. They'll establish the
21 criteria that works for them, and they
22 can be transparent and accountable to the
23 communities they work with and that the
24 system understands how it works. But
25 there's no sort of one size fits all.

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2 MR. EL-SHABAZZ: But there is a
3 risk assessment?

4 MS. WEISS: No. No. And I
5 think that's actually a very interesting
6 thing that bail funds have shown. I'll
7 use the example of the Brooklyn Community
8 Bail Fund where I'm hosted, which is they
9 end up paying bail for people that the
10 system -- the risk assessment tool that
11 the system uses have deemed risky for
12 failure to appear and that's why bail has
13 been set, but the bail funds have found
14 that 95 percent of the people that they
15 pay bail for appear at all of their
16 hearings, even with very little
17 assistance, whether it's text or
18 transportation, and their cases are
19 dismissed at higher rates and they're
20 disposed of.

21 I think it points to a central
22 underpinning that's important to sort of
23 be clear about, which is that there's not
24 an appearance crisis, right? And I think
25 that we often get stuck in this

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2 discussion that people are failing to
3 appear and that's what we need to be
4 worried about and people need to be
5 labeled as high risk for not appearing.
6 Bail funds across the country that I work
7 with pay bail every day for people that
8 the system has that are high risk, and
9 those people come to court, their cases
10 get dismissed, their lives -- they're
11 given back their presumption of innocence
12 and their lives are able to carry on.

13 To answer your other question,
14 I think about the investment in DC. I
15 think -- I totally agree with you that DC
16 has a very different model because of the
17 investment and the funding. I think that
18 there has been a real discussion across
19 the country about the sort of
20 invest/divest model, right? There's all
21 this money in the system right now and
22 speaking about -- you gave the good
23 example of the 30 percent fee. Is that
24 money being taken out and invested in
25 communities that have resources that

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2 actually meet the needs of folks.

3 COUNCILMAN JONES: So if I
4 could, we used to have a Clerk of Quarter
5 Sessions that used to be responsible for
6 bail. I won't go into a great deal of
7 detail about the way that was
8 administered, but we did in these
9 Chambers have hearings about that. Story
10 for another day. That then was dissolved
11 and put into the First Judicial
12 District's area of responsibility.

13 It's my understanding that that
14 30 percent goes back into the First
15 Judicial's budget. One of the things
16 that we have pending is a Criminal
17 Justice Reinvestment Act, and what we're
18 looking at -- and we held up on it, but
19 it is not gone -- that when we save money
20 from these reductions, whether it's the
21 17 percent reduction from the
22 incarcerated individuals on State Road or
23 we save money in other areas, that some
24 portion of that should go to pre-entry,
25 things to keep people out of prison, and

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2 here's why. So Mr. Shabazz is absolutely
3 correct. DC is funded by the federal
4 government, so they have the Cadillac
5 version of pre-entry --

6 MR. EL-SHABAZZ: The Bentley.

7 COUNCILMAN JONES: The Bentley
8 version of pre-entry. So there's a Hugo
9 rendition of that and then there's
10 probably something in the middle that we
11 can strive for. And what we are
12 beginning to believe is some rendition of
13 those level of services can be funded
14 through redirection of existing funds.
15 Because if you are a prison guard now,
16 you may be someone who deals with house
17 arrest individuals later. So if a prison
18 guard and a social worker had a baby,
19 they would be that new job description to
20 be able to really deal with the evolution
21 of justice reform.

22 And so there's a whole other
23 hearing and discussion and levels of
24 debates during our budget process to
25 figure out the model that we can afford.

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2 So today we want to do good, but we
3 daggone sure better know how much doing
4 good costs, because we just have to.

5 We're going to -- go ahead.

6 MR. McSORLEY: Richard

7 McSorley. I'm the representative of the
8 FJD, the Deputy Court Administrator.

9 We're going to have the FJD testify, so
10 I'm not going to belabor a lot of points.
11 I just want to point out I agree that the
12 FJD may be able to eliminate cash bail,
13 but we have had this discussion with
14 Judicial leadership. It's not as clear
15 cut that we could just turn around
16 tomorrow and change the Rules of Criminal
17 Procedure and create a local rule.

18 The discussion is ongoing, but
19 I just want to put it out there. It's
20 not like the FJD knows it and we just
21 decided not to do it. We are discussing
22 it.

23 REVEREND MAIRENA: Reverend

24 Adan Mairena, West Kensington Ministry.

25 To hear you say that you don't

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2 know where that 30 percent fee, like what
3 it goes to, perhaps it got lost here, but
4 that really concerns me, especially when
5 that 30 percent, a lot of it very
6 disproportionately affects the poor more.
7 So to hear that we don't know where it
8 goes towards, it just really bothers me.
9 And if we don't know where it goes for in
10 our county, where does it go to in other
11 counties. And if you don't have that
12 information, is it because you didn't ask
13 or is it because that information is
14 withheld? And if there's a ball park
15 figure, what would that be?

16 MS. TAYLOR: And let me be
17 clear. I don't know personally. We have
18 not filed a Freedom of Information Act,
19 and the First Judicial District may be
20 able to articulate that, so I don't want
21 it put that on.

22 COUNCILMAN JONES: So that's
23 not -- she wouldn't know our internal
24 budget process.

25 So I'll take you off the hook

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2 on that.

3 MR. ROJAS: I have a quick
4 question. Have you conducted any kind of
5 empirical research to measure the success
6 of the bail funds across the country,
7 what works and what doesn't work?

8 MS. WEISS: We have sort of
9 combined data. I mean, I think we have a
10 little bit of contention with what
11 success looks like since we're at a
12 Band-Aid. Across the country bail funds
13 on average, about 95 percent of the
14 people they pay for come back to all
15 their court dates and complete their
16 cases, right? So this goes to the point
17 to Mr. El-Shabazz's question about people
18 who are -- categories of high risk but
19 complete it.

20 We also have data that shows
21 about people whose bail is paid by bail
22 funds have twice the rate of having their
23 case dismissed, and that correlates with,
24 I think, some national data that's been
25 put together over the years showing that

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2 if you are able to fight your case or be
3 free after the charge, it gets dismissed
4 at a higher rate.

5 I think other than that,
6 different bail funds measure their
7 success based on is the end of money bail
8 coming faster, are they able to support
9 folks that come out and maybe finish
10 their court case and it get dismissed but
11 they're still homeless or they still have
12 other challenges. I think that's where
13 there's not -- we don't have good
14 empirical data that we've been able to
15 necessarily be successful in that range.
16 But in terms of getting people out and
17 having their cases resolved at very
18 favorable rates and return to court,
19 those numbers are there.

20 COUNCILMAN JONES: Madam
21 District Attorney.

22 MS. HODGE: Thank you.

23 One quick question, and I
24 believe when we engage in discussions as
25 important as this -- and this one

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2 definitely is one and probably long
3 overdue -- I always look to a
4 foundational question. So how would each
5 of you define bail? What is bail?
6 Because we're looking to reform it.
7 We're discussing reforming it, but what
8 is it? And each of you may have a
9 different definition of what bail is, so
10 can you tell me.

11 MS. TAYLOR: Yeah. I think
12 that's an excellent question, and I think
13 this is where we can look to the Rules of
14 Criminal Procedure. They define bail as
15 release on your own recognizance, release
16 on special conditions, release on nominal
17 bail, which is \$1, release on unsecured
18 monetary bail, so you don't have to post
19 anything but you have a bond where that
20 if you fail to appear. Finally, the last
21 one is release on cash, so posting cash
22 for release.

23 So I think within that broad
24 rubric of bail, as defined by our Supreme
25 Court, there's a lot of room to work

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2 with. Thank you.

3 MS. WEISS: Thank you, District
4 Attorney. And I would just build on
5 Nyssa's comments. I think I define bail
6 as there's a number -- it can be money
7 bail, but there's other forms, right, of
8 exchanged property money to be able to be
9 free during your case, right? And so I
10 think that's -- in our dialogue it's any
11 money bail, but also being clear about
12 ending other forms that would hold people
13 in and not be released.

14 MS. SHUBIK-RICHARDS: Ms.
15 Weiss, just a quick question. In
16 Brooklyn, for the individuals for whom
17 the Brooklyn Bail Fund covers their bail,
18 what is the either average or typical
19 length of time to case disposition?

20 MS. WEISS: That's a great
21 question. It really varies. I think on
22 average right now it's about nine months.
23 And New York is unique in those -- New
24 York's bail funds -- and there's one in
25 Brooklyn and one in Bronx -- or two in

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2 Brooklyn actually -- that they're only
3 allowed to pay for misdemeanors because
4 of a state law around charitable
5 organizations. The rest of the country
6 bail funds pay for felonies and
7 misdemeanors. So that's about a
8 nine-month disposition.

9 I know that the Massachusetts
10 bail fund that's been paying bail for
11 about four years, they've recently seen
12 disposition lengths go on for two-plus
13 years on average.

14 MS. SHUBIK-RICHARDS: So then a
15 follow-up. So the issue we have is -- so
16 in New York, I know I actually have your
17 CJA data in front of me, right? And I
18 know that 50 percent of cases in the five
19 boroughs achieve disposition, what we
20 would call in Pennsylvania preliminary
21 arraignment. So 50 percent of cases in
22 New York City are disposed of either
23 because they're dismissed or because a
24 plea is accepted essentially within 24 to
25 48 hours.

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2 In Philadelphia, 25 percent of
3 our cases are concluded within 90 days.
4 In other words, 75 percent of our cases
5 go on past 90 days. So the pretrial
6 period here is excessive compared to
7 other jurisdictions, and that poses a
8 problem for having people show up for
9 court cases, because it's not like, oh, I
10 have one appearance next week. It's
11 like, I'm going to have some appearance
12 whenever going on for an extended period
13 of time. So it poses an additional issue
14 for us here unless we take the primary
15 step of shortening our time to
16 disposition, which is possible.

17 So my second question is, how
18 many people that you provide funds to
19 have multiple cases open?

20 MS. WEISS: I don't have a good
21 number.

22 MS. SHUBIK-RICHARDS: Your
23 general sense.

24 MS. WEISS: You know, there's
25 such a variance across bail funds. I

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2 would say probably at least a quarter,
3 right, if not more.

4 I would say to your point,
5 though, I think that about multiple court
6 cases is very, very important, right?

7 Like in New York City, in Brooklyn and
8 Manhattan where the community bail fund
9 pays bail, for misdemeanors often people
10 will have 12 or 13 court appearances,
11 right? And this goes to the question of
12 somebody who has been marked as high risk
13 because they missed a couple of court
14 appearances in the past, so they've now
15 been -- it's been scored that they have a
16 failure to appear issue, but it was
17 because they missed two out of ten. They
18 came. They came late. They were
19 working. They were raising their
20 children. And that's the way the court
21 length is working.

22 MS. SHUBIK-RICHARDS: So we
23 have this added issue in Philadelphia,
24 which is that because our court process
25 is so long and cumbersome and takes

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2 forever to dispose of a case, for a
3 variety of reasons, people often have
4 multiple cases open, and then what
5 happens is when they miss an appearance,
6 they get what we call in Pennsylvania
7 terms a detainer. So the data that Julie
8 provided me earlier is that about 50
9 percent of individuals who are in our
10 jail -- it's a little less than that
11 because of the way the data is coded --
12 have both an open case in which they're
13 detained pretrial, but also have this
14 detainer lodged for a previous case.

15 Correct my data.

16 MS. WERTHEIMER: Can I jump in
17 and correct that? It's that they have
18 some sort of detainer. About two-thirds
19 of the detainer population may have an
20 open case, but there are other kinds of
21 detainers, like mental health detainer.
22 So I just wanted to correct that for the
23 record.

24 MS. SHUBIK-RICHARDS: So
25 there's a portion -- there's a larger

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2 portion, and I think you sort of get to
3 the point of is failure to appear because
4 someone wishes to abscond from a
5 jurisdiction and not face the
6 consequences for alleged criminal
7 behavior or is it because the bureaucracy
8 has made it very, very difficult to
9 appear? And I'll just give an example of
10 when in a prior role when I was a
11 researcher, first at the Vera Institute
12 in New York and then at the Pew
13 Charitable Trust here in Philly, and I
14 was doing a study on the use of bail here
15 in Philadelphia. I spent a lot of time
16 in court, and one of the things that I
17 saw repeatedly was people having two
18 appearances scheduled in two different
19 courtrooms at the same time. Now, I
20 don't believe that this happens all the
21 time, but I certainly saw it more than
22 once. And so then you have someone with
23 a failure to appear simply because
24 they're appearing for one of their court
25 hearings. And I know a lot has gone on

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2 since I did my work. There's great
3 improvement due to everybody here, but I
4 just want to move the spotlight a little
5 to another issue that comes into play,
6 which is a very long and very cumbersome
7 court process.

8 COUNCILMAN JONES: Thank you
9 for that.

10 I want to recognize the
11 Councilwoman first and then the author of
12 this resolution.

13 Councilwoman.

14 COUNCILWOMAN GYM: Thank you
15 very much, Mr. Chair and Council. First
16 of all, I want to thank the Committee for
17 having this hearing and especially my
18 colleague Councilman Green for proposing
19 this very important issue. I think we
20 have a lot to learn here. I think I've
21 been very much of an advocate and
22 believing that particularly when we deal
23 with the stage of someone's process
24 through the justice system where we're in
25 the stage of presumption -- you know,

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2 presumed incident before guilty, that
3 what we don't want to do is criminalize
4 poverty, not only just end -- reduce the
5 amount of incarceration, but we really do
6 not want to criminalize poverty. And I
7 appreciated particularly the recognition
8 that we have multiple ways in which we
9 can hold people accountable to
10 appearances that go beyond cash bail.

11 So one of the things that I am
12 interested in just from the study that
13 you've done on the national level has
14 been just to go into -- I think you
15 touched on this a little bit, but this
16 question of whether the provision of a
17 community bail fund, how is it informing
18 the ending of cash bail systems in those
19 cities and how soon does that tend to
20 happen? Are people uncovering particular
21 barriers to it? Are they moving towards
22 the elimination of cash bail if a
23 community bail fund were to open?

24 MS. WEISS: I mean, I think
25 that there's been multiple ways

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2 historically of community bail funds.

3 The previous ones did not end the money

4 bail system, unfortunately. I think the

5 current -- the 20 or so bail funds that I

6 work with have mostly been in operation

7 for five years or less. I don't think

8 anybody has so far successfully ended a

9 money bail system, but I think in many

10 cases, they've been able to highlight

11 issues that have been part of the

12 solutions that are being worked through,

13 right?

14 So I'll give an example. In

15 Chicago, there's the Chicago Community

16 Bond Fund. There's been a recent

17 judicial court order there that no bonds

18 can be set that are unaffordable. That

19 bond fund -- they call themselves a bond

20 fund because of the nuance of the system

21 in Cook County. They have been pushing

22 their data and experience that people

23 they bonded out to help get to that rule,

24 and then since that rule has been

25 implemented, they've been able to show

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2 that it's actually not being implemented
3 well, because they're still having to
4 bond people out. So there's a review
5 process that was established to say
6 affordability must be considered, yet the
7 bond fund is daily seeing people with
8 unaffordable bail.

9 And so I think there's that
10 ability to sort of push the system
11 forward to make sure that the solutions
12 when they get to implementation are true,
13 as well as I think there's many cases and
14 I think the Philadelphia Community Bail
15 Fund here already in the bail work
16 they've done can sort of highlight where
17 there are problems in the system that
18 have to be part of the solution.

19 In Brooklyn and the Bronx and
20 Manhattan where a number of bail funds
21 operate, New York City and New York state
22 have not ended the money bail system, but
23 they've been making some incremental
24 changes, many of them that have been
25 informed by the data and the experience

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2 of the bailouts the bail funds have done.

3 COUNCILWOMAN GYM: And in your
4 opinion, have you felt that community
5 bail funds are an essential component of
6 moving towards -- moving us towards a
7 more approach towards reducing money out
8 of the system or do you feel like they're
9 kind of -- like they enable wrongful
10 systems to kind of continue for longer by
11 providing, for example, an alternative
12 that relieves people's immediate
13 circumstances, but doesn't necessarily
14 tackle the underlying problem?

15 MS. WEISS: That's a great
16 question. I think that's our concern and
17 fear, all of us that work with community
18 bail funds. We don't want to exist,
19 right? So I don't think that it's like
20 something that people should say we need
21 to have a bail fund in order to get to
22 reform and to ending money bail. I think
23 that the bail funds that work across the
24 network I direct have a concern of not
25 wanting to be normalized as a solution

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2 and not wanting to be seen as a way to
3 offload the pressure of actually getting
4 rid of the system. And so I think that's
5 why being part of community partnerships
6 and dialogues of what is the experience
7 and the data that bail funds are seeing
8 informing a very active and hopefully
9 rapid conversation around dismantling the
10 system.

11 COUNCILWOMAN GYM: Then just a
12 comment, but it sounds like from your
13 research that the community bail fund
14 affirmatively shows that the problems
15 exist with cash bail exist and they're
16 exposing them and making clear, and maybe
17 they can moves toward incremental
18 reforms, but it is affirmatively showing
19 that we've got existing problems with
20 cash bail that exist, period, and the
21 essential question is, do we have a bail
22 system that is going to rely on people's
23 capacity to pay or not and whether that
24 is truly a system of justice that we're
25 willing to stand by.

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2 But thank you very much.

3 COUNCILMAN JONES: Thank you,
4 Councilwoman.

5 We're going to go to Councilman
6 Green and then we're going to get the
7 next group to testify.

8 COUNCILMAN GREEN: Thank you,
9 Mr. Chair.

10 Ms. Weiss, I have just some
11 quick questions in reference to the
12 operation of community bail funds.

13 For some of these bail funds,
14 what's the average budget? How do they
15 deal with issues like surety? And you
16 talked a little bit about Cook County,
17 but I'm curious about what the role of
18 cities have been in reference to some of
19 the community bail funds, if there's been
20 any role, involvement at all.

21 MS. WEISS: Yes. Thank you,
22 Councilman Green. The current wave -- I
23 mean, there's a history of different
24 kinds of bail funds, and actually I think
25 in the '80s there was a Philadelphia

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2 People's Bail Fund that actually the City
3 gave some money to, and I'm sure people
4 here on this Committee -- and there's
5 somebody nodding their head -- know the
6 history of that. So I think there's been
7 points when cities and counties have put
8 money into bail funds as a way to reduce
9 the number of people being held pretrial.

10 The budgets of community bail
11 funds really range. There's bail funds
12 that are operating on \$20,000 a year.
13 There's bail funds that have a \$2 million
14 budget, right, based on how much bail
15 they pay and how much they have in their
16 revolving fund, right, which is where
17 they're paying bail out of, and then
18 whether they have also an operating
19 budget, because some bail funds are
20 purely volunteer, others have paid staff
21 and may have paid social workers and
22 other folks who help bridge to support
23 services for the people that get bailed
24 out.

25 So I think it's really -- I'm

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2 sorry that I keep giving these very vague
3 answers, but it's a huge range, but I
4 think it really depended on the model
5 that the fund uses.

6 In terms of sureties, I think
7 based on different city and county and
8 state laws, some bail funds have had to
9 have a partnership with a surety to back
10 them. Others are able to just operate as
11 a non-profit. And since they're paying
12 cash bail and they're not serving as a
13 bond agent, they don't have to have that
14 backing.

15 It's called bond in Cook
16 County, but they're really actually
17 paying a percentage of a total amount.
18 So it's pretty much really the money bail
19 system. So they don't have a backing of
20 a surety.

21 COUNCILMAN GREEN: So for the
22 bail funds, how did some of these funds
23 get started from a funding perspective
24 and what is their ongoing source of
25 funding going forward?

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2 MS. WEISS: It's a mixture. A
3 lot of bail funds are funded by
4 individual donations, right, in a range
5 of small and large. A number of bail
6 funds receive philanthropic, foundation
7 support. I think in the past there have
8 been bail funds that have maybe received
9 city or county grant money, and I think
10 there's a real question there.

11 Oftentimes community bail funds, if they
12 want to truly be community and not a
13 city-run or county-run bail fund, have
14 only accepted public money if it doesn't
15 stipulate who they have to bail out,
16 particularly since I think we've all
17 discussed here the system itself can
18 change and not wanting to have to pay the
19 system its own money to bail people out
20 has been sort of a contradiction that
21 community bail funds have not wanted to
22 take on.

23 So I think it's a mixture, and
24 I think again oftentimes bail funds may
25 have secured public supported or

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2 foundation money to do some of the
3 operational work, right, to pay staff,
4 especially if there's a position that is
5 liaising with the system around support
6 services, and then use individual and
7 foundation contributions to raise the
8 revolving funds. And I think I just
9 would want to point to the amount of fee
10 is always an issue too, right? I think
11 the amount of money that a revolving bail
12 fund can keep replenishing once cases are
13 disposed of and the money comes back is
14 affected by how much is taken out by
15 fees.

16 So the Philadelphia Community
17 Bail Fund will have to contend, unless an
18 accommodation is made, with a 30 percent
19 fee. In New York City, for instance,
20 there's a 3 percent fee that is taken
21 after about a year and a half of
22 operation. The city began to waive that
23 for the community bail funds in New York
24 City. So it's an issue to address.

25 COUNCILMAN GREEN: And final

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2 question. Are you aware of any bail
3 funds that have had any involvement with
4 either social impact bonds or
5 pay-for-success bonds?

6 MS. WEISS: I'm not aware --
7 there are some bail funds that have been
8 on the bail fund corpus side, so the
9 revolving money, not their operational
10 money, have been starting to experiment
11 with PRIs and so having some sort of
12 credit line that helps them extend the
13 amount of money they have available to
14 revolve.

15 COUNCILMAN GREEN: Thank you.

16 Thank you, Mr. Chair.

17 COUNCILMAN JONES: Thank you,
18 Councilman.

19 Ms. Williams, can you please
20 read the next group of witnesses to
21 testify.

22 THE CLERK: State
23 Representative Joanna McClinton and City
24 Controller Alan Butkovitz.

25 COUNCILMAN JONES: Thank you

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2 guys for your patience.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN JONES: We
6 appreciate you. Hopefully you got some
7 of the context of what we're dealing with
8 and wrestling with here in Philadelphia.

9 So I'm going to go with,
10 Mr. Controller, I'm going to go with the
11 state. They issue bigger checks when
12 they come and help our city.

13 So Representative.

14 REPRESENTATIVE McCLINTON:
15 Thank you. Good morning, Chairman,
16 Councilman Jones. Good morning to our
17 District Attorney. Good morning to the
18 sponsor of the resolution and to everyone
19 who is a part of this Committee. My name
20 is Joanna McClinton and my colleague,
21 Representative Jordan Harris, the
22 Chairman of the Pennsylvania Legislative
23 Black Caucus, was unable to make it this
24 morning. I'm here today because this is
25 an issue that's been very important to me

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2 for several reasons. Prior to joining
3 the Pennsylvania Legislature, I spent
4 seven years working right here in Philly
5 at the Defender Association of
6 Philadelphia. For six of those years, I
7 was actually trial counsel representing
8 people. Seventy-five percent of the
9 people who are charged with crimes in
10 Philadelphia are represented by my former
11 employer. And in those seven years
12 representing people, six years actually
13 being a trial counsel and one year being
14 a zone chief, I found many times judges
15 would tell me, Well, counsel, the bail is
16 low.

17 It's like, Well, the bail is
18 not low enough because Mr. or
19 Ms. So-and-so is still in jail, and
20 nobody wants to be there, Your Honor.
21 Interesting. I understand you think the
22 bail was set low. It's within the,
23 quote/unquote, guidelines, but nobody
24 wants to be there. And the reality in
25 Philadelphia is, it's terrible to be

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2 charged with a crime anywhere in the
3 world, but if you're poor and you're in
4 Philadelphia, you're in one of the worst
5 situations ever, because it's likely that
6 you may already have a record, which
7 means you will have a detainer from
8 whoever your back judge is where you're
9 serving probation and/or parole, and the
10 other thing is your life begins to fall
11 apart.

12 If you are able to pick up
13 pieces and find an employer that we know
14 many here in the City don't actually pay
15 living wages, but if you have an
16 employer, if you have somewhere that
17 you're living, if you're not out on the
18 street, one of the many people who are
19 homeless in the City, all of that changes
20 when you get charged with a crime.

21 Because, of course, you go through our
22 City's Pretrial Unit, and the bail
23 commissioner makes a determination on
24 what bail should be set. Once bail is
25 set, you may not get into an actual

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2 courtroom for quite a little bit of time
3 depending on what your charges are. For
4 misdemeanors it's a little while that you
5 won't get into court, and of course for
6 felonies, the first preliminary hearing
7 is usually scheduled within two weeks.

8 That being said, this issue is
9 not something that I'm unfamiliar with,
10 because of my years practicing law here,
11 and of course joining the Legislature,
12 it's like what can we do statewide to
13 make sure that the people that I want
14 served and represented as counsel don't
15 have to continue to fall into this cycle
16 where their life falls apart, where you
17 lose your job, you lose your housing, and
18 in many instances you may lose your
19 family, you may lose your children if
20 you're a sole caregiver.

21 So that being said, I am
22 familiar with the things that our
23 Managing Director, Judge Lerner, has
24 taken up and have met with Julie. And,
25 of course, the Councilman, the Chairman

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2 here, Curtis Jones, knows that I have a
3 bill on pretrial bail. It's House Bill
4 1092, and earlier this year we had a
5 hearing in my district in Southwest
6 Philadelphia from various stakeholders
7 that offered their opinion on bail.

8 We all know that bail is to
9 ensure that you show up for court. It's
10 not to punish you. It's not to end your
11 life. It's to make sure that you show up
12 for court. That is the purpose of bail,
13 and of course not just to make you show
14 up to court, but to also keep the
15 community safe. You showing up to court
16 and the community is safe. So those are
17 the main objectives.

18 So the bill that I have, it's
19 House Bill 1092, and it is currently in
20 the Judiciary Committee. I introduced it
21 in the spring of this year, and it is a
22 bill on Pennsylvania pretrial and bail
23 procedure reform. What this legislation
24 does, if enacted, it does not mandate --
25 I see someone over there that I met with

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2 often.

3 It doesn't mandate anything
4 from any of the counties in Pennsylvania,
5 any of the 67 counties, but it does
6 encourage all of the counties to follow
7 the practice that was started in
8 Allegheny County where they have most of
9 the people charged with crimes who are
10 let out of jail showing up to court.

11 It's no long amounts of failures to
12 appear, bench warrants, what happens in
13 Philadelphia where people don't make it
14 to court over and over and over again.
15 In Allegheny County what they have
16 implemented at the pretrial level is a
17 risk assessment. This risk assessment
18 considers several things. It considers
19 whether or not the person has any
20 propensity towards violence that has been
21 demonstrated through certainly the
22 charges in front of the judge and then
23 also any criminal record or history if it
24 exists.

25 They consider the person's

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2 propensity towards violence, and they
3 also consider, of course, the safety of
4 the community and how that should be
5 balanced.

6 They also look at whether or
7 not this person needs any sort of
8 support. When I say "support,"
9 specifically whether they need diversion
10 into a mental health outpatient program
11 or whether they need a drug treatment
12 program. And none of this pretrial
13 situation affects what will happen later
14 in terms of the case, the disposition,
15 the adjudication, justice, et cetera.
16 None of it has any bearing or relation.

17 This bill, if implemented, will
18 simply encourage the counties to adopt
19 this model. Because if counties adopt
20 this model, as you'll hear from our
21 Controller, counties will save money, and
22 of course when you look at what's
23 happening in Harrisburg with the large
24 deficit we made attempts to fill,
25 everybody is trying to save money,

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2 municipal government, state government,
3 federal government. I won't mention them
4 today. So everybody else is making
5 efforts to save money and to be
6 efficient. And as a lifelong
7 Philadelphian, I don't want to admit it,
8 but it's been three decades.

9 COUNCILMAN JONES: That's okay.

10 REPRESENTATIVE McCLINTON: It's
11 okay. All right. I'll take it. These
12 three decades.

13 It's important to me to live in
14 a safe neighborhood, right? I park my
15 car on 60th Street and walk around the
16 corner to my house. So I want to make
17 sure that I live in a safe neighborhood,
18 not just because of me but because of my
19 mom, because of the lady across the
20 street, because of the kids down the
21 block. Like we all want to live in a
22 safe community, but living in a safe
23 community cannot mean that every poor
24 person that's charged with a crime has to
25 then spend two years in State Road in

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2 terrible conditions depending on where
3 you're housed --

4 (Applause.)

5 REPRESENTATIVE McCLINTON: --

6 waiting for the outcome of justice.

7 Thank you.

8 COUNCILMAN JONES:

9 Representative, thank you. I had an
10 opportunity to go out to Pittsburgh, and
11 I think it's important to note they have
12 an adult rendition of that and a youth
13 rendition of that, and the use of day
14 reporting is strategic within that. So
15 people are released. There are always
16 consequences to whatever act, but they
17 are disruptive in these individuals'
18 lives. So a kid still goes to school.
19 An adult still goes to work. They still
20 pay their rent, and their life is judged
21 later but not at the point of arrest.

22 And so for you to example
23 Allegheny County, which is Pittsburgh, is
24 a good example of one of the options.
25 It's not the Hugo. It's not the Bentley.

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2 It might be the Ford, and they're able --
3 what was interesting in that trip was
4 also the police -- no. The prison
5 commissioner is a female, not that that
6 matters, but she -- I asked her a direct
7 question. I said, Aren't you afraid
8 you're going to work yourself out of a
9 job?

10 And she said, My job is to work
11 myself out of a job, and if we can close
12 a prison and we can do it and keep the
13 public safe, it's worth it.

14 And that was the most
15 courageous administrative thing, because
16 what we tend to do is protect our silos.
17 We tend to say, you know what, my
18 pension, my longevity, my job depends on
19 keeping people incarcerated. When you're
20 bold enough to say, I can evolve with
21 what's going on. If any of you get a
22 chance to go to Pittsburgh and see what
23 they're doing out there, they're leading
24 the way on a lot of the criminal justice
25 reform stuff. I recommend the trip.

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2 So thank you. Stick around.

3 We have questions.

4 Mr. Controller.

5 CONTROLLER BUTKOVITZ: Good

6 morning --

7 COUNCILMAN JONES: Good

8 morning.

9 CONTROLLER BUTKOVITZ: --

10 Chairman Jones, members of the Special

11 Committee on Criminal Justice Reform.

12 I'm Alan Butkovitz, Philadelphia City

13 Controller, and I'm here to testify about

14 our office's recent study on the economic

15 impact of cash bail on the City of

16 Philadelphia. The purpose of our study

17 was to assess the impact of a city

18 program on both the economic and fiscal

19 health of the City.

20 While we acknowledge that much

21 great work has been done by the past and

22 present Administrations under the

23 MacArthur Initiative and that progress

24 continues to be made in lowering

25 Philadelphia's dubious distinction as a

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2 city with one of the highest rates of
3 incarceration in the country, we wanted
4 to understand the impact of the existing
5 bail system in 2017 on individuals,
6 families, and taxpayers. The costs are
7 substantial at every level.

8 As an independent watchdog
9 agency, we followed our usual process.
10 We asked relevant City and state
11 departments and agencies for data, which
12 included the Philadelphia Department of
13 Prisons and the Administration of
14 Pennsylvania Courts, and analyzed the
15 numbers they provided. All data and
16 research is sourced throughout the
17 report.

18 Our study examined the economic
19 implications of the cash bail system by
20 comparing both the direct and indirect
21 costs of incarceration against cash bail
22 alternatives. It also examined cost
23 implications, underscoring the problem's
24 severity and need for reform.

25 Our key takeaway: cash bail

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2 can be reduced or eliminated at a
3 substantial cost savings to the City of
4 Philadelphia.

5 Some of the other key findings
6 presented in our study included of the
7 4,359 total offenders held pretrial,
8 nearly 33 percent are held because they
9 cannot afford cash bail. One in three
10 could be released on less than \$5,000.

11 The direct and indirect costs
12 to those jailed and their families total
13 \$531 a day. This includes the loss of
14 income, loss of housing, child care
15 costs, loss of tax revenue, and social
16 services.

17 Eliminating cash bail could
18 reduce the prison population by 1,800,
19 allowing the City to examine closing
20 unnecessary facilities and saving up to
21 \$75 million annually.

22 Research has found current
23 systems can cause more damage on the
24 incarcerated and their families than
25 benefit, whereas alternatives may be just

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2 as effective, yet provide better futures
3 for those in the criminal justice system.

4 As indicated in Resolution
5 170838 presented before us today, the
6 elimination of the cash bail system is a
7 Commonwealth legislative issue. However,
8 it is incumbent upon the City to explore
9 ways of bridging the gap between our
10 current unacceptable system and a future
11 without cash bail. Councilman Curtis
12 Jones is to be commended for taking the
13 lead in exploring these efforts for our
14 city.

15 Major cities across the United
16 States are looking at innovative ways to
17 manage pretrial defendants, balancing the
18 need to ensure justice is served and
19 maintaining public safety, while
20 evaluating the long-term impacts of
21 incarceration and correction of the
22 offender.

23 The City of Philadelphia must
24 restructure, reinvest, and remove
25 barriers for true reform to occur. We

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2 need to look to the future and close
3 antiquated, unsafe, and costly facilities
4 while developing preventive programs that
5 deter youth from crime.

6 Thank you.

7 COUNCILMAN JONES: Thank you
8 for your work in this regard.

9 Ms. Wertheimer.

10 MS. WERTHEIMER: Thank you. I
11 just want to clarify a few statements.
12 It's important to note that it's about
13 170 people who could be released on \$500
14 or less based on current stats. And the
15 pretrial population --

16 CONTROLLER BUTKOVITZ: My
17 comment was \$5,000.

18 MS. WERTHEIMER: I assume you
19 meant a \$5,000 bail, which would be
20 released on \$500 or less.

21 CONTROLLER BUTKOVITZ: We have
22 a very vast disparity in our
23 understanding of the numbers that are
24 impacted by that. We have thousands of
25 people, and you're minimizing this for

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2 some reason at 170.

3 MS. WERTHEIMER: I'm not
4 minimizing it. I think we all agree on
5 the premise on your report, that there
6 are significant collateral consequences
7 to a cash bail system that need to be
8 addressed that impact people's homes and
9 families. We agree on that, and we said
10 it publicly. I'm just pointing out the
11 numbers of the impact of moving away from
12 a cash bail system are important to keep
13 in context because we are moving towards
14 that, but there are other issues, like
15 detainer issues, like violations of
16 probation that are actually larger
17 drivers of our jail population that we're
18 also looking aggressively to address.

19 And so I just want to put that
20 conversation in context and also point
21 out that by reducing a population 1,800,
22 we couldn't close two facilities. We
23 couldn't even close one facility based on
24 projections. We need to get to a level
25 of 4,800 to close House of Corrections,

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2 which is the first facility on everyone's
3 radar, and 1,800 would not get us to a
4 population of 4,800. To close DC, we'd
5 have to get even lower than that. The
6 MacArthur goal of 34 percent is only
7 5,300. So we're aiming towards that, and
8 we aim to go lower, but I think it's
9 important to manage expectations of what
10 the timeline is for realistic achievement
11 of reform.

12 COUNCILMAN JONES: Judge

13 Lerner.

14 JUDGE LERNER: Thank you.

15 Mr. Butkovitz, I have enormous
16 respect for you for a long time. I think
17 your numbers are wrong in this case, but
18 I think whether or not or to what extent
19 they're wrong is really fairly irrelevant
20 to the central focus of our discussion
21 and this hearing today, because I think
22 we all start off with the proposition
23 that if there are ten people or five
24 people or one person in pretrial custody
25 who doesn't have to be there for reasons

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2 of either public safety or a really
3 serious likelihood of failure to appear,
4 that's too many, and we need to be doing
5 something about it, and I think that's
6 why we're all here today.

7 Representative McClinton, you
8 and I have some things in common, and one
9 of the most significant I think for
10 purposes of this hearing is that because
11 we have the same former employer, we both
12 have shared the experience of
13 representing people, not nearly one at a
14 time but over lengthy shifts at
15 Preliminary Arraignment Court where bail
16 is originally set. And I think we also
17 agree on the basic premise that no
18 individual charged with a crime should be
19 incarcerated pretrial unless a neutral
20 judicial authority finds after an
21 evidentiary hearing in which the
22 defendant is represented by counsel that
23 there is a sufficiently great danger to
24 public safety or a sufficiently great
25 likelihood that if the person is

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2 released, they will not appear. Am I
3 right so far?

4 REPRESENTATIVE McCLINTON:

5 That's correct, Your Honor.

6 JUDGE LERNER: All right. So I
7 want to ask you by way of a question. I
8 want to propose the outline of a pretrial
9 release determination hearing and see
10 whether or not you think that fits in
11 with what you and your colleagues are
12 trying to accomplish through your
13 legislation.

14 We know, you and I certainly
15 know, that one of the problems that is
16 not generally discussed in this area but
17 has plagued the Philadelphia criminal
18 justice system for many years is the need
19 not only to have a fair and just
20 determination of whether somebody should
21 be released after their arrest, but to
22 have a prompt determination. There are a
23 lot of jurisdictions, including a lot of
24 places around the state, that don't and
25 never have and never will operate 24/7

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2 preliminary arraignment courts and where
3 people wait not hours but days for an
4 appearance before a bail-setting
5 authority, and that's not something --
6 we've made tremendous strides in
7 Philadelphia in speeding up that initial
8 hearing process from the way it used to
9 be, certainly from the way it used to be
10 even when I was doing midnight to 8:00
11 a.m. shifts down at the Roundhouse, and
12 we don't want to go back on that.

13 Suppose we had a generally
14 acceptable usable risk assessment tool
15 for pretrial release and a system that
16 provided every defendant at preliminary
17 arraignment with counsel in order to
18 advocate for release as well as the
19 Commonwealth's representation. Do you
20 think it would be fair and appropriate if
21 we had a system -- if that system also
22 consisted of a preliminary arraignment
23 procedure at which the judicial authority
24 presiding simply made an initial
25 determination based on the evidence

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2 before him or her of in or out, in or out
3 being determined by the evidence on the
4 factors of public safety and failure to
5 appear, and then there was a process that
6 provided both parties, the DA as well as
7 defense, who if they were dissatisfied
8 with the initial determination, to within
9 a matter of days have a full hearing on
10 the issue, simply on the issue of whether
11 or not, on the basis of the standards
12 that we've been talking about, whether or
13 not the individual should be detained or
14 released pending trial.

15 How would that system -- would
16 that system fit in with what you are
17 trying to accomplish with your proposed
18 legislation?

19 REPRESENTATIVE McCLINTON: So
20 what you just referenced, Your Honor, I
21 think would actually fit in with my
22 legislation. One of the concerns I
23 initially had when you were posing your
24 question with the volume that's in
25 Philadelphia, will this actually occur

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2 fairly. I did not do as many arraignment
3 shifts as you probably did, Judge Lerner,
4 but in my arraignment shifts, everything
5 just was always happening so quickly. I
6 mean, families calling, picking up the
7 phone. It's like nothing is going on for
8 a few hours and then the bail
9 commissioner comes out and 200 people,
10 bail is set for 200 people in what feels
11 like ten minutes. It's not ten minutes,
12 but it's very, very quickly.

13 So I don't know if that initial
14 stage the way it occurred when I was at
15 the Defender -- and I am not familiar
16 with how it is happening today as of
17 right now, but when I was there and when
18 I was in the basement of the Justice
19 Stout Center, everything was happening so
20 quickly, I do not believe there was
21 enough time to really make a serious
22 decision of in or out. What are the
23 guidelines, what are the charges. I
24 mean, and then -- I mean, many times not
25 only did the defender person or the

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2 assistant defender or whoever was there
3 from the office not have a chance to
4 advocate, but even the person
5 representing the District Attorney's
6 Office in that very quick time did not
7 have an opportunity, because the
8 commissioners are often on auto pilot,
9 moving at lightning speed to get through
10 this huge volume, hundreds of people that
11 haven't waited days and weeks but have
12 been waiting for 20 hours. Okay, let's
13 get these people who have been waiting 20
14 hours sent up to State Road or sent home
15 right now.

16 Now, if it also included, which
17 you stated in the second portion, which
18 is within five days a hearing to actually
19 go and present and say, I'm not actually
20 satisfied with that outcome and now
21 you're going to take at least three
22 minutes and listen to what I have to say
23 and review what it is I have to present,
24 whether it's a W-2 or whatever it might
25 be. Because I don't believe the way our

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2 arraignment system was happening as
3 recently as four years ago when I left
4 the office that it allows for that time
5 to advocate.

6 JUDGE LERNER: I agree with
7 you, that the process that we've seen at
8 the original bail setting at the
9 preliminary arraignment would need
10 enormous improvement. It would need to
11 become a judicial proceeding, and we
12 would have to -- the City and the First
13 Judicial District would have to commit
14 the resources in funding and in personnel
15 to make that happen. But clearly that's
16 doable if we have the will and the desire
17 to do it and if we believe that that's
18 the first step in a fair process. And I
19 specifically, because of what you have
20 noted, would include an absolute
21 mandatory prompt full judicial bail
22 review hearing that would be available,
23 as I said, to either side, because the
24 Commonwealth and, as you said, your
25 neighbors and you and I have an interest

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2 not only in seeing that people who don't
3 have to be detained pretrial are not
4 detained, but also in seeing that people
5 who pose a danger to the community, a
6 provable danger to the community, don't
7 have to be released. So both sides would
8 have to have access to that appeal
9 process. So you think we could do that?

10 REPRESENTATIVE McCLINTON: With
11 your leadership and direction and
12 experience on every side of this matter,
13 it could certainly be implemented and be
14 successful, because that's what's key, is
15 both sides really having the opportunity.
16 That's why I wanted to make it clear that
17 an arraignment now, even the District
18 Attorney's Office doesn't say much
19 because the commissioners are on auto
20 pilot. It's like lightening speed, next
21 next, next, next, next, next,
22 2,500, 20,000, 10,000, 100,000, when in
23 many instances given the pretrial rules
24 of procedure for the state, people can
25 just be held without bail. Like that can

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2 be the decision as opposed to making it a
3 high monetary amount to say, hey, do you
4 have enough money to get this out. It
5 shouldn't be about that. If you're
6 posing a real danger to the community,
7 there should be no bail. Stay. Wait for
8 the process to happen. I don't want to
9 run into you by accident on a bad day or
10 my granny too. So, you know, you should
11 just be held without bail. But if it's
12 just the contest to figure out who can
13 get to \$20,000, 10 percent, have
14 everybody trying to scrape it around --
15 scrape it up, I mean, it's just not fair
16 the way it occurs.

17 JUDGE LERNER: We agree. Thank
18 you.

19 COUNCILMAN JONES: Wow. Good
20 insight. Thank you both for sharing
21 this. And, again, these hearings matter
22 as we shape public policy. And my granny
23 and your granny need to be able to go to
24 60th Street. We share that district. I
25 get the north side; you got the south

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2 side, but we want to be safe on all
3 sides. And so thank you.

4 Oh, I'm sorry.

5 MR. ROJAS: I have a question.

6 As a 24-year prison employee, as a social
7 worker, social work supervisor, and I
8 left as an executive, I want to publicly
9 apologize for any situation that anyone
10 that goes to jail confronts, but I can
11 assure you that our correction officers
12 and our treatment staff, social workers
13 are caring, compassionate individuals
14 that are there to do a job.

15 My question to the
16 Representative is, when we talk about
17 Allegheny County, do we measure the
18 socioeconomic situation versus the
19 socioeconomic situation of Philadelphia?

20 REPRESENTATIVE McCLINTON:

21 That's a good question. Thank you for
22 your service, first and foremost, for 24
23 years. I cannot imagine what that was
24 like for 24 years to serve people on the
25 inside and provide them access to

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2 treatment and other programs that were
3 necessary to ensure that their time on
4 State Road was safe and productive and to
5 what amount of rehabilitation could be
6 achieved. You spearheaded that process.
7 So thank you.

8 In regards to the comparison, I
9 must admit that I have not done a
10 comparison to the socioeconomic outcomes
11 or whether or not they're as poor as we
12 are. We know we're leading the nation in
13 Philly, unfortunately, with the rates of
14 poverty. I was at a meeting yesterday
15 morning at the University of Penn where
16 their government relations person said,
17 Well, this is the City with the most
18 institutions of higher learning, yet the
19 highest rate of poverty and the lowest
20 amount of attainment of higher education
21 by people like me who are from Philly.
22 People like me who are from Philly, we
23 don't go to college, because we can't get
24 in, because our school system. But I'm
25 digressing. I'm sorry. I'm digressing.

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2 I'll stay on topic.

3 So I haven't done the
4 comparison, is to answer you. I have not
5 done that research, but that is an
6 interesting question, to compare what the
7 people who are getting out on pretrial,
8 if they're working, if they're supporting
9 the economy, et cetera. I don't know,
10 sir.

11 MR. ROJAS: So would it be fair
12 to say that bail affects poor people,
13 people of lower income in our city?

14 REPRESENTATIVE McCLINTON: In
15 this city, yes. Absolutely. In this
16 city it is the poor people who suffer the
17 most, and in many times of course there's
18 like so many circumstances of arrests,
19 right? But in my experience in court,
20 many times cases were resolved, were
21 dismissed, were not taken to verdict
22 after someone just waited and waited and
23 waited and waited and lost so much of
24 their life and, as you know from your
25 professional experience, their mental

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2 health. It declines when you sit there
3 in that environment. And it's not a
4 reflection of the professionalism of the
5 staff, your colleagues. It's a
6 reflection of the reality of being in a
7 closet.

8 (Applause.)

9 MR. ROJAS: Thank you.

10 COUNCILMAN JONES:

11 Representative, I'm going to let
12 Councilman Green comment, but we thank
13 you for your work in Harrisburg. I think
14 it complements our work here. And the
15 thing I always say is, none of us are as
16 smart as all of us, and if we pay a lot
17 of attention to this, we'll get a good
18 product by way of public policy.

19 And thank you, Mr. Controller,
20 for dedicating some of the -- one of the
21 key things that I'm going to look for in
22 the future, we have to be able to cost
23 account what these things cost, because
24 when you debate about what is the true
25 cost of incarceration, you have a figure

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2 of about 500 a day to society. We have
3 about \$100 a day to incarcerate. But the
4 true cost is generations of individuals
5 that don't realize their potential.

6 So I don't want to get too
7 fuzzy with the math, but we have to
8 really control the math in order to be
9 able to provide resources to really do
10 what we all intend to do.

11 Councilman Green.

12 COUNCILMAN GREEN: Thank you,
13 Mr. Chair.

14 Thank you, Representative
15 McClinton, for your testimony.

16 Thank you, Controller
17 Butkovitz, for your testimony as well.

18 Representative, I just had a
19 question in reference to your bill, House
20 Bill 1092. Over the past number of
21 years, criminal justice reform has become
22 more of a bipartisan initiative, I think
23 mostly because of the high cost of public
24 safety. From my experience in working
25 with the National League of Cities as

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2 well as the National Association of
3 Counties, the public safety budget or
4 portion of the budgets for both counties
5 and cities is taking a larger and larger
6 percentage of that.

7 And so from that perspective,
8 I'm curious in reference to your bill,
9 you said it's in the Judiciary Committee.
10 Are there co-sponsors from the republican
11 party, and what do you see as possible
12 passage perspective of your legislation?

13 REPRESENTATIVE McCLINTON:

14 Thank you, Councilman Green, first and
15 foremost. I acknowledged you when I
16 started. I don't think you were at your
17 seat, but thank you for offering this
18 resolution that this Committee is
19 currently taking up.

20 In regards to bipartisan
21 support, what we've seen in Harrisburg is
22 parallel of what's happening nationally.
23 Many right-wing conservative think tanks
24 because of fiscal responsibility are now
25 advocating for criminal justice reform.

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2 As recently as this spring in Harrisburg
3 when the House, first in our Judiciary
4 Committee where I'm a member and then on
5 the main floor, we voted on a mandatory
6 minimum bill in which the Commonwealth
7 Foundation, which is very much known for
8 its conservative viewpoint on so many
9 topics, was one of the leading advocates
10 asking people to not support it.

11 What we've seen in Harrisburg
12 also in regards to criminal justice
13 reform, in my two years of serving we've
14 been able to get the Clean Slate
15 legislation passed so that now certain
16 misdemeanors can be sealed, and we're on
17 the road, it looks like, to expanding it
18 so more misdemeanors can get sealed and
19 hopefully even felonies. And it takes
20 bipartisan support.

21 Currently, though, I do not
22 have bipartisan support on this bill as
23 of yet. And I say as of yet because in
24 our two-year sessions to have just
25 introduced it in April and it is now

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2 November, it is still relatively a new
3 legislation, new concept, and it's
4 something that I need many of the voices
5 behind me to come to Harrisburg and
6 advocate to my colleagues if it's
7 something that you obviously support.

8 COUNCILMAN GREEN: Thank you,
9 Mr. Chair.

10 COUNCILMAN JONES: Thank you,
11 Councilman.

12 (Applause.)

13 COUNCILMAN JONES: Thank you
14 both for your testimony. Appreciate you.

15 Ms. Williams, can you bring up
16 the next group of witnesses.

17 THE CLERK: Dr. Jaime
18 Henderson, Michael Bouchard, and Eric
19 Feder.

20 COUNCILMAN JONES: Thank you
21 all for your patience, but as you can
22 see, people have input on the process.
23 And I want to again thank my colleague
24 for taking her time from Harrisburg and
25 giving us this perspective, because I

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2 think it added value to the discussion.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN JONES: Thank you
6 all. Bring the mics closer to you. When
7 you begin your testimony, please state
8 your name first.

9 MR. BOUCHARD: Good morning.

10 COUNCILMAN JONES: Good
11 morning.

12 MR. BOUCHARD: I'm Michael
13 Bouchard. I'm the Director of Pretrial
14 Services for the First Judicial District.

15 DR. HENDERSON: Good morning.
16 Jaime Henderson, Director of Research and
17 Development for the First Judicial
18 District.

19 MR. FEDER: I'm Eric Feder. I
20 am the Director of the Office of Judicial
21 Records for the First Judicial District.

22 COUNCILMAN JONES: Thank you.
23 Please begin.

24 MR. BOUCHARD: To begin, I want
25 to reiterate that all of the stakeholders

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2 involved in criminal justice reform in
3 Philadelphia agree that change is needed,
4 and we have started and have been
5 enmeshed in this reform for some time.
6 But I also understand we have a ways to
7 go, and we're all dedicated to staying
8 the course of major system reform.

9 I think with this reform comes
10 the need to collaborate and interact with
11 one another and the community, which I
12 thank this Committee for giving us the
13 opportunity to do as well as others.
14 Unfortunately, I do not think this is
15 happening at every point it should be to
16 ensure the public is accurately informed.

17 We've heard testimony, read
18 reports and articles, and spoken to
19 community groups that do not have a full
20 understanding of where we are and where
21 we are going. We would like to continue
22 this open dialogue to ensure that in the
23 future, all stakeholders can be involved
24 and well informed.

25 I'd also like to say that we

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2 welcome all City entities to come to us
3 in regards to criminal justice reform so
4 that we can ensure there are clear
5 understandings on both sides of the
6 table. We want to understand the one
7 side and vice versa.

8 With that being said, we can
9 understand that when presented with
10 certain data and conclusions drawn from
11 that data, those conclusions seem
12 legitimate and fair. We look forward to
13 future collaborations and discussions
14 surrounding these reform efforts.

15 Also to clarify, before the FJD
16 can change the rules, we need an
17 alternate system in place. This is what
18 we're currently building, and with the
19 assistance of the MacArthur Foundation
20 and the Safety and Justice Challenge,
21 that's where our efforts are focused.

22 These efforts are extensive and
23 have significant focus on the pretrial
24 population. Our Early Bail Review
25 Initiative gives a bail review hearing to

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2 those with non-violent offenses with cash
3 bail of 50,000 or less and no other
4 holds. In addition to this initiative,
5 defense counsel may motion for a bail
6 review immediately after the bail is set,
7 and this has been in place for many years
8 in Municipal Court.

9 Also launched is the Bail
10 Advocates Initiative led by the Defender
11 Association. The pilot program has an
12 employee from the Defender Association at
13 police headquarters interviewing clients
14 pre-arraignment. This allows for the
15 defense to have a more informed argument
16 at the bail hearing and to best represent
17 their clients' interest when magistrates
18 are making bail determinations.

19 Another pretrial initiative
20 that is coming soon is new electronic
21 monitoring equipment, which does not
22 require the use of a landline. We plan
23 to have the new hardware and software in
24 place by the start of 2018. This is a
25 new system that will allow us to grow in

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2 time with the appropriate population that
3 would benefit from this level of
4 supervision.

5 Additionally in the works is a
6 new risk assessment. Philadelphia has
7 been using validated risk assessment
8 since 1985. We've also had pretrial
9 supervision for three decades. We're
10 looking to utilize current science when
11 developing this new risk tool and making
12 bail recommendations so we can eliminate
13 our current dated assessment and safely
14 reduce or eliminate our reliance on cash
15 bail.

16 Finally, we also plan on
17 creating a needs assessment for the
18 pretrial population. We're all working
19 towards reform and look at Washington, DC
20 as a prime example, as we've heard today
21 and in previous hearings, of what we need
22 to do and where we need to go as far as
23 pretrial and bail reform are concerned.
24 I've also visited DC and their Pretrial
25 Services Department, along with

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2 Councilman Jones and Deputy Court
3 Administrator McSorley, as well as others
4 in the community and seen firsthand the
5 great things they do.

6 With that being said, it's also
7 important to understand they have ten
8 times the budget in their Pretrial
9 Services --

10 COUNCILMAN JONES: Say that
11 again. You should repeat that part of
12 the testimony.

13 MR. BOUCHARD: They have ten
14 times the budget of Philadelphia's
15 pretrial system, and they're a third our
16 size.

17 I'm also in constant contact
18 with national reform leaders, including
19 those from the Pretrial Justice
20 Institute, the National Institute of
21 Corrections, the National Association of
22 Pretrial Service Agencies, and various
23 local and state pretrial reform leaders
24 across the country.

25 Have no doubt, we are all

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2 working diligently to make the needed
3 reforms to our justice system.

4 With that, I will turn it over
5 to Dr. Henderson to detail some data
6 points everyone will find helpful.

7 COUNCILMAN JONES: Thank you.

8 DR. HENDERSON: Good morning.

9 COUNCILMAN JONES: Good
10 morning.

11 DR. HENDERSON: As part of our
12 MacArthur efforts, we take data very
13 seriously, and we have an entire
14 initiative dedicated to the increase of
15 data-sharing practices and also to
16 improve our data integrity across the
17 multiple systems that we use every day in
18 our criminal justice system in
19 Philadelphia.

20 The systems with which we work
21 are not perfect, and every day we strive
22 to better understand the data and figure
23 out how to improve the data environment.
24 The prison population is a very complex
25 population, and to best ascertain who is

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2 in the prison and why, we use multiple
3 databases.

4 When reporting figures, we
5 focus on matters that are responsible for
6 individuals' detention. To clarify
7 public data, there are instances in which
8 the daily census data from the prison do
9 not accurately reflect all open cases or
10 detainers an individual may have and thus
11 may report low cash bail amounts when the
12 defendant actually may have additional
13 cases with cash bail that's not included
14 in that total or be held on a detainer
15 rather than an open case.

16 The MacArthur data team works
17 daily to ensure the prison census data
18 are broken down appropriately so that we
19 all understand a true reflection of who
20 is in jail to target our reforms
21 appropriately. We approach the data
22 carefully to ensure reforms are
23 data-driven and to avoid misdirecting
24 reform efforts.

25 We feel it is important to

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2 address and reiterate a few critical data
3 points related to the prison population.
4 As Ms. Wertheimer stated previously, the
5 current population as of this morning is
6 6,698 people, which is a 17 percent
7 reduction in the prison population since
8 July of 2015 when we began these
9 initiatives through MacArthur.

10 Also, only 25 percent of the
11 prison population is being held solely on
12 cash bail and only 2 percent of the
13 prison population is being held on a cash
14 bail of \$5,000 or less. I would also
15 like to clarify that was a point that was
16 just made previously. By eliminating
17 cash bail, it would not reduce our jail
18 population by 1,800 people, because there
19 are not 1,800 people currently being held
20 solely on cash bail.

21 Just to follow up on a note
22 that Mr. Bouchard touched upon, our Early
23 Bail Review Hearing Initiative has been a
24 huge success. From July of 2016 when the
25 initiative was implemented until July of

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2 2017, there have been 751 hearings, and
3 85 percent of those resulted in the
4 release of a defendant. Thanks to this
5 initiative, we are saving five hundred
6 and -- on any given day, we are saving
7 527 beds in prison.

8 I will now hand this off to
9 Mr. Eric Feder, the DCA of the Office of
10 Judicial Records.

11 MR. FEDER: Thank you, Jaime.

12 So my office, the Office of
13 Judicial Records, is where the bail
14 office has landed, the former Clerk of
15 Quarter Sessions. So the bail office --

16 COUNCILMAN JONES: So you have
17 the money?

18 MR. FEDER: Excuse me?

19 COUNCILMAN JONES: You have the
20 money.

21 MR. FEDER: We do have the
22 money.

23 The office is open 24 hours a
24 day in the basement of the Criminal
25 Justice Center. We are more than happy

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2 to work with any group that wants to put
3 up bail through a fund. In fact, another
4 group, the Philadelphia Bail Fund,
5 actually has communicated and reached out
6 to us, and we are actually meeting with
7 them and are going to meet again on
8 November 15th with them to try to
9 finalize the procedure on how they can
10 actually use their money to bail people
11 out through their bail fund. So we're
12 more than happy to work with any group at
13 all.

14 Just to clarify a couple of
15 things that were said earlier today, that
16 30 percent bail refund that is held when
17 refunds are issued on bail, it's actually
18 deposited into the City Department of
19 Revenue General Fund, Index Code 842729.
20 So the money is given back to the City of
21 Philadelphia. In Fiscal Year 2016,
22 \$2,922,169 was deposited into that index
23 code.

24 We'd be happy to answer any
25 questions you might have for us.

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2 COUNCILMAN JONES: Well, I

3 believe you guys are at the nucleus of
4 all of the reform that we could possibly
5 do. I want to reiterate that Washington
6 is in a totally different funding
7 situation than you. We have asked you to
8 come up with these reforms without at
9 this point any additional resources on
10 pretrial, but if there were those kinds
11 of resources available, I guess my
12 question would be, what would be the
13 kinds of services -- you don't have to be
14 Washington, you don't have to be Jersey,
15 but be the best version of Philly we
16 could be. What would you recommend that
17 we give you the tools to do? And I
18 really appreciate facts do matter in an
19 alternate fact universe coming from
20 Washington. At least here we need to be
21 accurate in our cost accounting, accurate
22 in what the potential is for savings, and
23 we appreciate those facts. So I just
24 don't want you to think that we don't.

25 So if you had a magic wand and

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2 a magic budget, it's never going to be
3 DC, but give me the Ford model version of
4 what it would be, Pretrial Services.

5 MR. BOUCHARD: I think I could
6 sit up here and talk for hours about
7 various services and needs. I think the
8 list goes on. Some have been mentioned.
9 Housing, employment, education. I mean,
10 the list goes on. In a dream world, I'd
11 love to house those right in Pretrial.
12 When someone comes in to check in, we can
13 guide them to, do you have health
14 insurance, do you need mental health
15 counseling, do you need drug and alcohol
16 counseling. I mean, the list is never
17 ending.

18 So I think that as we move
19 forward, the MacArthur grant has allowed
20 us to lay that foundation, as I said,
21 with the risk assessment, with the needs
22 assessment. Also budgeted in are
23 additional pretrial officers for a short
24 amount of time, for about a year, and
25 also a social worker, who is going to be

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2 assisting with the needs assessment and
3 working with the defendants who are
4 placed on pretrial supervision.

5 COUNCILMAN JONES: Your eyes
6 actually lit up like it was Christmas
7 when I said if you could have a perfect
8 world. So that tells me your heart is in
9 the right place. But I'm going to help
10 you out a little bit. So do you need
11 more GPS technology for house arrest or
12 less?

13 MR. BOUCHARD: I think that --
14 (Audience members talking.)

15 COUNCILMAN JONES: You got to
16 let them answer. We're going to let you
17 come up and give your opinion as well.

18 MR. BOUCHARD: I think we need
19 to be cautious of the use of electronic
20 monitoring.

21 COUNCILMAN JONES: Why is that?

22 MR. BOUCHARD: We need to make
23 sure that we're not over-supervising, and
24 I think as we progress forward -- I want
25 to be clear. Currently Philadelphia, we

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2 do not have an electronic monitoring
3 issue. On Pretrial we have approximately
4 260 -- and my numbers could be slightly
5 off -- people on electronic monitoring.
6 We do not have GPS in our system right
7 now. So as we move forward with
8 additional funding, we need to target
9 specific groups that would be the most
10 beneficial to keeping the community safe,
11 ensuring appearance without
12 over-supervising.

13 COUNCILMAN JONES: Would you
14 recommend or not recommend -- does that
15 help couch the question right -- day
16 reporting centers or not?

17 MR. BOUCHARD: I think day
18 reporting centers are beneficial. I
19 think it's important that as we look into
20 instituting those, that we're ensuring
21 it's in the right place for the right
22 population and moving forward with that
23 type of information.

24 MR. EL-SHABAZZ: Right place
25 for the right population. Help me out

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2 with that. Exactly what are you saying?

3 MR. BOUCHARD: I think that's
4 what work -- there's a committee that's
5 currently discussing day reporting
6 centers, and I think --

7 MR. EL-SHABAZZ: Oh, some of it
8 is top secret?

9 MR. BOUCHARD: No. Julie can
10 speak to where we're at.

11 MR. EL-SHABAZZ: Okay. I
12 didn't want to expose it. I'm sorry.

13 MS. WERTHEIMER: No. I'm happy
14 to jump in.

15 Under the leadership of the
16 District Attorney's Office and Councilman
17 Jones and under the umbrella of CJAB, we
18 are about to kick off a study, and
19 hopefully a short but efficient study, to
20 figure out what population or populations
21 are best served by what we're calling
22 actually community resource center
23 instead of day reporting.

24 COUNCILMAN JONES: We're
25 changing the name.

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2 MS. WERTHEIMER: We got to
3 brand it separately in Philadelphia.

4 But that's exactly what this is
5 about. It's not just what populations
6 should be served. It's what does
7 "served" mean. What kind of resources
8 are needed in a community-based fashion,
9 and that's what I think we're trying to
10 figure out. In a world of limited
11 resources where we don't have the budget
12 of DC, how can we best use what's at our
13 disposal for the people who need it just
14 to serve them best.

15 And to that point, I think at
16 all points of the continuum, it's not
17 just about pretrial. It's about those on
18 probation, it's about those returning
19 home, and it's about those who we are
20 trying to divert from the system entirely
21 with a pre-booking diversion model that's
22 set to launch within the next few months,
23 how do we divert those folks into
24 services rather than arresting them and
25 charging them in the first place.

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2 COUNCILMAN JONES: So do you
3 have a complete list of services that you
4 could provide us in a perfect world that
5 you would recommend?

6 MR. BOUCHARD: I could provide
7 you with a list, yes.

8 COUNCILMAN JONES: So I
9 won't --

10 MR. EL-SHABAZZ: But I have a
11 question with regard to that. What I
12 don't want to -- and I don't want to get
13 into the nuances, but I do want to get
14 into the new nuances. We're talking
15 about providing services in the ideal
16 world with respect to social services,
17 employment, maybe housing, mental health,
18 drug and alcohol to the end of it to
19 individuals at a pretrial status and hope
20 that we don't have to -- we can avert
21 arrests to the end of it. Are we talking
22 about follow-up as well?

23 Some of the ideas that I'm
24 hearing with respect to this is a matter
25 if I have a case, the case is open, I'm

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2 going to this particular counselor who is
3 benefiting me during the time that my
4 case is open, the case is subsequently
5 disposed of. Do I still have that
6 counseling? Because I still may be in
7 need of that. And did we put those
8 devices? Are we talking about doing
9 that? Are we exploring putting those in
10 place?

11 It seems to me -- and, again,
12 this is how I'm viewing it, and I may be
13 wrong or I may be right. It seems to me
14 that if someone has an issue that needs
15 to be dealt with and that issue is being
16 dealt with while they are on pretrial and
17 the case is disposed of positively for
18 them, thrown out, and they're improving
19 in their life, do we then stop the
20 service at that time, the service that
21 has them improving in their life, and we
22 say, Well, let's deal with these others
23 over here, or do we have entryways, or
24 are we even exploring that? It just
25 seems that we're talking about putting a

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2 Band-Aid on a bazooka hole.

3 So I'm curious as to, since we
4 talked about perfect world -- and you
5 opened this up, Councilman -- do we have
6 follow-up, and if we do have follow-up,
7 is that 30 percent going to go to the
8 follow-up? Because people in that
9 position, people want help. A lot of
10 times they don't have the ability to get
11 help. If they can't pay bail, they don't
12 have the ability to pay for services that
13 they may have as well or may need as
14 well.

15 MR. ROJAS: Can I follow up on
16 what you said? Because I think we've
17 been through this rodeo before back in
18 the 1990s. Gene Bonnie (ph), the
19 Philadelphia Bail Fund, we attempted to
20 release people out of jail, but there was
21 no plan to sustain it going forward. We
22 did it once. And I guess I agree with
23 this question is, how do you keep
24 sustaining it when we -- the recurring
25 theme is that poverty and socioeconomics

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2 is driving the prison population in the
3 explosion.

4 So I agree with what he's
5 saying, and I would like to get an answer
6 as to how do we sustain. Once we
7 institute bail reform, how do we sustain
8 not increasing the prison population?

9 MR. BOUCHARD: So I will
10 attempt to address both questions. The
11 first question I can touch on is,
12 currently we don't have these services
13 in-house. So we do direct defendants to
14 the appropriate places in the community.
15 And when they are no longer under our
16 supervision, after their case is disposed
17 or whatever their last visit, our
18 officers are encouraging their continued
19 participation in those programs. Again,
20 we can't force that. And I do know our
21 Adult Probation and Parole Department,
22 for those who end up in that area, has
23 extensive services to offer as well. So
24 either way, there are options now.

25 In the future, obviously I

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2 would like to enhance that
3 post-supervision, post-pretrial
4 supervision, but I think we also need to
5 be cognizant that it's voluntary for
6 people and that we can ensure that
7 they're going to the right place.

8 As for how do we -- what was
9 the specific question again, sir?

10 COUNCILMAN JONES: How we pay
11 for it.

12 MR. ROJAS: How do you sustain
13 it.

14 COUNCILMAN JONES: He meant how
15 do we pay for it.

16 So if I could, that's up to us,
17 and I don't mean just us on this panel
18 but us as a body in Council. The things
19 you care about, you fund. I mean, you
20 can do this all day, but if we don't put
21 dollars behind these services to give
22 people a -- not a guarantee of success
23 but a fighting chance, then we're doing
24 them a disservice, you a disservice, and
25 society a disservice. So at some point

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2 after we study this, we have to make a
3 commitment to it and to figure a way --
4 and, again, I go back to cost accounting.
5 If we go a direction, we have to know --
6 you know, the days that we could open up
7 a checkbook and just throw money at a
8 problem are over. We have to be able to
9 efficiently figure out how much good
10 costs. And as a society when we raised
11 your soda tax, understand -- that's not
12 why we did that, but if we raise
13 revenues, is this worth the direction
14 we're going. And I would say yes, but we
15 have to be committed to that.

16 And so we could talk about
17 theory, we can talk about a perfect
18 world, but we're going to have to pay for
19 that world as well.

20 MS. SHUBIK-RICHARDS: Let me
21 just point out that if you want our
22 pretrial services, if you want the good
23 work that Pretrial Services and the First
24 Judicial District is doing and is going
25 to continue to do to be successful,

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2 again, we have to think about length of
3 time under supervision and length of time
4 to disposition. It's one thing if
5 Michael's excellent team is following up
6 with people for two months and three
7 hearings. It's another thing if they're
8 following up with people for a gazillion
9 hearings over an extended period of time.
10 And the job of the First Judicial
11 District is to ensure justice and public
12 safety. It is not to heal Philadelphia
13 from all ills associated with poverty.
14 Gosh, I wish there was an agency that
15 could do that and do that effectively. I
16 think we all do. But what is exciting is
17 the possibility of the First Judicial
18 District Pretrial Services, all of the
19 justice partners, and what they are doing
20 to move us to a more just system, and a
21 more just system is in part ensured by
22 justice being done swiftly and accurately
23 as opposed to extending out over eons and
24 the potential for, as we saw with Julie's
25 data, people to be sitting up in State

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2 Road because of multiple things that have
3 piled up over time.

4 So you want to invest a smart
5 amount of money that is a discreet amount
6 of money and can't go on forever. You
7 shorten the court process.

8 COUNCILMAN JONES: We totally
9 agree. It's an opportunity to succeed,
10 not a guarantee.

11 Madam District Attorney.

12 MS. HODGE: Thank you,
13 Councilman, and I will follow up on what
14 you just stated moments ago, which is
15 what you are articulating and what the
16 panel has been discussing is the need for
17 data-driven solutions and using data in
18 order to drive what we know are limited
19 funds, no matter what the pool or pot of
20 money or puddle it may be of money that's
21 available, but to really earmark and
22 direct those appropriately.

23 To my fellow Committee member
24 that just spoke on expediency and added
25 accurately, I agree that it is important

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2 to be expedient, but we can't compromise
3 thoroughness for the sake of expediency
4 or thoughtfulness for the sake of
5 expediency. Our role in criminal justice
6 as criminal justice partners does require
7 us to obviously take in what you all have
8 shared and what has been shared by many
9 on the Committee about acknowledging the
10 societal ills and the things that people
11 wish or hope to attain, but they're just
12 not able to do so.

13 That being my speaking point, I
14 will add this as a question. The 30
15 percent that's deposited back into the
16 City based on the fee -- I believe that,
17 Mr. Feder, you spoke to that -- can you
18 articulate specifically what has happened
19 or what goes on with that particular fee
20 or amount? How is that allocated or
21 distributed or hopefully redeposited back
22 into the community? I'm hopeful in that
23 regard, but it may not be.

24 MR. FEDER: As I said, the
25 money is deposited with the City

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2 Department of Revenue General Fund, \$2.9
3 million Fiscal Year '16.

4 MS. HODGE: Any great
5 specificity what happens from there?

6 MR. FEDER: That will be a
7 question for City Council actually.

8 COUNCILMAN JONES: So, again,
9 it goes right back into the bucket. We
10 reissue it.

11 One of the things we are
12 considering is a justice reinvestment
13 bill that calls for some of those dollars
14 to go into the exact kinds of services
15 that you want to provide. It just makes
16 sense. If you could save it and reinvest
17 it, you get a greater rate of return on
18 human capital.

19 MR. BOUCHARD: I'd be happy to
20 take the 2.9 million.

21 COUNCILMAN JONES: I know you
22 would.

23 Councilman, did you want to
24 comment or do you want to --

25 COUNCILMAN GREEN: I'll let --

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2 COUNCILMAN JONES: You'll yield
3 your time?

4 REVEREND MAIRENA: Thank you.

5 You're absolutely correct. A
6 budget is an -- ultimately it's a moral
7 document. It says who we are and what we
8 value.

9 My question to you -- and help
10 me break this down. I got a 20-year-old
11 person that gets arrested, makes bail or
12 doesn't make bail. Where does this day
13 center come in? If it doesn't exist now,
14 like help me break it out from the
15 grassroots level.

16 MR. BOUCHARD: The committee
17 who is overseeing the potential of day
18 reporting centers, we haven't got to the
19 granular yet. As Ms. Wertheimer stated,
20 we're looking at a study to point us in
21 the right direction and how to --

22 REVEREND MAIRENA: Are there
23 other cities that have one?

24 MS. WERTHEIMER: Yes.

25 REVEREND MAIRENA: Like help

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2 me -- they leave and then they get a
3 referral and they have to show up. Like
4 just give me an idea as to what that
5 means.

6 MS. WERTHEIMER: So I think it
7 looks different in a lot of different
8 places, and it depends on the county
9 itself, the like socioeconomic and
10 demographic makeup of the county where
11 it's operating, the size, because
12 obviously Philadelphia is going to be
13 different than Allegheny County or --
14 there's another county in Pennsylvania
15 that has it.

16 REVEREND MAIRENA: I hate to
17 push, but other cities compared to our
18 demographics, size, what do theirs look
19 like?

20 MS. HODGE: I can jump in
21 really quickly and add, because this is a
22 committee that I am on as well.

23 I have visited numerous years
24 ago Red Hook in Brooklyn, in New York,
25 and their community court model, and

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2 Manhattan also has a community court
3 model, and what I recall from that visit
4 and also from our discussions and what we
5 are embarking on here with the community
6 resource center is once a person is
7 arrested, based on the nature of their
8 offense, if it is of a certain level,
9 they are, therefore, quickly directed
10 through the community court model, which
11 has an array of services, almost kind of
12 like a one-stop location in terms of a
13 structured building where they go ahead
14 and they appear before a magistrate or a
15 judiciary member or a trial
16 commissioner -- I can't recall the title
17 of the person -- to go ahead and assess
18 what their need is, look at their charge,
19 and then provide those immediate services
20 and then release them back into
21 community. Sometimes they are also given
22 community service work from there, but it
23 is a much more quicker, expeditious
24 process, and it's done based on giving
25 back to the community.

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2 So what Ms. Wertheimer has
3 stated about assessing the needs of the
4 community and what they can support and
5 what is necessary in that region, it is
6 unique to Brooklyn. There is one unique
7 to Manhattan, and I'm sure there are
8 others, but that's the best answer I can
9 give you regarding that.

10 COUNCILMAN JONES: I would even
11 say they maintain a cost effectiveness by
12 codifying cases. So if you have a
13 Housing Authority case, a Traffic Court
14 case because your license was suspended,
15 and a regular municipal case, all of them
16 get codified and combined, which saves on
17 administrative dollars, which is more
18 effective too.

19 I went up there. It was one of
20 the most amazing trips ever. Everybody
21 in that courtroom, from the judges to the
22 security to the clients, were happy
23 because they were getting services. I
24 mean, am I hallucinating? I never saw
25 anything like it. But it costs. It

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2 costs.

3 Luzerne County is a little
4 different. They're not as flashy, not as
5 nice a building, but they have those
6 tenets as well. We're trying to struggle
7 to come up with a model for Philly.

8 MS. SHUBIK-RICHARDS: So just
9 to give you some perspective. So usually
10 in a jurisdiction that provides pretrial
11 services, there are a continuum of
12 services based on what somebody will need
13 to stay safely in the community and
14 attend court, and typically a lot of
15 those services can just be follow-up
16 calls. And an issue that Pretrial
17 Services here identified, which is an
18 issue everywhere, is you want to make
19 sure that those costly services that are
20 also not only costly in terms of fiscal
21 dollars, but also costly for the
22 individuals in the community, they have
23 to comply, have to go to things, are only
24 used for those who really need them. And
25 so a day reporting center is at the high

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2 end of that continuum. It typically
3 involves people reporting either daily or
4 weekly to a building where they receive
5 support and help. Everybody is right, it
6 looks different in a lot of jurisdictions
7 depending on how often you report, what
8 the services that you provide are, and
9 it's tailored to the needs of that
10 community, but the key here is that it
11 should only be used for those people that
12 need that amount of support to remain
13 safe in their community, and the vast
14 majority of people that are let out
15 pretrial should never enter a day
16 reporting center. And I think what's
17 really important to realize is not only
18 is that just smart for humanity, for
19 humans, and not only is that smart for
20 dollars, but it's actually really smart
21 for public safety, because what the
22 research shows again and again is that
23 individuals who are over-programmed,
24 over-supervised have a greater propensity
25 to commit future offenses than those who

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2 are treated with sensitivity and respect
3 and not stamped program automatic.

4 COUNCILMAN JONES: So we're
5 going to -- there's going to be a part
6 where all of you will be charged with
7 taking all of this information and coming
8 up with recommendations, but what we want
9 to focus on is the testimony of others at
10 this point, because we all have our
11 opinions about stuff.

12 So what I'm going to do is take
13 the prerogative of the Chair and thank
14 you. I'll go with you, Councilman Green,
15 and then we're going to let the rest of
16 the community give input.

17 COUNCILMAN GREEN: Thank you,
18 Mr. Chair.

19 I just wanted to follow up on
20 the questions that were asked earlier by
21 District Attorney Hodge regarding the
22 administrative fee. So my understanding
23 is 30 percent of those dollars go to the
24 General Fund.

25 MR. FEDER: Correct.

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2 COUNCILMAN GREEN: However, who
3 determined the 30 percent amount? Was
4 that done by the FJD? How was that
5 arrived at initially?

6 MR. FEDER: That, as I
7 understand, is done by court rule.

8 COUNCILMAN GREEN: By court
9 rule?

10 MR. FEDER: Yes.

11 COUNCILMAN GREEN: So that was
12 done by court rule. And so do we know of
13 that 30 percent, is there an
14 understanding of what that money is for,
15 other than it was just -- so what I'm
16 hearing is that from the First Judicial
17 perspective, that was a court rule
18 established at some point by the First
19 Judicial District. Thirty percent was
20 viewed as the number that was necessary
21 for administrative fees for the
22 administration, but we don't have a
23 perspective or any historical perspective
24 of what that 30 percent is used for?

25 MR. FEDER: Yeah. I mean,

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2 that's my understanding, Councilman. I
3 mean, what it's used for, it's deposited
4 into the City General Fund, so...

5 COUNCILMAN JONES: So we fund
6 them.

7 COUNCILMAN GREEN: Oh, I know.
8 Well, we shouldn't fund them. It's
9 really the state that should be funding
10 them, but that's a whole separate issue.
11 I'm not going to get into the whole back
12 story of that.

13 And how long has the 30 percent
14 fee been in effect?

15 MR. FEDER: I actually don't
16 know the answer to that question. We can
17 check on that.

18 COUNCILMAN GREEN: Okay. All
19 right. Because I guess that's one of
20 the -- we were talking about a lot of
21 different issues, but that 30 percent
22 amount is something that's really
23 concerning. This is also an opportunity
24 that we will have conversations as
25 Councilman Jones has raised and then

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2 we'll be going through the budget season
3 in a few months where the First Judicial
4 District will be testifying here, as well
5 as we'll be talking with the
6 Administration regarding the budget. But
7 I think it seems like there's a
8 combination of that money coming into the
9 General Fund and also the ability of the
10 FJD to change rules. I know certain
11 rules they cannot change, but I think
12 there's some in their purview that they
13 can change, and unless there's some
14 additional information that we can get
15 from the First Judicial District about
16 why that 30 percent threshold is needed,
17 that's an opportunity to make a change,
18 have a lower burden for individuals in
19 our city who have to provide bail, as
20 well as make it easier for bail funds to
21 operate when you have a smaller fee
22 threshold.

23 COUNCILMAN JONES: Well, thank
24 you.

25 And thank you for your

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2 testimony. We really are relying on you
3 to be the center point once we come up
4 with these models, come up with the
5 funding commitment to get it right. So
6 thank you.

7 MR. BOUCHARD: Thank you.

8 COUNCILMAN JONES:

9 Ms. Williams.

10 Go ahead.

11 MS. WERTHEIMER: I just wanted
12 to jump in and highlight one thing.

13 COUNCILMAN JONES: You can go.

14 MS. WERTHEIMER: You're good.

15 We talked about this day
16 reporting center or community resource
17 center study. All the points that have
18 been made are incredibly important to
19 take into consideration, and to that end,
20 while we haven't rolled it out yet
21 because of bureaucracy and the lengthy
22 timeline it takes to conform a contract,
23 there is written into the scope of the
24 study a huge community input process to
25 hear from the different communities that

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2 are affected by the system, what they
3 identify as what the needs are. And so
4 to that end, I think we're going to hear
5 from community members, right,
6 Councilman?

7 COUNCILMAN JONES: Constantly,
8 and we take those recommendations
9 seriously. We have experts and then we
10 have people who are experienced in it,
11 and so we do relish that input.

12 Ms. Williams, who is the next
13 group of witnesses?

14 THE CLERK: Devren Washington,
15 Jojuan Powell, Carlette Golden, and
16 Reuben Jones.

17 COUNCILMAN JONES: Thank you so
18 much for your patience. Please come up
19 to the witness table.

20 (Applause.)

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN JONES: Thank you
24 for your patience. Bring the mic to you.
25 State your name for the record so that we

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2 get it, and then begin your testimony,
3 please.

4 MR. WASHINGTON: Devren
5 Washington.

6 COUNCILMAN JONES: Welcome.

7 MR. WASHINGTON: I'm with Black
8 Lives Matter and founding member of the
9 Philadelphia Community Bail Fund.

10 COUNCILMAN JONES: Can you pull
11 it a little closer.

12 MR. WASHINGTON: A little
13 closer? Is this better?

14 COUNCILMAN JONES: That's
15 better.

16 MR. WASHINGTON: Okay. So I
17 guess on behalf of the community, the
18 Philadelphia Community Bail Fund, I just
19 want to say thank you to Councilman Green
20 and to the Special Committee for holding
21 this hearing, and we hope to have a
22 productive dialogue regarding our work.

23 So 175 years ago, an enslaved
24 woman by the name of Harriet Jacobs hid
25 in an attic of her grandmother's cabin.

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2 She stayed in this place, unable to
3 straighten her back, watching her
4 children basically grow before her eyes
5 between slats in a floor board, because
6 she was running away from slavery, she
7 was running away from abuse, and she
8 basically wanted to be free.

9 So one night she called for her
10 children, and she said good-bye to them.
11 She spent the night with them, and then
12 she got on a boat and she stowed away to
13 Philadelphia, because at that time,
14 Philadelphia was a land of freedom for
15 black people. It housed the largest
16 population of free black people during
17 the time. So, in effect, people,
18 enslaved people, who lived in places like
19 Edenton, North Carolina, they would
20 run -- they would buy their freedom from
21 their masters, if they could, and they
22 would run to places like Philadelphia or
23 even Philadelphia specifically. And now
24 because of pretrial detention and the
25 money bail system, these descendants of

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2 these people are buying their freedom
3 from Philadelphia. And that was only but
4 150 years after abolition, right?

5 So it's safe to say that 175
6 years after Harriet Jacobs came to
7 Philadelphia that Philadelphia is no
8 longer in step with its legacy of
9 freedom. With the largest jail
10 population out of all of the largest
11 cities of the United States, our
12 community in Philadelphia understands the
13 physical toll, the emotional toll, and
14 the economic toll of pretrial detention
15 and the cash bail system. So when Mary
16 Hooks, the Co-Director of SONG, created
17 the idea of a National Black Mothers Bail
18 Out Day, our community answered the call
19 by raising \$60,000 within a week. This
20 is the community that the median income
21 is \$22,000, which is \$8,000 below the
22 national median income. This is the
23 community that is a community that is
24 housed within the poorest large city in
25 America.

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2 Thirteen hundred people donated
3 \$50 a piece in order for us to buy back
4 our black mothers from the City. So in
5 part, that was to show the City and our
6 elected officials a reflection of what
7 the City has become and how inaction in
8 abolishing that system has affected the
9 communities that you have sworn to
10 protect and represent in a negative way.

11 So, additionally, although many
12 people are missing from our communities,
13 the community itself is still dedicated
14 to upholding the long legacy of
15 resistance, and the success of Mama's Day
16 Bail Out is a demonstration of that lived
17 tradition of resistance and the struggle
18 to free those still held in cages.

19 So by using referrals from the
20 Defenders Association, the No215Jail
21 Coalition, Black Lives Matter Philly,
22 Sankofa Community Empowerment, Frontline
23 Dads, Media Mobilizing Project,
24 DecarceratePA, and the Youth Art
25 Self-Empowerment Project, or YASP, bailed

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2 out 13 women the day before Mother's Day
3 earlier this year. The goal was to give
4 freedom back to the black women who cared
5 for and birthed our community. We did
6 this in recognition of the important role
7 of black cis and trans women in our
8 communities. They are our educators, our
9 advocates, our nurturers, and our
10 protectors. And we identified affordable
11 but effective pretrial support services
12 that we could offer and have done our
13 best to administer them consistently and
14 without judgment. In fact, we pride
15 ourselves on being a non-judgmental bail
16 fund, which means we do not judge a
17 person for the charges against them. We
18 believe and strive to remind the City
19 that as citizens, we are innocent until
20 proven guilty.

21 The work we did around the
22 freedom of black mothers was also
23 inspired by the activism of black women,
24 who for years have worked to highlight
25 the effects of cash bail on a vulnerable

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2 black community and for decades have led
3 the fight against mass incarceration.

4 So in closing, the Philadelphia
5 Community Bail Fund is aware of the City
6 Council's work to enact criminal justice
7 reform, but as a community-run
8 organization, our work is to remind you
9 of the human casualties of this unjust
10 system. If in America we are innocent
11 until proven guilty, why do you shackle
12 those who have not gone through due
13 process? An accusation by the state
14 without conviction should not lead to the
15 loss of your children, job, and liberty.

16 To speak further about the
17 human toll that the money bail system has
18 on the community of Philadelphia, we have
19 Carlette, who will also testify.

20 COUNCILMAN JONES: Thank you.
21 Thank you for your testimony.

22 Can we hold up a second.

23 We'd like to take a second to
24 acknowledge another returning citizen,
25 but in a different way. First Class

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2 Sergeant Dante Copeland has spent 14
3 years in the service and is coming home
4 for the first time. He is being escorted
5 by Councilman Oh. And if you could join
6 us in welcoming him back home.

7 So are we surprising him?

8 MS. PATE: Yeah, we are. And
9 Welcome Home Heroes is also here.

10 Veterans Day and Veterans Week
11 starts this Sunday with our parade, but
12 we honor those --

13 COUNCILMAN JONES: Come on it.
14 Welcome to City Hall.

15 MS. PATE: He has no idea
16 what's going on. Let's welcome him,
17 please.

18 (Applause.)

19 MS. PATE: 14 years. 14 years.

20 COUNCILMAN OH: Thank you very
21 much. Let me just explain that he cannot
22 be in any pictures, and we are actually
23 being televised right now. So we're
24 going to do this with his father, and he
25 will be there over to the side. Rules of

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2 the military. It's a surprise to him.

3 It's a surprise to many of us, but what

4 happens is, we have this opportunity. So

5 let me move forward with this and we'll

6 move along here. Thank you very much,

7 Chairman, for lending us this time and

8 everyone for allowing us to do this

9 surprise honor. And I am here with his

10 father.

11 So I will ask Wanda Pate to

12 step forward and to make the

13 introduction, and we'll go from there.

14 (Presentation given to Sergeant

15 Dante Copeland.)

16 COUNCILMAN JONES: Thank you

17 for your patience, and state your name

18 again and please begin your testimony.

19 MS. GOLDEN: Hello. My name is

20 Carlette Golden. I'm here to speak for

21 the women at Riverside Correctional

22 Facility. I was arrested on July 8th,

23 2016. I spent 14 months in jail for

24 pretrial, because I could not afford

25 \$100,000 bail. I'm only here because the

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2 Philadelphia Community Bail Fund was able
3 to bail me out so that I could come home
4 last month.

5 Being locked up on cash bail --
6 (Applause.)

7 MS. GOLDEN: Being locked up on
8 cash bail makes it hard to find anything
9 out about your case or to work on your
10 defense. While I was detained pretrial,
11 I was brought down to CJC ten times, but
12 only made it into the courtroom once for
13 a preliminary hearing on October 6th,
14 2016, three months after I was detained.
15 That was the only time that I was in a
16 courtroom.

17 My case kept being continued,
18 but nobody told me anything. I never
19 knew anything about my case or even my
20 charges. I never met or even talked to
21 my court-appointed attorney in the entire
22 14 months I was incarcerated waiting for
23 court.

24 The phone number listed for my
25 attorney online was disconnected, so my

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2 family could not get in touch with him
3 either. My sister works two jobs and was
4 not able to take time off to try to track
5 down my attorney, so I spent over a year
6 behind bars, not knowing anything about
7 my case or if there was any way I could
8 get out. I never thought I would be
9 home.

10 I never thought I would see my
11 mother again, because she was not well.
12 My mom is a senior citizen at 85 years
13 old. My situation added more stress to
14 her. It was stressful on my whole
15 family, because I was never accused of
16 any charges like this before ever, and
17 they had no idea if I was ever coming
18 home. Without the money for bail, all I
19 could do was sit and wonder how would I
20 get through this.

21 When the Philadelphia Community
22 Bail Fund came to visit me, that was the
23 first time I felt any hope of getting out
24 and being able to fight for my life. I
25 think the most important part of the bail

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2 fund is to give people hope, to know that
3 we are not just a number in the system
4 but that we do have a voice. We are
5 silent when we are locked up, but have a
6 voice when we're not. The only time we
7 have a voice is when we are free.

8 If my bail was not paid, I
9 would still be just another number. I
10 would still be sitting on State Road.
11 But now I'm here today speaking for the
12 women on State Road because of the bail
13 fund. They helped me connect with my
14 lawyer, and because they posted my bail,
15 I was able to finally meet him for the
16 first time this week and find out what
17 was going on with my case. If I was
18 still incarcerated, I would not know
19 anything, because I was not bailed out.

20 I was able to come home and
21 live my life again and reconnect with my
22 family. As soon as I came home on bail,
23 my mom got sick and I had to go to the
24 hospital. I was able to come home and be
25 with her.

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2 Somebody else in my situation
3 with money would never have been
4 incarcerated. Someone who could afford
5 to pay \$10,000 in bail would have not
6 lost the past 14 months of their life.

7 I was caged for over a year
8 just because I did not have the money to
9 pay for my freedom. I am not alone. My
10 story is just one of many stories. Most
11 people who were in jail with me were also
12 there just because they could not afford
13 to pay bail. That is why I'm speaking
14 today, to speak for the voices that can't
15 speak here. We ask the City of
16 Philadelphia and everyone in this room to
17 end the system of cash bail so that
18 nobody has to go through what I went
19 through.

20 Thank you.

21 COUNCILMAN JONES: Thank you.

22 (Applause.)

23 COUNCILMAN JONES: We're going
24 to hold questions until all of you
25 testify. Thank you.

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2 MS. POWELL: Hi. I'm Jojuan.
3 I'm from West Philadelphia, the Mantua
4 section to be exact. I'm 28 years old.
5 I'm currently a lunch lady. Prior to my
6 offenses, I was a home health aide for
7 hospice patients.

8 How I got involved in the
9 Mama's Day Bail Out was that I was
10 arrested on May 8th and incarcerated at
11 Riverside Correctional Facility. So I'm
12 also speaking for the many ladies that
13 are at RCF.

14 That place is horrible. I
15 wouldn't send my worst enemy there on
16 their worst day if it was the last place
17 on earth. It wouldn't be my worst
18 enemy's last stop basically.

19 I spent five days there, which
20 felt like five years, because I still say
21 five years. If I hadn't been bailed out,
22 I wouldn't have gotten out until August
23 29th. Mind you, I was arrested May 8th.

24 The case that I was fighting
25 was two misdemeanors and two felonies. I

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2 got arrested because there was a street
3 fight with children around the corner
4 from my house. Adults were trying to
5 stop the fight, and elder adults assumed
6 the younger adults were fighting
7 children. And people were also -- and
8 people also look at me like a child
9 because I look young. In my case I was
10 trying to break it up. And the charges
11 was ultimately dropped. The people who
12 pressed charges on me was going to get
13 caught in her lies because she said
14 something about like I broke her arm or
15 something, which was a lie. So she
16 decided not to come to court to testify.
17 The case was dropped in August. I
18 planned to get the whole thing expunged,
19 like my previous charges from 2009.

20 I remember when I seen the
21 judge, he set my bail at 25,000, which
22 meant I had to come up with \$2,510 to get
23 out. Once I got in front of the judge,
24 he just set the bail. It traumatized my
25 family. Then they got -- they had to

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2 come up with a magic number that this
3 person just shouted at you and you have
4 to call your family with whatever change
5 that you have in your pocket. Hopefully
6 you got change, because I end up having
7 to ask the girl in cell five.

8 I end up calling my dad, which
9 is my support system. I didn't know
10 where he was going to come up with
11 \$2,510, because I'm just a lunch lady and
12 that's not the kind of money I was
13 saving, and if I was saving, it wasn't
14 for that.

15 You know your family is
16 stressed out because you're there. Your
17 kids is probably with your family, which
18 I only have a son. The most I was
19 thinking about was how I was going to get
20 out, where they were going -- where was
21 my family going to get this money from,
22 and the most epiphany I had was, I was
23 just in Disney World two weeks ago prior
24 to me being arrested. So I was in awe,
25 like how am I in a jail cell when I just

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2 was in Orlando?

3 I'm like we don't have that
4 kind of money saved up. We're just
5 trying to make ends meet A to B.

6 Being in jail was really hard,
7 because it kept me away from my son.
8 He's 10 now. He was 9 at the time that
9 it all occurred. Even though it was a
10 short time, it definitely affected him.
11 He really wanted to know where I was at,
12 and sometimes I would try to call and we
13 would miss each other. I knew he wanted
14 to see me. I knew he wanted to talk to
15 me, and I didn't know what to tell him.
16 And when I did get on the phone with him,
17 I would just cry. It felt like my heart
18 was taken out of me.

19 On May 13th, the day we was
20 bailed out -- no; the day prior to that,
21 I got a visit, and I didn't know where
22 the visit came from. I didn't know if it
23 was my lawyer. I didn't know if it was
24 my mom, because she wanted to come and
25 get my keys to get in my house because my

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2 dog was out. It was just a lot. And I
3 got a visit, and they were like, We're
4 trying to bail you out for Mother's Day.
5 And I was excited. I didn't know where
6 it came from, why.

7 So the day we got bailed out, I
8 couldn't sleep that night. It was a
9 rainy day. We boarded the van to go get
10 transported, and where they dropped us
11 off, it was like the middle of nowhere,
12 and all this rain and all these people
13 just popped out of nowhere, like we're
14 here for you. I was so excited and I
15 jumped and hugged this one girl. She had
16 flowers and like this purple gift bag for
17 me. And I want to apologize if she in
18 the room, because I did knock her down.
19 I was just too excited to get out, the
20 worst place ever.

21 I accidentally knocked her
22 down. I still wanted to thank her and I
23 apologized to her for knocking her down.

24 That was Saturday. On Sunday,
25 Mother's Day, I totally spent the whole

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2 day with my son in the house. It was
3 awesome. I just kept pinching myself for
4 like a week. I kept pinching myself.

5 Do you still pinch yourself?

6 Yeah. Like are you here? Are you here?
7 Right.

8 I don't think the system of
9 cash bail is fair. What if in my case or
10 the one young woman's case the charges
11 was completely false? If I hadn't been
12 bailed out, I would have sat in jail for
13 four months before the case was dropped.
14 I feel like there should be some kind of
15 investigator at the beginning. I think
16 it's unfair to everyone, to anyone that
17 gets put in that position. I think it's
18 unjust, honestly.

19 The criminal justice system
20 itself in Philadelphia is totally
21 corrupted. Even if I get a case and I
22 might beat it or it gets thrown out, it's
23 still on my record. I still have to
24 fight to get them off of my record, to
25 get the, what, the charges dropped off of

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2 my record.

3 I've seen it happen before at
4 8th and Race. I've seen two people
5 fight, the same charges, in different
6 races. I seen one person go home and I
7 seen one person stay. I feel like it all
8 has to do with how the judge feeling that
9 day, honestly. If he's feeling good, you
10 might go home. If he ain't, you going to
11 stay, and that's just what it is.

12 I could see Philly being a
13 safer environment without cash bail. I
14 think it could rebuild our communities,
15 because I do want to ask where do that 30
16 percent go? You say it goes back to?

17 COUNCILMAN JONES: General
18 Fund.

19 MS. POWELL: General funding?
20 What general funding? Where exactly?

21 I can see people actually
22 donating more to different causes in
23 their community. I don't think of it --
24 if people had the option, people would
25 start donating to their communities.

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2 People might make their playgrounds
3 safer, might pay their property taxes.
4 Who knows. I think people would build
5 their communities back up.

6 That's all I really got to say.

7 COUNCILMAN JONES: Thank you.

8 (Applause.)

9 COUNCILMAN JONES: Thank you
10 for your testimony. Please stay. We may
11 have questions, please.

12 MR. JONES: Good afternoon,
13 everyone.

14 COUNCILMAN JONES: Good
15 afternoon.

16 MR. JONES: So thank you for
17 this opportunity to really put this issue
18 out there. I have this written testimony
19 that I may share. You have a copy of it.
20 But as I was -- by the way, my name is
21 Reuben Jones.

22 As I was sitting here this
23 morning, a couple revelations started to
24 come to me about this bail issue. So I
25 hope you allow me the opportunity to kind

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2 of lay out what I was feeling, what I was
3 going through.

4 So the first thing was, I've
5 been in a lot of these City Council
6 hearings about different issues, the
7 Special Commission. What I notice is the
8 community always goes last. So the
9 community is the least valued people in
10 these processes. We don't have lives.
11 We don't have things to do. Half the
12 commissioners gone. None of City Council
13 here. But the community is still sitting
14 here, because this is our lives, right?
15 So we're not just here to talk about
16 data. We're not just here to talk about
17 numbers. We're not just here to talk
18 about statistics. We are here to talk
19 about human beings, right? So that's the
20 first thing I want to present.

21 The second thing is, I was
22 really amazed at the officer who came in
23 and the reception that was given to him
24 and the love that was shown. And we talk
25 about the freedoms that are being

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2 protected by people like him who put on a
3 uniform, and everyone applauded, and we
4 love that, but the very freedoms that
5 he's protecting are the freedoms that
6 we're infringing upon.

7 (Applause.)

8 MR. JONES: The very things
9 that we applauded this gentleman for
10 putting his life on the line for, you're
11 sending people away from their families
12 for. Not you. Don't personalize. I'm
13 talking about the process, right?

14 When we offer the presumption
15 of innocence in a country, in a system
16 that's predicated upon freedoms, liberty,
17 the pursuit of happiness, but we say,
18 poor people, no, you buy your freedom.
19 And let me say this: Crime and criminal
20 activity is not just relegated to poor
21 people. It's not just a poverty issue.
22 So we talk about this issue like racism
23 doesn't exist, right, like white
24 supremacy doesn't exist, like injustice
25 doesn't exist. We lay all of these

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2 societal ills on people who are poor.

3 And we got to stop that, because it ends
4 up being costly to be poor. So we have
5 to buy our freedoms.

6 So what I wanted to say -- and
7 I think I will just skip the testimony.
8 You can read it on your own. But, you
9 know, you might see me on my phone. I
10 was jotting down notes. I want to read
11 something. The notes I jotted down was
12 this: It's time to abandon the
13 low-hanging fruit approach and adopt a
14 bold and audacious approach to social
15 justice reform and lead with conviction
16 and compassion by doing not what is
17 comfortable, but what's just. No matter
18 what progress has been made, it's not
19 enough. We need to do more, and we could
20 do better than reaching for the
21 low-hanging fruit.

22 What we're really talking
23 about, what we're really talking about is
24 the fair treatment of human beings. We
25 can argue about numbers and data, we

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2 could disagree with political agendas,
3 but the one thing I want to challenge the
4 City's leadership to do and this
5 Commission and City Council and everyone
6 listening is to take a humanistic look at
7 our current crisis of human trafficking
8 through the cash bail system.

9 Human beings are being held in
10 Philadelphia jails simply because they
11 don't have the money to pay to get out.
12 Does anybody see anything wrong with
13 that? Even if the population on State
14 Road, as Judge Lerner so eloquently
15 stated earlier, was only one person, that
16 would be one person too many being housed
17 in prison simply because they couldn't
18 buy their way out. And we're not just
19 talking about cash bail. We're talking
20 about reforming this whole process and
21 having a complete culture shift in the
22 way we think, the way we operate, and the
23 way that we conduct business in terms of
24 criminal justice. So we're talking about
25 detainers, we're talking about pretrial

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2 detention, we're talking about it all.

3 We're not just talking about
4 opening the gates and let people walk
5 free. We're saying no matter what the
6 charge, low level offenses, non-violent,
7 drug offense, violent crime, we're saying
8 offer everyone the same guarantee that
9 the Constitution provides, which is the
10 presumption of innocence and the right to
11 due process. And that shouldn't be
12 interfered with because you can't afford
13 to pay a cash bail.

14 Punishment, we talked about day
15 reporting centers, we talked about GPS
16 systems, but punishment is not a service.
17 Everyone that's walking through the door
18 facing a charge isn't dealing with mental
19 health issues or drug addiction, and they
20 shouldn't be forced to go to a center
21 just to say we justify closing the jail.
22 No. We should close the jail because
23 it's inhumane to lock people away in a
24 cage, and we shouldn't punish people --

25 (Applause.)

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2 MR. JONES: And we shouldn't
3 punish people and send them, force
4 them -- yeah, there's some people that
5 need drug treatment, there's some people
6 who need anger management, and there's
7 some people that need all kind of
8 treatments, but we shouldn't force people
9 to go to a program simply because we let
10 them out of jail by ending the cash bail
11 process.

12 So I want us -- I challenge us
13 to just stay focused on providing those
14 constitutional guarantees of the
15 presumption of innocence and allowing
16 folks to work their way through the
17 system and for allowing due process.

18 Now, I do want to just mention
19 a couple of things about the bail funds,
20 if you can indulge me for an additional
21 minute.

22 COUNCILMAN JONES: Take your
23 time. You were patient enough, so we're
24 going to be patient with you.

25 MR. JONES: Thank you. I

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2 appreciate that.

3 Let me just say a story that
4 nobody in this room really knows. I was
5 arrested back in May of 1987, and my bail
6 was \$150,000. And I posted bail, the
7 \$15,000, and I was never released from
8 jail. And I spent the next year fighting
9 my case from jail, because my bail,
10 unbeknownst to me, was revoked before I
11 ever got released. So that's my personal
12 experience with the bail system in
13 Philadelphia. So I want to humanize all
14 of these experiences so that we know that
15 we have a duty, we have a calling.

16 Everyone on this Commission is a public
17 servant, and that public service means we
18 have to be bold and courageous. We don't
19 follow the whims of public polls. We
20 stand on that limb, that man stands on
21 the line and protects it and defends it
22 with his life against people who don't
23 care about his commitment to that line or
24 to those ideals. I'm challenging
25 everyone in this room today to stand on

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2 the line with us as human beings. Forget
3 the labels. Forget the back stories and
4 the histories and the challenges that the
5 City faces and start thinking about human
6 beings.

7 So the Philadelphia Community
8 Bail Fund -- I'm off my soapbox now. Let
9 me get back on point.

10 The Philadelphia Community Bail
11 Fund was formed out of success of the
12 Mama's Bail Out that we talked about. So
13 the Community Bail Fund posts bail for
14 residents of Philadelphia who can't
15 afford to pay bail and works to bring to
16 light the inequities of the use of the
17 cash bail to Philadelphia and to advocate
18 for the abolition of bail and pretrial
19 detention. I really want you to hear
20 that. We're just not talking about bail,
21 right? We're talking about pretrial
22 detention.

23 No one of the 6,700 people
24 should be sitting in prison before being
25 convicted of a crime. They should have

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2 equal access to an attorney and witnesses
3 and research and family support and
4 everything else. We know all about the
5 collateral damages, losing homes and
6 families and children, because if you're
7 not at work, you're going to lose your
8 job. You don't have a job, you're going
9 to lose your home. You don't have a
10 home, you may lose your children. So we
11 understand that. But what we want to
12 focus on is that presumption of
13 incidence. So even in our minds when we
14 think about the most horrendous crime,
15 the way DC does it, if there's a person
16 who poses a public risk, then they won't
17 be released. And I think sometimes
18 there's an interpretation that we're
19 saying something different.

20 So ending cash bail doesn't
21 mean any less accountability for those
22 accused of a crime. It just means that
23 we are going to stand on that line that
24 the officer committed to and defend those
25 rights that the Constitution guarantees.

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2 And that's the fundamental question that
3 we're asking in regards to ending cash
4 bail.

5 I don't think I want to read
6 any more of the testimony. I just really
7 want to leave you with that one simple
8 question. Do you believe that it's
9 unfair to hold people in jail and punish
10 them before they've ever been convicted
11 of a crime? And if you don't, then we
12 don't need to argue about the numbers.
13 We don't need to argue about the
14 statistics, the data or any of that.
15 Let's be bold and let's be courageous and
16 find a way to make that happen.

17 Thank you.

18 (Applause.)

19 COUNCILMAN JONES: Thank you
20 for your testimony.

21 Is there anyone else on your
22 panel to testify? No? So we can go into
23 interaction.

24 First of all, thank you for
25 your patience, and I do agree that you

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2 spend a lot of time listening to other
3 people, and never is the community last.
4 Maybe it's more like we save the best for
5 last. And in my experience, I work for
6 you. I work for you, and I take that
7 real serious. So I value the life
8 experiences, because they are real.

9 But let me share this with you,
10 Reuben. I didn't fall off a turnip truck
11 from never-never land. I grew up in the
12 neighborhood, a neighborhood called West
13 Philly. My nickname back then -- and I
14 see it's being taped -- was Turtle from
15 54th and Berks Street. And so a lot of
16 my friends wound up in a situation -- I'm
17 going to talk about one and why instead
18 of following my education and going into
19 economic development, cutting ribbons and
20 doing the business opening, which you
21 know I did, I wind up in public safety
22 and wind up Chair of this Committee is
23 because one of my lifelong friends, his
24 name is Gregory Elder. Maybe I shouldn't
25 say his name, but I will. Served his

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2 country, just like that young man did,
3 came home from war and was addicted.

4 Instead of getting the treatment that he
5 needed, he wound up turning to some
6 criminal activity.

7 They arrested him. Instead of
8 taking him and putting him in rehab, they
9 put him in State Road. Ironically, one
10 of the other members of our social club
11 called the gang was actually a prison
12 guard up there and was talking about his
13 condition. He had because of the -- I
14 guess because of the use of the drug, he
15 had lost function of his kidney. He
16 needed really a transplant, but at least
17 dialysis. And for whatever reason, they
18 didn't give him that treatment. They
19 treated him with pills instead of the
20 dialysis.

21 A couple of days before I got
22 sworn in, I got word he died. I was on
23 my way to another committee to do the
24 ribbon cuttings. I chose this Committee
25 because of that.

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2 So I want you to know that
3 whether you're on this side of the table
4 or that side of the table, one out of
5 three African American men goes through
6 that process, and it has to be fair. It
7 has to be humane.

8 Your story, sister, touched me,
9 because that one week can change your
10 whole life, and we realize that. And,
11 yeah, we got to crunch the numbers
12 because I got sworn in to do that, but
13 never forget that the human side of this
14 is the most important side to us. And so
15 we're here and I'm standing here too.
16 You waited. I'm waiting, because your
17 testimony is valuable.

18 That young man right there set
19 us off in this direction with your
20 testimony maybe 18 months ago, and we've
21 been grinding, we've been going to
22 Luzerne County, Pittsburgh, we've been to
23 Red Hook because of what you told us.

24 So we're not just sitting up
25 here and that lady isn't typing just to

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2 kill trees. We're going to change
3 policy. And the answer to your question
4 is yes, no one deserves to be in jail who
5 was not committed or convicted of a
6 crime. So I'm going to answer it for the
7 record. All right? So we're together on
8 this, and it's hard. You got to play
9 your part, I got to play my part, but
10 we're going to get to the right place,
11 and that's what I'm telling you.

12 Are there any other questions
13 for this panel?

14 MR. ROJAS: I have a question.
15 First of all, I agree that a lot of
16 policymakers, they usually tell you what
17 they're going to do for you, without
18 asking you what the community actually
19 needs. But I would also caution, I have
20 someone, a suspect, sitting in jail right
21 now who murdered my son, and
22 personally -- and I'm speaking personally
23 as a father who lost a son to murder -- I
24 don't want him released. There's got to
25 be circumstances where you don't just

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2 release everybody.

3 The evidence points to the fact
4 that he killed my son. And if we're
5 going to just release everybody from
6 jail, murderers, rapists included, no.
7 We have to do our research. That's why
8 this Committee has been very, very, very
9 stuck on getting those risk factors.

10 Risk factors, you're not going to release
11 someone who just raped kids in the
12 street. I mean, we disagree on that.
13 I'm not releasing the guy who killed my
14 son.

15 MR. JONES: Do you mind if I
16 respond to that?

17 COUNCILMAN JONES: Go ahead.

18 MR. JONES: Respectfully, I
19 think that that's a tragic circumstance
20 that happened with your son, and we all
21 have compassion for you and your family
22 in terms of what happened, but in the
23 case of bail, even in a cash bail system,
24 someone charged with first-degree murder
25 wouldn't be given bail anyway. So that

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2 doesn't factor into this conversation
3 necessarily. But I do, you know, have a
4 tremendous amount of respect for what you
5 do and what you bring to the table. So
6 we're talking specifically about the
7 folks who are currently eligible for bail
8 having a different system in place
9 instead of cash to mitigate those
10 releases. And I felt there was a lot of
11 people in the room who leaned more
12 towards that line of thinking, and that's
13 why I say what I said earlier. That's
14 not what we're talking about. But we
15 don't want to make a distinction between
16 charges either, low level, non-violent,
17 drug, whatever. But there's some folks
18 who even in DC who are determined to
19 provide whatever risk to the community
20 and they are not released even through
21 that process. So they have to go through
22 the -- you know, be detained until the
23 process completes. But that's not
24 necessarily where -- and I think did you
25 want to add something?

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2 MS. POWELL: Just like you, my
3 brother was killed April 2nd, 2006.

4 COUNCILMAN JONES: Excuse me.
5 You got to state your name again for the
6 record.

7 MS. POWELL: My name Jojuan
8 Powell.

9 My brother was killed April
10 2nd, 2006 in broad daylight on 40th and
11 Lancaster Avenue. They still haven't
12 found his killer, and it's been 11 years.
13 So with cash bail, like I asked where
14 that 30 percent goes, is it a possible
15 way maybe it can go to investigators to
16 solve some of these murders?

17 MR. ROJAS: We've been meeting
18 with the Homicide Unit, and they don't
19 have the necessary resources or the
20 technology. We've been meeting with
21 Captain Ryan. I totally agree with you.
22 That's another conversation that we have
23 to have, families of murder victims.
24 We're in support for them.

25 MS. POWELL: That's what I

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2 said. The 30 percent, you're saying it's
3 going back into reform? General funding.
4 So is it a possibility maybe it can go
5 into the Homicide Division so they can
6 solve some of these murders in
7 Philadelphia?

8 COUNCILMAN JONES: So here's
9 the thing: That's why when we do the
10 budget, we need you here, because --

11 MS. POWELL: I would love to be
12 here.

13 COUNCILMAN JONES: We're going
14 to invite all of the coalition, because
15 that's how you make priorities. You make
16 a dollar out of 50 cent. You have to
17 decide how you're going to fund things.
18 And we agree with you that there should
19 be a -- when we save money, it should be
20 appropriated to things like that.

21 MS. POWELL: Right. There's no
22 way a black male get killed in broad
23 daylight and no one knows anything.

24 COUNCILMAN JONES: So what we
25 want to do is, this is just one subject,

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2 but we need your input on all of the
3 priorities that we have, and we
4 appreciate you taking the time to do it.
5 We really do. All right?

6 Without -- please.

7 MS. SHUBIK-RICHARDS: So I just
8 want to -- so thank you, thank you, thank
9 you, thank you, thank you, thank you,
10 thank you, thank you.

11 You know, Reuben, as I was --
12 and thank you, Councilman, for including
13 the Pennsylvania Prison Society in this
14 Committee.

15 As I was preparing to be here
16 today and I was thinking about what my
17 perspective was and, you know, of course,
18 of course a bail fund is so important,
19 and, you know, the first panel talked
20 about it. The bail fund is a Band-Aid
21 for what we've got right now, and we need
22 that Band-Aid because we've got what
23 we've got right now, right? And I think
24 I was coming to this with a perspective
25 this is the pleasure of living in

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2 Philadelphia, right? So for those of you
3 who know me, I've lived in a number of
4 places. I spent four years out in
5 Western Pennsylvania, and I just take it
6 for granted that I live in Philly and
7 people share some of my perspective on
8 how the world works. And so I think I
9 was coming with this perspective of
10 everybody sort of coming from the idea
11 that cash bail, at least as it is used
12 now, is a tax on poor people and
13 incarceration of poor people. You know,
14 we can debate the extent. We can debate
15 the impact. We can debate the cost
16 savings, but we're all coming from that
17 place. And so I thought, you know, what
18 can we, the Pennsylvania Prison Society,
19 add to the discussion, and you just said
20 it so much better. You just said it so
21 much better. And I think what I was
22 attempting to do, which is what you all
23 did, is that this is a part of a
24 discussion about getting a justice system
25 that's just, and thank you for saying

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2 that.

3 (Applause.)

4 COUNCILMAN JONES: Thank you.

5 So, again, we come from

6 different lenses, but I think we're

7 attempting to get to the same place. And

8 the assumption that everybody thinks

9 clearly like that is not the assumption.

10 In the world we come from, we battle

11 other perspectives on how crime,

12 punishment, and justice should be

13 delivered. And we're lucky that we're

14 here in Philadelphia. I travel to

15 Harrisburg. Totally different

16 perspective on crime and punishment.

17 I'll never forget -- and I'm getting off

18 my soapbox, because I want to get to the

19 other people. There are places when

20 we -- we would be celebrating here in

21 Philadelphia closing a prison. Well, the

22 folk from Frackville protested the

23 Governor, because they did not want the

24 prison to close, because what it

25 represented to them was income, an

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2 industry. And so everybody doesn't share
3 the same, and we take what we learn from
4 you and do battle on your behalf.

5 I have one question. How did
6 you pick the individuals that you were
7 going to bail out? I'm curious. How did
8 you pick them?

9 MR. WASHINGTON: So for the
10 Mother's Bail Out Day, we worked with the
11 Defenders Association, but going forward,
12 the Philadelphia Community Bail Fund, we
13 take referrals. A lot of them actually
14 happen just through word of mouth in the
15 jail.

16 COUNCILMAN JONES: So did you
17 review the cases and say --

18 MR. WASHINGTON: Yes. So we do
19 have a process around --

20 MR. JONES: We can call up
21 another member, because Kara Tratner went
22 into the jails and did the interviews
23 with the people.

24 COUNCILMAN JONES: Because you
25 had to do a risk assessment, I guess.

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2 MR. WASHINGTON: Well, I
3 wouldn't call it necessarily a risk
4 assessment. We -- Kara, do you want to
5 take this?

6 (Witness approached witness
7 table.)

8 COUNCILMAN JONES: It wasn't a
9 lottery, so...

10 MR. WASHINGTON: I wouldn't
11 necessarily call it a risk assessment.
12 What we do is, we have Kara or LT, they
13 go in and they interview an inmate or
14 person that would like to be bailed out.
15 Then they name their support system. So
16 then what we do as a group is, we
17 actually interview their support system
18 to determine any needs that they would
19 have when they come out of jail, and then
20 we make the decision based on the
21 person's support and the interview from
22 the person whether or not we want to --
23 we think it would be a good idea to bail
24 them out.

25 COUNCILMAN JONES: So you did a

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2 risk assessment.

3 MR. WASHINGTON: Well,

4 actually, no, because the difference is

5 that because it's not a risk assessment

6 necessarily, because it's a needs

7 assessment specifically. So we're just

8 looking for information regarding things

9 that would cause them harm when they get

10 out so that we would be able to connect

11 them with the appropriate resources.

12 We're not saying -- any of the questions

13 that we ask would not be a barrier to

14 them getting out if they answered it

15 like, yes, I do have a substance abuse

16 problem or I have an anger management

17 problem. That wouldn't necessarily mean

18 that we're not going to bail them out,

19 because at the end of the day, we do not

20 believe that they should be there to

21 start with.

22 COUNCILMAN JONES: I swear to

23 you I'm not doing a trick question but a

24 true question. So you basically made a

25 determination whether they would be a

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2 danger to themselves or society as well,
3 right?

4 MS. TRATNER: So I think it's
5 important to clarify that we do not have
6 any kind of risk assessment. We're
7 intentionally non-judgmental, because our
8 role is bridging the gap between the way
9 someone is treated -- sorry. My name is
10 Kara Tratner. I'm another organizer of
11 the Philadelphia Community Bail Fund and
12 the Mama's Bail Out.

13 We're bridging the gap between
14 the way someone is treated who has money
15 and who doesn't, right? So if that
16 person had that money to get out, they
17 would already be out and home with their
18 family. So we don't see it as our role
19 to figure out whether that person should
20 get out or not, whether that person is a
21 danger or not, but the reason that we're
22 taking the time to connect with people's
23 support on the outside, with their family
24 members, with them on the inside is to
25 make sure does this person want to be

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2 bailed out, do they consent to this,
3 because we're doing it for them, right,
4 and we want to get that. And also just
5 do they have whatever they need to be
6 safe when they're getting out. We know
7 there's risk of overdose when you're
8 first getting out of jail. So if they
9 themselves identify that there are
10 supports they would like to have in
11 place, then we want to be able to support
12 them and connecting to that and make sure
13 that they have what they need. So I
14 think that's also a model that our
15 justice system can consider, of assessing
16 someone's needs and supports as opposed
17 to their dangerousness.

18 COUNCILMAN JONES: Are you
19 going to do it again?

20 MR. WASHINGTON: Yes.

21 MS. TRATNER: We are. We're
22 planning a large bailout for the holidays
23 as well, a similar model of the Mama's
24 Bail Out action, which is kind of a
25 larger scale fundraising drive, but we're

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2 also currently doing it. We never
3 stopped. So after the Mother's Day Bail
4 Out, we've continued to bail out black
5 women. Carlette is one of the women who
6 after 14 months we were able to bail out
7 after that initial action. But we're
8 receiving calls on our phone as we speak
9 from loved ones who have people in their
10 family or communities detained pretrial
11 right now asking us to help bail them
12 out.

13 COUNCILMAN JONES: How do you
14 raise the money?

15 MS. TRATNER: Have we?

16 COUNCILMAN JONES: How do you
17 raise the money?

18 MS. TRATNER: Well, we raised
19 \$60,000 in a matter of about five days on
20 the Mama's Bail Out, which I think is a
21 testament to national black-led
22 organizing and the movement for black
23 lives being behind this. I think it's
24 also a testament to the power of
25 community fundraising.

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2 So we're not worried about
3 being able to raise the money, because we
4 know that there's a huge amount of
5 support within our own communities and
6 networks to be able to support this work.

7 COUNCILMAN JONES: Councilman
8 Green, it sounds like something we could
9 get involved with.

10 COUNCILMAN GREEN: Absolutely.
11 Absolutely.

12 COUNCILMAN JONES: Okay. I
13 appreciate what you did. So I was
14 curious as to how you selected and other
15 things, but thank you for what you did.

16 Any other questions?

17 Councilman Green.

18 COUNCILMAN GREEN: Thank you,
19 Mr. Chair.

20 I want to thank all of the
21 witnesses that testified for really
22 putting a face on this issue. When you
23 think about the fact that people who just
24 because they are poor are being basically
25 pre-incarcerated, which it's a travesty

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2 when you think about -- look at the
3 American flag and the things that we do
4 in this country and the fact that just
5 because someone is poor, they are being
6 incarcerated. Although there may have
7 been probable cause for a crime possibly
8 having been committed, they have not been
9 convicted. And just because of their
10 economic situation, they are being
11 incarcerated prior to any type of
12 conviction.

13 I think that's the reason why I
14 put together this resolution for this
15 hearing, because it's something that we
16 need to address here in the City of
17 Philadelphia. And I want to thank you
18 for the work that you've done and the
19 work you continue to do, as well as the
20 work of the Special Committee to really
21 try to address criminal justice reform in
22 our city.

23 But I did have some questions
24 in reference to the bail out fund. I
25 know we've had some previous

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2 conversations before. I'm curious about
3 what steps can the City take, other
4 organizations can take to help you in
5 your work to try to help more people not
6 have to go through the situation they're
7 currently going through right now, until
8 we get to a point when we don't have cash
9 bail? As I said, you know, this is
10 somewhat of a bridge until that time
11 period when we don't have that. So I'm
12 curious what are some of the things that
13 we can do as a city? I have some ideas,
14 but I want to hear from you what are some
15 of the ideas that you're hearing and from
16 your work of things that we can do?

17 MR. JONES: So, first, I think
18 I got a little emotional earlier. I was
19 actually supposed to address that. So I
20 apologize.

21 But, you know, we have a few
22 main asks that we would like to see the
23 supporters in, and the first is, A, we
24 need this fund to be able to revolve. So
25 the way the City can help us directly is

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2 exempting that 30 percent tax, if you
3 will, from anyone that we bail out
4 through the bail fund. That's number
5 one.

6 Number two, we are asking, in
7 however it goes through the courts,
8 whatever the process is, to allow us, the
9 community, Philadelphia Community Bail
10 Fund, for the people whose bail we post,
11 to allow us to become the surety without
12 penalty so that the money can be returned
13 back to the bail fund.

14 What happens is, we operate on
15 a good faith system. So people like
16 Jojuan, we trust her to return the money.
17 But we would like to have it revolve back
18 to the fund so we can continue to bail
19 people out.

20 And then number three, having
21 the courts support this in a way that
22 we're a recognized entity, that we can go
23 into the prisons uninhibited to conduct
24 the interviews to be able to assess the
25 person's need prior to release and set

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2 all those support systems up.

3 So those are the three main
4 ways that City government and City
5 leadership can support our work. I don't
6 know if Kara wants to add anything to
7 that, but those are the three main points
8 that we kind of want to present, you
9 know, to the Council, to the Commission,
10 to the Mayor's Office, to ask can you
11 work with us around those three major
12 points so that we can continue to bail
13 folks out without limitation, without
14 those encumbrances, bureaucratic process.

15 COUNCILMAN GREEN: Okay.

16 State your name again.

17 MS. TRATNER: Kara Tratner from
18 the Philadelphia Community Bail Fund.

19 I just wanted to echo also, I
20 mean, those are specific things that
21 would make our work easier. Like we're
22 doing the work now and plan to continue,
23 but certainly those would help us be able
24 to do this in a more sustainable way
25 until we see the change that we're

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2 actually looking for. So I know a lot of
3 people already have talked about a bail
4 fund as this very Band-Aid kind of harm
5 reduction, very temporary bridge to the
6 longer term change that we're looking
7 for. So I think in addition to that, we
8 want to just ask as well to be able to
9 work together, to have community
10 oversight continually over these
11 processes as you're making these policy
12 changes. I know that we've been meeting
13 with the implementers at the MacArthur
14 table and look forward to continuing to
15 work with those individuals. We've been
16 meeting with City Council members. But
17 it feels important to us that when we're
18 talking about ending the system of cash
19 bail, I know there's been some debate
20 also about the numbers of how many people
21 are held on bail alone, that we're
22 talking about a more transformative
23 change, as Reuben said, of actually
24 changing the way that we're holding
25 people pretrial, which means not just

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2 replacing it with another risk assessment
3 tool that's going to detain the same
4 group of people, if not more, right, not
5 just replacing it with electronic
6 monitoring.

7 So I guess that's another ask
8 of a way that you can support our work,
9 is to listen to the stories of people who
10 are being directly impacted and base your
11 policies on the reality of their lives.

12 MR. JONES: And for us that
13 means at the decision-making table, not
14 just at the conversation table, right?
15 So it means inclusion on direction for
16 whatever policy changes are made,
17 inclusion at the table with power and
18 access to those institutions, not just
19 the formality of dialogue, which is
20 wonderful in itself, but we do believe
21 that -- these are the real experts, not
22 to diminish anyone else's expertise, but
23 the folks who lived this experience, the
24 folks who have been arrested, have loved
25 ones arrested, have communities

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2 demolished, they have the most powerful
3 voices to lend to this experience to
4 inform and to lead and to direct whatever
5 the change may end up being. And we also
6 have the ability to challenge from the
7 outside -- and I know that sometimes
8 that's a difficulty, but to challenge
9 from the outside to avoid the low-hanging
10 fruit and not be satisfied with the
11 low-hanging fruit, but to really raise
12 the bar and be the trendsetter.

13 Philadelphia is looked at
14 around the country.

15 If I could digress a little
16 bit. We just had a primary election in
17 April where, you know, we were meeting
18 with folks around the country who looked
19 at Philadelphia as this shining star of
20 transformation because you were able to
21 elect, even at the primary level, a
22 district attorney who is a restorative
23 justice practitioner, right? So people
24 really see Philadelphia as this leading
25 edge change agent. We have to live up to

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2 that. And we can't continue to just rest
3 on our laurels and say, Okay, we did
4 this, so we don't have to do that. No.
5 We're saying, Cool, we appreciate doing
6 that, but now we're going to strive to do
7 even more and even better and not allow
8 folks to languish in the jail simply
9 because they don't have the resources.

10 COUNCILMAN JONES: So we agree
11 you're the experts, and the reason why we
12 formed this Committee is to get that
13 expertise. And as we move forward with
14 the incremental gains, we're going to do
15 what we can to get to a tipping point, if
16 you will, where --

17 MR. JONES: We're there. Their
18 communal gains are -- we'll be out of
19 that. This is really life and death.

20 COUNCILMAN JONES: Got it.

21 MR. JONES: And we can't look
22 at increments anymore. We're either
23 going to save a life or somebody is going
24 to die. That's the very proposition.
25 When Sergeant Copeland is on that line

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2 and someone is approaching to encroach on
3 the American ideals of freedom and
4 liberty, he doesn't have the luxury --
5 you get what I'm saying -- of incremental
6 change to deter that person.

7 COUNCILMAN JONES: No. This is
8 where we -- there has to be a process by
9 which we gradually get to a point to
10 justify what we're doing. Otherwise we
11 get sued. How did you come to this
12 determination?

13 And so we're methodical in
14 seeking this testimony from different
15 points of view so that it is considered,
16 and then at the end of the day, we stand
17 on that product as being thorough. And
18 so we want to get to the same place. And
19 so the studies support the policy change.
20 Otherwise we'd have just did it because
21 we were -- we understand. We get it. We
22 understand, but if we don't do it in a
23 way that we can, through those
24 testimonies and all of that, stand on it,
25 it can be taken under.

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2 I ran the Minority Business
3 Enterprise Council before, in another
4 life. We did minority and female
5 participation in contracting. And it was
6 started way before I got to that point,
7 but when they started it, they didn't do
8 it in a methodology and it was struck
9 down by court. That's not going to
10 happen here. We're going to stand on
11 process that we got to a place the right
12 way. And so I want to do it quicker, but
13 we're doing it right.

14 MR. JONES: And I believe you.
15 My fear is just that sometimes in the
16 community, incremental change sounds like
17 later, later. And later never comes. It
18 feels to folks in the community the
19 incremental change is kind of that carrot
20 on the stick to appease folks and then we
21 never get to the big fight.

22 So I'm not -- so I don't want
23 to sound like I'm knocking incremental
24 change. I just want to -- and I hope
25 that I'm speaking for the group. I just

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2 want to make sure that we don't get
3 satisfied with that incremental change
4 and never challenge ourselves.

5 What we're looking for is
6 wholesale policy change, because
7 Administrations change and we want
8 something to be long-lasting beyond who
9 is Mayor, who is DA, who is whatever.
10 Like this is the way that we operate in
11 the City as opposed to, you know, here's
12 a moment that we could create an
13 increment and then it's up to the next
14 person to do something else.

15 COUNCILMAN JONES: You're the
16 customer. You're always right, but --

17 MR. JONES: Maybe it's just me.

18 MR. WASHINGTON: I think there
19 has to be an acknowledgement of the real
20 lives that are being affected while
21 you're going through this process, and
22 that's why it's so important that you
23 support us in the way Reuben said prior,
24 because we're coming up against hurdles
25 that are having real human -- there's a

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2 real human toll that those hurdles
3 represent.

4 I did want to just make -- I
5 heard a lot of testimony regarding cash
6 bail and everything, and I wanted to kind
7 of challenge you to broaden your scope of
8 how to reform the system of criminal
9 justice and understanding the piece of
10 the puzzle that is policing in this
11 country.

12 So we all know that the federal
13 government basically came through and did
14 a report on policing a few years back.
15 There's a consent decree, and the ACLU is
16 working with the courts to monitor the
17 Police Department as it's changing, but
18 the problem is -- and if you read the
19 last report, there is a piece that's
20 missing in the progress that the
21 Philadelphia Police Department is making,
22 and that piece is actually
23 accountability, right? And so in
24 different places, I've heard it said
25 different times the FOP represents a

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2 hurdle that it seems that the City is
3 unable to surpass, but the FOP -- the
4 progress that the FOP is stopping is what
5 is also playing into mass incarceration
6 in Philadelphia. So when you have large
7 numbers of police, because we have one of
8 the largest police departments per capita
9 out of most of the cities in the country,
10 so when you have these large amounts of
11 police departments or police officers
12 that are going into mainly black and
13 brown communities and over-policing them
14 and not policing the white communities in
15 the same way, you are playing into the
16 disparities that you see today, right?
17 So you're playing into the fact that 90
18 percent of the people who are held
19 pretrial are black and brown, right? And
20 then you turn around, and those people in
21 order for them to either get out of
22 court, get a truncated sentence, they go
23 and then they plead, right? So now you
24 have all of these people who are inside
25 of -- in jail, who you don't really know

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2 if they are actually guilty or not. You
3 know that they pled out for whatever
4 reason, you know, because we already know
5 the majority of cases, they don't go to
6 trial. A plea deal is met.

7 So I just wanted to, you know,
8 impress upon the City Council that
9 there's work to be done in all levels of
10 the criminal justice system, and when you
11 talk about cash bail, you cannot leave
12 out the sustained statistical data of the
13 Police Department and their
14 unconstitutional practices upon the
15 community in Philadelphia.

16 COUNCILMAN JONES: So, again, I
17 try to remind you that when I leave here,
18 I got to ride back to my house at West
19 Philly, and so they don't know who I am a
20 lot, and to give you the sense that we're
21 in this together as a community, my
22 daughter was on the front page of the
23 Daily News, you may remember, having her
24 door kicked in because she was in the
25 wrong zip code. So it happens. We know

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2 it happens, and we're trying to fix it.

3 And I know it's not fast enough

4 sometimes, but there's a process by which

5 we do it. And you raised a very

6 important point about unions and how it

7 affects what we do. We got to figure our

8 way around that stuff, because everybody

9 ain't of the same mindset, as you pointed

10 out, and we got to figure it out

11 together. Together. All right?

12 Julie.

13 MS. WERTHEIMER: Quickly, I
14 promise, because I know --

15 COUNCILMAN JONES: We have one
16 last person to testify after this.

17 MS. WERTHEIMER: First of all,
18 I want to thank you all for testifying
19 and wanted to answer Reuben's question
20 directly and in context kind of answer
21 part of your statement, Devren.

22 I think we agree on a lot more
23 than we disagree, and I think a lot of
24 what's been said by you, by the
25 Councilman, by other folks is right, in

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2 that we all generally believe the same
3 thing. We're just probably not doing it
4 on the timeline that's fast enough and
5 don't necessarily agree all the time
6 about how that change is going to happen,
7 but that's why the dialogue not just in
8 this Chamber but the dialogue we've
9 started to do is important. That's why
10 it's important to hear, to your point,
11 the stories from Jojuan and from Carlette
12 and from other folks that we've heard
13 from in the past, like Josh, because
14 you're right, it's not all about data.

15 At the same time, kind of to
16 the point Devren just made, this system,
17 this government is this huge, behemoth
18 battleship tanker, and so if we're going
19 to turn it around, that's why we talk
20 about data, because we need to figure out
21 how to turn it around with limited
22 resources. And so it's about not just
23 cash bail, but about the system as a
24 whole and how do we address all of it as
25 quickly as possible, understanding

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2 there's urgency, without accidentally
3 turning it into an iceberg. I mean, some
4 might say we've already hit icebergs, but
5 how do we avoid another one of a
6 different magnitude.

7 And so I just -- because, you
8 know, you waited so long, I wanted to
9 answer your question from my perspective,
10 from our perspective, and also say that I
11 know we'll have the opportunity to
12 discuss this much more in the future and
13 look forward to that.

14 COUNCILMAN JONES: And thank
15 you for your urgency of it, because
16 you're right. It's a different feeling
17 when you're sitting in that cell. I
18 could sit here and it's comfortable and
19 it's air conditioned, it's a different
20 perspective, and I get it. All right?

21 Thank you all for your
22 testimony.

23 Oh, I'm sorry.

24 REVEREND MAIRENA: I have to
25 share this. You know, in the three --

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2 I'm not going to preach here, but in
3 three of the major faiths, Islam,
4 Christianity, Judaism, there's this
5 prophetic tradition, right? And that's
6 what I think all of us are doing, in a
7 sense. We may be sitting here, you may
8 be sitting there, but we're all fighting
9 for this world of social justice that we
10 desire, right?

11 In front of the church that I
12 pastor in West Kensington, on Sunday
13 night I arrive and there's a dead body in
14 front of the church. It's covered. It's
15 raining. This was Sunday night at 10:00.
16 Monday morning I hear yelling and
17 screaming, and it's the families that are
18 coming to the site where their son got
19 killed, and there was still blood, there
20 was still brains, there was still a
21 bullet casing, there was rubber gloves.
22 Somebody dropped the ball, right? So
23 when we're talking about the police and
24 what they're doing and this process, you
25 know, the questions are -- you know, I

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2 could sit back and say, Well, that's just
3 the way it goes. But that's not the way
4 it goes, because then the questions come
5 up, who is responsible. You know, is it
6 forensics, is it the Fire Department, is
7 it the local cops that showed up.

8 Somebody dropped the ball, and what we're
9 doing here is, we're asking these
10 questions so that there is accountability
11 on the criminal justice front on mass
12 incarceration, on this reform of the bail
13 system that we're trying to do.

14 So you all are an inspiration
15 to all of us here, to me, and let's keep
16 keeping on together. You're holding us
17 accountable. We are working all within
18 the system trying to make a better place,
19 trying to make a better Philadelphia.

20 COUNCILMAN JONES: Well, I
21 think that's a good point to go to our
22 last witness together.

23 Ms. Williams.

24 THE CLERK: Pastor Nic
25 O'Rourke.

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2 (Witness approached witness
3 table.)

4 COUNCILMAN JONES: Thank you,
5 Pastor, for your patience. I hope you
6 prayed for us all.

7 Please pull the mic to you.
8 Good afternoon at this point, and state
9 your name and begin your testimony, sir.

10 REVEREND O'ROURKE: Good
11 afternoon --

12 COUNCILMAN JONES: Good
13 afternoon.

14 REVEREND O'ROURKE: --
15 Councilman Jones.

16 The mic is moving on me.

17 COUNCILMAN JONES: You can take
18 the mic out.

19 REVEREND O'ROURKE: Councilman
20 Jones, members of the Committee, all
21 grace and peace to you. Shalom,
22 as-salamu alaykum, good afternoon. Thank
23 you for having me on this -- at this
24 hearing today. I am Reverend Nicholas
25 O'Rourke. I am a community organizer

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2 with an organization that some of you may
3 be familiar with called POWER,
4 Philadelphians Organized to Witness,
5 Empower, and Rebuild. We represent about
6 50 congregations within the City of
7 Philadelphia, 15 to 20 in the metro
8 counties as well. It's expanding out
9 into the center of the Commonwealth. And
10 we are an economic and racial justice
11 organization committed to seeing that
12 exacted in the various campaigns that we
13 work on. I also serve as a community
14 organizer for the West Philadelphia and
15 Center City cluster of our congregations.

16 As the brother here mentioned,
17 we do work with all of the western
18 Abrahamic faith traditions, Christianity,
19 Judaism, Islam. We even have secular
20 humanist congregations within our entity.

21 And so obviously I am a
22 Christian minister, and as a Christian
23 minister, there are particular
24 expectations, particular views about what
25 it means to be a Christian and what a

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2 Christian minister should be. We're
3 often looked at and expected to be
4 advocates of charity, and we should. I
5 think that's a great thing. But what is
6 often overlooked and what is looked past
7 is that we're not just here to serve
8 charity and service, but that overlaps
9 with the call to expand God's justice,
10 peace, and in the earth. That is our
11 duty.

12 To that end, the ground floor
13 of my faith tradition and others is found
14 in the creation narrative, and whether or
15 not you agree with the literacy of that
16 or the literalness of that, I think the
17 tenets that are found in this creation
18 narrative are important for this
19 discussion that we've been having all
20 morning.

21 The Book of Genesis makes about
22 four interpenetrating affirmations, so to
23 speak, that provide the ground basis for
24 what we're talking about today. One,
25 that all are made with equal dignity in

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2 the eyes of God, everybody without
3 exception. Two, that earth and
4 everything in it equally belongs to all.
5 Three, that the earth itself has rights
6 and needs that have to be taken care of
7 and it's not just a stage for human
8 performance. And, four, that every human
9 being is equally, co-responsible with
10 God, to help to protect the dignity of
11 everyone and everything. That's really
12 important. This provides the basis for
13 all the subsequent moral teaching on
14 social order that we follow.

15 The Jewish prophets affirm this
16 when you follow the chronological
17 narrative of the Scriptures, affirm this
18 over and over and over again, 800 years
19 before Jesus even comes on the scene,
20 this idea that we ultimately are to focus
21 on and realize that the quality of our
22 faith depends on the character of justice
23 in the land. The quality of all of our
24 faiths depends on the character of
25 justice in the land, and that character

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2 of justice echoed by the prophets, echoed
3 by Jesus is measured by three groups,
4 widows, orphans, and foreigners,
5 literally and emblematically represents
6 what we call the least of these, which
7 would be the poor.

8 In a city like Philadelphia,
9 which you have heard many times over, we
10 live in a city that has 26 percent
11 poverty, deep poverty. Most of the
12 people in the City -- we got a lot of
13 people of color, people that look like
14 me, look like you, Councilman Jones, that
15 are stuck in that. And so it's
16 imperative that if we are going to be
17 true to this call as a person of faith --
18 we've already heard so many of these
19 stories. I'm speaking from a moral
20 position. As a person of faith, we have
21 to consider how moral is it for us to
22 recognize, knowingly operate in the City
23 that has that kind of deep poverty, that
24 many people of color that are being
25 sucked into it, and actually

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2 systematically criminalize that poverty
3 and when folks are literally sitting in
4 jails in an average of 23 to 24 days
5 before they're even heard by somebody.

6 In some cases I heard from Keir
7 Bradford-Grey when we had a meeting with
8 her, eight months people are sitting in
9 there, because they cannot pay -- 40
10 percent of which cannot pay a \$100 bail.
11 You've echoed it already. How do we sit
12 with that and allow that to continue on?

13 It is a breach against what is
14 all that is holy within us, that
15 reverence that hums in every single
16 person. We know it's immoral. We know
17 it's wrong.

18 Jesus comes on the scene later
19 on. He actually starts his ministry
20 proclaiming several things that he must
21 do. He said, I'm anointed to proclaim
22 the good news to the poor. He has sent
23 me to proclaim liberty to the captives,
24 recovery of sight to the blind, set at
25 liberty those who are oppressed,

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2 proclaiming the year of the Lord's favor,
3 and then he rolled up the scroll and gave
4 it back the attendant and sat down,
5 echoing the words of these Jewish
6 prophets, setting in order the moral
7 narrative for the Christian going forward
8 and often in many ways, some would argue,
9 would have articulated some of that moral
10 teaching that we can find even in our
11 Islamic traditions.

12 If this is so common throughout
13 our traditions, as the brother has
14 mentioned here, how do we at least in the
15 faith community sit idly by and allow it
16 to happen? So we are not. We stand in
17 solidarity with the No215Jail Coalition.
18 We stand with DecarceratePA, with
19 Frontline Dads, with all the folks that
20 have been testifying here today to say
21 that we must end cash bail, end money
22 bail in this city, that this bail fund is
23 a wonderful stop-gap. The idea that we
24 were able to -- folks were able to
25 actually bail people out of jail, you

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2 heard the stories, how moving they were,
3 wonderful. That is great. And also let
4 us not get our eye off the prize. Let us
5 always remember that we should be moving
6 to a place where we are not making it at
7 such a way that it's better for you to be
8 rich and guilty than it is for you to be
9 poor and innocent.

10 Let us always remember what our
11 brother Reuben said, the humanity of the
12 people that we're looking at. No one is
13 saying that we should just let everybody
14 all out, that the justice should not be
15 in the land, but justice does not
16 criminalize people because they are poor.

17 Thank you so much.

18 (Applause.)

19 COUNCILMAN JONES: Thank you so
20 much. And I just have to say we saved
21 the best for last, and that spiritual
22 note is why we all should be here to do
23 what's right for society. And I want you
24 to know as a Councilperson, I didn't just
25 wind up here. I've been a victim of, 16

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2 years old, walking down the street,
3 someone murdered the person I was with.

4 And I've been on the other side of it
5 being Turtle from Berks Street. So I
6 think I have a fairly grounded
7 perspective on the balance of this.

8 This 18-month journey that this
9 Committee has undertaken with all of our
10 members' inputs is the foundation, with
11 your testimony, of public policy change.
12 And I think it didn't wait, Julie, for us
13 to be done our work. It's beginning to
14 take now. And I think at the end of the
15 day, I found the best public policy is
16 the one everybody is a little bit mad
17 about and a little bit glad about and
18 where that compromise comes in that keeps
19 the balance of that justice, keep us safe
20 but keep us fair. And if we can do that
21 by taking these real-life testimonies and
22 incorporating them into a policy -- I'm
23 going to take you up on not just the
24 testimony, but as we start to design what
25 it is legislatively, budgetarily to seek

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2 your guidance on that as well, to take
3 that real-life input and put it to work.
4 I like what you did bailing those moms
5 out. I want to be able to incorporate
6 that into something so that you never
7 have to do that again. That's the end
8 game.

9 (Applause.)

10 COUNCILMAN JONES: Are there
11 any other comments from the members of
12 this Committee?

13 (No response.)

14 COUNCILMAN JONES: If not, this
15 Committee will stand in recess -- no.
16 Wait a minute. The last word should be
17 the word of the originator of this.

18 Do you have any closing words,
19 Councilman Green?

20 COUNCILMAN GREEN: Thank you,
21 Mr. Chair. Thank everyone for their
22 effort today. There's more work to be
23 done, and we should not take our eyes off
24 the ball.

25 COUNCILMAN JONES: Thank you,

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2 Councilman.

3 (Applause.)

4 COUNCILMAN JONES: This

5 Committee will stand at recess.

6 (Special Committee on Criminal

7 Justice Reform concluded at 1:50 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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