

**MACARTHUR FOUNDATION SAFETY AND JUSTICE CHALLENGE
IMPLEMENTATION PROPOSAL OVERVIEW**

I. INTRODUCTION:

As part of the MacArthur Foundation Safety and Justice Challenge, Philadelphia has developed a comprehensive reform plan that aims to safely reduce the city's jail population and the rate of racial, ethnic and economic disparities across the criminal justice system. Philadelphia's plan is expected to safely reduce the jail population by a total of 34% over three years. The plan was developed through a collaborative, data-driven process and directly addresses the main drivers of Philadelphia's jail population: the over-incarceration of pretrial defendants, a lengthy case process, and the incarceration of individuals who violate the terms of their community supervision.

Throughout the planning process, there was an unprecedented level of collaboration between all of the criminal justice partner agencies: The City of Philadelphia, the Philadelphia Police Department (PPD), the Philadelphia Prison System (PPS), the District Attorney's Office (DAO), the Defender Association of Philadelphia (DA), and the First Judicial District of Pennsylvania (FJD). These agencies have worked together to develop a shared vision that represents a paradigm shift in how Philadelphia uses its jails while preserving public safety, and have fully committed to the implementation of this reform plan.

At the conclusion of a seven-month planning process, Philadelphia submitted its reform plan to the MacArthur Foundation for funding consideration. As of today, Philadelphia has officially been selected as one of only eleven sites across the country to receive implementation funding from the MacArthur Foundation. Philadelphia will be awarded \$3,500,000 over two years to support this implementation work. In addition, the City of Philadelphia has committed significant funding to the reform effort, totaling \$2,079,759 over two years. This reflects both new funding of \$815,000 and reallocation of existing funds for both the City and First Judicial District of Pennsylvania. At the conclusion of two years, the City will assess the efficacy of the reform plan, allocate funding according to that analysis, and potentially pursue additional funding from the MacArthur Foundation. Funding from both the MacArthur Foundation and the City will ensure that Philadelphia can implement its reforms and achieve its 34% jail reduction target in three years.

II. SUMMARY OF THE SAFETY AND JUSTICE CHALLENGE PLANNING PHASE (May 2015 – January 2016):

In May of 2015, Philadelphia was selected by the MacArthur Foundation to participate in the Safety and Justice Challenge Planning Phase. Of the 191 applications submitted to the Safety and Justice Challenge Planning Phase, Philadelphia was chosen to be one of the 20 jurisdictions to participate in a seven-month planning process. Philadelphia's Criminal Justice Advisory provided oversight during the planning phase.

At the beginning of the planning phase, representatives from all of the city's criminal justice partner agencies convened to form the Philadelphia Planning Team. The Planning team was comprised of high-level executives from the Managing Director's Office, Philadelphia Prison System, Philadelphia Police Department, District Attorney's Office, the Defender Association of Philadelphia, and the First Judicial District of Pennsylvania- Municipal Court, Court of Common Pleas, Adult Probation and Parole Department, and Pretrial Services Department. Over the course of the Planning Phase, the Planning Team met weekly to review data and complete the day-to-day requirements of the Challenge.

The Planning Team was primarily responsible for developing all of the deliverables of the Planning Phase with the technical assistance the Vera Institute of Justice. They also hosted five site visits with the Vera Institute and one Data Diagnostic Visit with the City University of New York, Institute for State and Local Governance. Over the course of these site visits, the Planning Team convened a large Stakeholder Group of over sixty individuals from all of the criminal justice partner agencies, including agency leadership, which met on multiple occasions. These stakeholder meetings served to guide the course of the planning process and to establish a mechanism for feedback for the ongoing planning.

Philadelphia also engaged in a variety of community engagement activities, including a session with re-entry and community leaders, a focus group with young people who have recently been incarcerated, a focus group with current inmates at the Philadelphia Prison System, and a web-based survey tool shared with local services providers. Members of the Planning Team participated in the information sessions and focus groups, and incorporated the community feedback into the process of developing the reform plans.

In January of 2016, at the conclusion of the planning phase, Philadelphia submitted its reform plan to the MacArthur Foundation with a request for further funding to support implementation of the plan.

III. PROJECT LEADERSHIP & OVERSIGHT

The Philadelphia County Criminal Justice Advisory Board (CJAB) will oversee the implementation of this reform plan from a governance level, while the City of Philadelphia Managing Director's Office (MDO) will continue to administer the award. The CJAB is a group of top-level county officials that address criminal justice issues from a systemic and policy perspective, including the District Attorney, President Judges of Municipal and Common Pleas Courts, the Administrative and Supervising Judges of both Family Court and the Trial Division of Common Pleas Court, the Sheriff, the Police Commissioner, the Chief Defender, the Prisons Commissioner, and a representative from City Council. The CJAB's membership has the authority and credibility to affect the delivery of criminal justice/public safety on the county and local levels. CJAB will oversee implementation, while the SJC Implementation Team will carry out the day-to-day work.

The SJC Implementation Team is comprised of key, seasoned leaders in each of the criminal justice agencies. Regular participants include the Chief of the Adult Probation and Parole Department, the Director of Pretrial Services, Deputy Court Administrators for both Municipal Court and the Trial Division of the Court of Common Pleas, a Special Advisor to the Police Commissioner, a Deputy Prisons Commissioner, the City's Deputy Managing Director of Criminal Justice, the Director of Alternative Sentencing for the Defender Association, and the Deputy District Attorney for Pretrial. This group, although not exhaustive, reflects both the expertise and authority that will be guiding implementation.

The City of Philadelphia Managing Director's Office will continue to dedicate staff and play a leadership role in coordinating the work of implementation as well as other related criminal justice reform efforts. The MDO will maintain its administrative function, as it will continue to serve as the fiduciary. The First Judicial District will coordinate all research and data analysis.

IV. THE PLAN

Philadelphia's reform plan includes six strategies designed to reduce the local jail population by a total of 34% over three years:

Strategy 1: Address Over-Incarceration of Pretrial Defendants

This strategy increases pretrial release options, objectivity in pretrial decision-making, and reduces overall jail admissions.

1A) Pretrial Risk Tool: The First Judicial District (FJD) will implement a new pretrial risk tool developed with historical Philadelphia data to separately forecast the risk of failure to appear and new arrests. In 2009, the Adult Probation and Parole Department partnered with the University of Pennsylvania to build a machine learning based risk tool to manage caseloads. The FJD will work with the same researchers at the University of Pennsylvania to construct a pretrial tool in an identical manner. A risk profile will be generated for all defendants to inform decisions. The risk tool will introduce objectivity to the release decision, thereby reducing jail admissions, racial and ethnic disparities, and income-based disparities.

1B) Robust Alternatives to Cash Bail: Pretrial Services will establish a robust range of alternatives to cash bail based on risk level. Those who present no risk will be released on their own recognizance, while moderate risk defendants will be supervised to varying degrees. All defendants will receive court reminders. Some will check in remotely, while others will report in person. A needs assessment will be created and new community partnerships will enable referrals to community-based services. The Electronic Monitoring Unit will be updated and expanded to better supervise people in the community and allow more pretrial releases. By developing a supervision plan that considers needs and risk, there will be a reduction in jail admissions, pretrial recidivism, and failures to appear for court.

1C) Pretrial Advocates Program: A defense representative is currently present when bail is set, but no conversations with counsel occur. Through the pilot Pretrial Advocates program, the Defender Association of Philadelphia will conduct interviews prior to arraignment, call families and employers, and advocate for an individual's unique circumstances. Alt language: **1C) Pretrial Advocates Program:** Currently, there is no meaningful opportunity for individuals to speak with an attorney prior to release decisions being made. Through the pilot Pretrial Advocates program, the Defender Association of Philadelphia will enhance representation at first appearance by conducting interviews with those facing charges, calling families and employers, and ensuring the court is presented with information about the individual's unique circumstances.

1D) Early Bail Review: This program will provide an early bail review within 5 days of arraignment for Non-violent pretrial offenders with bail at or below \$50,000; thereby releasing more individuals on pretrial supervision. Currently, the earliest opportunity to have bail reviewed is 2-3 weeks, and only upon request. After implementation of the risk tool, early bail review shift focus from low-risk offenders, who will likely be released, to moderate/high-risk, non-violent offenders.

Strategy 2: Create Efficiencies in Case Processing

Philadelphia will work to reduce case processing times and expedite releases.

2A) Continuance Review: The FJD will conduct a continuance review by collecting data to identify delays in case processing and work with the various justice partners to address them. Revisions to

felony case assignment and case flow management will reduce the overall case processing time by 30%.

2B) Expedited Plea Offers: To expedite plea offers on felony cases, the Early Resolution Program will expand to include additional felony charges. A judge will now accept both misdemeanor and felony offers for those in custody with felony cases, disposing of the case prior to preliminary hearing.

2C) Improved Case Processing Times for the Sentenced Population: Philadelphia will address case processing times for the sentenced population.

Overall, inmates with a public defender have shorter lengths of stay than those with court-appointed or private counsel. The Defender Association of Philadelphia will increase its capacity to file early parole petitions for non-Public Defender clients, a release mechanism currently underutilized.

Due to recent case law, many DUI cases previously ineligible for DUI Treatment Court, and thus receiving mandatory minimum sentences, now qualify for custody alternatives through Treatment Court or Intermediate Punishment programs (IP; e.g. house arrest, in-patient treatment). These cases can now be disposed faster through Intermediate Punishment and Treatment Court.

Strategy 3: Address Violations of Community Supervision

3A) Expediting Cases for Individuals Arrested While on Community Supervision: Philadelphia recently began expediting cases for individuals arrested while on community supervision. For those in custody with non-violent felony probation and a new misdemeanor arrest, the Defender Association immediately requests a plea offer from the District Attorney's Office to dispose of the new case. If accepted, cases are consolidated before the violation of probation judge in less than 3 weeks.

3B) Alternatives to Incarceration for Individuals on Community Supervision: When a probationer is arrested, even for minor, non-violent offenses, they are often held pending the outcome of the open case. There is a significant population in jail on probation detainers that may be better served in the community. The expansion of Electronic Monitoring units provides alternatives to incarceration for individuals on community supervision who pose the least threat to public safety.

3C) Treatment for Technical Violators with Substance Abuse Issues: A new program that will be modeled on current Accelerated Misdemeanor Programs will allow probation officers to make immediate referrals to treatment for technical violators with substance abuse issues rather than issuing a detainer. Absconders in custody are also eligible. Those accepting the program will be released prior to a Violation of Probation hearing to participate in the program and services. The initial target population is low and moderate-risk probationers (both felony and misdemeanor) with expansion into high-risk if successful.

Strategy 4: Reduce Racial & Ethnic Disparities

Philadelphia has wrestled with the high rate of racial and ethnic disparities in its jail population, and developed a bold plan in response. Individuals of color comprise 72% of the jail population, but only 54% of the city's overall population.

4A) Pre-Arrest Diversion: Philadelphia’s problem of racial and ethnic disparities begins at the point of arrest and permeates the entire criminal justice system. To address this issue from the point of entry, a two-part approach to pre-arrest diversion is presented. First, the PPD will train and educate officers to use civil code violations and broaden the range of offenses that are eligible for civil, rather than criminal action.

PPD will also develop and implement a pre-arrest diversion pilot program in two adjoining districts with high rates of racial and ethnic disparity at arrest. Police officers in that area will identify individuals they believe to be first time; low level offenders whose primary need is treatment. Rather than making an arrest, officers will transport individuals to a pre-arrest diversion site for clinical evaluation and referral.

4B) Implicit/Explicit Bias Training Program: Philadelphia will carry out a comprehensive implicit/explicit bias training program for all of the criminal justice partners. Each agency will participate in a “train the trainer” module and implement a plan to train agency personnel.

4C) Racial and Ethnic Disparity Auditing Practice: For Philadelphia to have an all-encompassing approach, racial disparity data must be regularly reviewed at every decision point. Philadelphia will develop a racial and ethnic disparity auditing practice across the entire system that involves the following steps: reporting the Relative Rate Index, reviewing agency data, developing and monitoring internal corrective action, reporting to and oversight by agency leadership.

Strategy 5: Address Special Populations

5A) Expand Diversion for Narcotic Sales Cases: Philadelphia will expand diversion for narcotic sales cases, building public confidence for finding new ways to safely respond to non-violent felony defendants. At present, only 7% of felony cases are diverted, compared to 40% of misdemeanors. The Choice is Yours, Philadelphia’s only felony diversion program, providing job skills and placement for young offenders charged with drug-distribution offenses, will be expanded.

5B) Continuity of Services Coordination for Individuals with Mental Illness: Philadelphia will provide continuity of services coordination for individuals with mental illness (13% of the overall jail population) who can be safely treated in the community. Staff will assist with applications for mental health treatment, housing, and public benefits, as well as scheduling appointments prior to discharge. The goal is to release eligible defendants within 30 days with greater community support.

6: Data Capacity

There is a need for increased data-sharing and analytic capabilities in Philadelphia’s criminal justice system. The FJD will increase Philadelphia’s data capacity by building a research team to standardize terms and figures, enhance data integrity, and generate reports for this cross-system collaboration.

Philadelphia aims to regularly collect and analyze data on numerous indicators for each initiative in the reform plan so that progress can be monitored and changes can be made as needed. High-level indicators of success will be: reduction in the jail population, fewer jail admissions, shorter lengths of stay, and less racial/ethnic disparity across the system.

V. BUDGET

Below is the full funding request submitted to the MacArthur Foundation, including matching funds provided by the City of Philadelphia and the First Judicial District of Pennsylvania. As Philadelphia only received \$3.5 million of the \$4 million requested from the Foundation, City agencies will work together to identify the funds for the \$500,000 gap, whether from their own budgets or outside philanthropic sources.

	Budget Year 1	Budget Year 2	Total
Strategy 1: Addressing the Over-Incarceration of Pretrial Pop	\$1,349,427	\$1,672,622	\$3,022,049
1A: Pretrial Risk Tool	\$100,000	\$0	\$100,000
1B: Robust Alternatives to Cash Bail	\$1,103,976	\$1,492,622	\$2,596,597
1C: Pretrial Advocates	\$90,000	\$180,000	\$270,000
1D: Early Bail Review	\$55,451	\$0	\$55,451
Strategy 2: Creating Efficiencies in Case Processing	\$15,000	\$15,000	\$30,000
2A: Continuance Review*	\$0	\$0	\$0
2B: Expedited Plea Offers (ER Expansion)*	\$0	\$0	\$0
2C: Sentenced Population Case Processing	\$15,000	\$15,000	\$30,000
Strategy 3: Addressing Violations of Community Supervision	\$338,680	\$666,027	\$1,004,708
3A: Expedited Detainer Review*	\$0	\$0	\$0
3B: Alternative to Incarceration (EM)	\$187,200	\$511,866	\$699,066
3C: Treatment for Technical Violators (AMP3)	\$151,480	\$154,162	\$305,642
Strategy 4: Reducing Racial and Ethnic Disparities	\$338,776	\$0	\$338,776
4A: Pre-Arrest Diversion	\$318,776	\$0	\$318,776
4B: Implicit/Explicit Bias Training	\$20,000	\$0	\$20,000
4C: Racial and Ethnic Disparity Audit*	\$0	\$0	\$0
Strategy 5: Addressing Special Populations	\$410,000	\$410,000	\$820,000
5A: Diversion for Narcotic Sale Cases (TCY)	\$250,000	\$250,000	\$500,000
5B: Continuity of Services Coordination for Individuals with Mental Illness	\$160,000	\$160,000	\$320,000
Strategy 6: Increasing Cross-System Data Capacity	\$191,249	\$190,027	\$381,277
TRAVEL/OPERATIONS/GOVERNANCE	\$240,074	\$242,876	\$482,950
TOTAL	Grant: \$2,000,000 Match: \$883,207 Total: \$2,883,207	Grant: \$2,000,000 Match: \$1,196,552 Total: 3,196,552	Grant: \$4,000,000 Match: \$2,079,759 Total: \$6,079,759

*The cost of implementation will be assumed by the various criminal justice partner agencies using existing resources. As such, no funding request was submitted to the MacArthur Foundation specific to these initiatives.

Matching Funds Breakdown

Source	Y1	Y2	Total
City (new funding)	\$205,211	\$609,779	\$814,990
FJD (already budgeted)	\$434,277	\$343,055	\$777,332
City (already budgeted)	\$243,719	\$243,719	\$487,437
Total	\$883,207	\$1,196,552	\$2,079,759

VI. VISION FOR REFORM

The overall vision for Philadelphia is one of systemic change in which the criminal justice system becomes data-driven, efficient, and engaged in objective decision-making. It is expected that this reform effort will produce tangible changes in policy, practice, and organization that will significantly impact the jail population. There will also be a notable cultural change in how business is conducted in Philadelphia, increasing the level of fairness and procedural justice across the system.

In addition to altering the way decisions are made, there are specific changes expected to occur over the coming three years: Philadelphia's criminal justice partners will implement and enact the first racial and ethnic disparity audit, which will yield a reduction in racial disparity across the system; Pretrial Services will increase alternatives to cash bail for pretrial defendants; and several initiatives will result in shorter lengths of stay for people who are incarcerated. Collectively, the strategies will produce a more efficient process, sending fewer non-violent people to jail for shorter periods of time. This evolution will undoubtedly continue beyond the three-year timeline of this reform plan.

Implementation will bring about important structural and organizational change in Pretrial Services. With the creation of a new and updated risk tool at arraignment, fewer individuals will be sent to jail, racial, ethnic, and income-based disparities are expected to decrease, and fewer finite resources will be expended on individuals who present a low risk to public safety. Pretrial Services will be restructured in order to effectively supervise defendants who pose risk and determine what the appropriate response may be in lieu of incarceration. Pretrial Services will engage in new practices with the addition of a needs assessment tool. The risk level, paired with the needs assessment results will allow Pretrial Services to refer individuals to resources, training, housing, education, and treatment when appropriate. By making such referrals, individuals may be less likely to recidivate, both while in pretrial status and in the future.

Beyond arraignment, a more mindful approach to case processing will provide timely resolutions to cases, thereby reducing the period of time an individual is incarcerated. The courts will monitor continuances to explore why cases may be delayed in reaching disposition. With those data available, changes will be made to ensure cases are not unnecessarily continued. Similarly, the expansion of diversion programs will provide more expedient resolutions to cases for individuals that would otherwise face a lengthy case-processing period. Additional options will be presented to offenders who may otherwise be detained prior to trial due to felony narcotics charges, DUI charges, or technical violations of community supervision. The addition of staff at the jails to assist those deemed seriously mentally ill will expedite releases by ensuring that insurance and benefits are in place, and housing arrangements are secured.

VII. WHY NOW

Philadelphia's struggle with a crowded jail system is not new. What is new, however, is the motivation and level of cooperation by the criminal justice partners, and the new leadership to see needed reforms implemented effectively.

This sustained effort, and the collaborations it fostered, has already had a concrete impact on the jail population. Since beginning the planning process, Philadelphia's population has dropped significantly. As of April 7th, 2016, the jail population totaled 7,449, the lowest it has been in over ten years and a notable decrease from the average daily population for 2015 of 8,139. Additionally, the development of this plan required consensus from all of the criminal justice partners on the steps needed for reform and setting priorities. The planning process itself requires agreement on what that reform would look like, how it will be implemented, and how it will be funded.

The leadership in place in each criminal justice partner agency has championed this work. The ongoing commitment from the District Attorney and the First Judicial District has been apparent since the application to the Planning Phase. Since then, a new Director of Pretrial Services was brought on board to reform that division of the FJD. A new Chief Defender was appointed at the Defender Association during the planning phase, and she has exhibited a high level of engagement since her first day in office. Furthermore, the new Mayoral administration has shown an unwavering level of support for this reform effort. This support includes pledging of financial resources, and makes criminal justice reform a priority in Philadelphia.

Lastly, the Philadelphia City Council, and its leadership are dedicated to criminal justice reforms. To that end, City Council unanimously supported the creation a Special Committee on Criminal Justice Reform designed to play a critical role in ongoing public engagement. The Implementation Team and Philadelphia City Council leadership agree that meaningful and long-lasting reforms cannot be achieved without effective community engagement. The Special Committee on Criminal Justice Reform will be coordinating with the Implementation Team throughout a series of public hearings to build grassroots support for proposed reforms from neighborhoods across Philadelphia.

The Safety and Justice Challenge efforts complement other ongoing and recent endeavors to reform Philadelphia's criminal justice system. While the SJC in Philadelphia focuses on the pretrial population and subsequent court processes, reforms are also being undertaken at other points in the system. A number of Philadelphia agencies, including the First Judicial District, District Attorney's Office, the Defender Association, the Philadelphia Prison System, and the Managing Director's Office are in the process of implementing a demonstration project through the US Department of Justice's Second Chance Act grant program. The collaborative effort focuses on reentry, and is experimenting with beginning the reentry process at sentencing to provide continuity from pre-release to post-release. Other innovative programming is being tested as well, including a housing pilot for those participants who have housing issues as identified by a needs assessment. The success of this demonstration project heavily relies on cooperation and coordination among the justice partners. There are several other examples of multi-agency cooperation around reform efforts, including a school diversion program, led by the Philadelphia Police Department, and the Philadelphia Reentry Coalition, led by the Managing Director's Office. The implementation of Philadelphia's Safety and Justice Challenge reform plan will further galvanize these efforts.