

**MACARTHUR FOUNDATION SAFETY AND JUSTICE CHALLENGE
PHILADELPHIA SUSTAINABILITY APPLICATION
SUBMITTED SEPTEMBER 25, 2020
AWARDED FEBRUARY 9, 2021**

I. INTRODUCTION

The City of Philadelphia is the recipient of a \$2.275 million grant by the John D. and Catherine T. MacArthur Foundation to continue building on efforts to rethink the local criminal justice system, safely reduce Philadelphia's jail population, and eliminate racial inequities. One of 15 jurisdictions awarded, this grant brings the Foundation's total investment in Philadelphia to \$9.9 million over the last five years. The [Safety and Justice Challenge](#) is a \$246 million national initiative to reduce over-incarceration and advance racial equity in local criminal justice systems by changing the way America thinks about and uses jails.

Philadelphia was first selected to join the Safety and Justice Challenge Network in 2015. Since that time, the local jail population has gone down by 43 percent. The jail population reduction has allowed the City to close the House of Corrections and avoid the new construction of a new jail, which would have come at tremendous expense to taxpayers. While Philadelphia has made great strides in reducing the local jail population, people of color remain drastically overrepresented, and community stakeholders across the city have demanded greater transparency, accountability, and investments in community safety.

A collaborative group of stakeholders from the First Judicial District, the Defender's Association, District Attorney's Office, the City of Philadelphia's Office of Criminal Justice and Public Safety, Philadelphia Department of Prisons, the Philadelphia Police Department, the Department of Behavioral Health and Intellectual disAbilities Services, and the Community Advisory Committee have developed a comprehensive plan for reform over the next two years to create a safer, more effective, and more equitable criminal justice system.

Philadelphia's new reform plan centers on racial equity as its primary goal. Resources are focused on sustaining the reform effort over the long-term and investing in programs that prevent unnecessarily incarcerated and promote community health and safety. Through this reform plan, Philadelphia aims to safely reduce the jail population by 58 percent in seven years (from 2015-2022).

Since beginning of the Challenge in 2015, the average daily jail population has dropped from more than 8,100 inmates in 2015 to just over 4,600 in January 2021, a decrease in the population of 43%.

- Incarceration in Philadelphia is still marked by racial disparities. People of color account for 92% of the jail population, but only 65% of the city's population. While the jail population has gone down, disparities have increased since the City committed to reform.
- People with serious mental illness account for 14% of the jail population in Philadelphia, a percentage that is disproportionate to the city's total population.
- Women account for 4.5% of the jail population.
- 23% of the jail population is awaiting trial and have not yet been convicted of their open case(s). Approximately 5% of the population is awaiting trial in jail, because they cannot post a cash bail payment of \$5,000 (the minimum deposit needed to pay a \$50,000 fee).
- 55% of the jail population has a detainer, which means they are being held due to a violation of probation or another hold such as an outstanding warrant, whether that is from Philadelphia and/or another jurisdiction.

II. 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 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. This team is responsible for day-to-day management of implementation and is comprised of seasoned leaders in each of the criminal justice agencies. The IT ensures that all the reform work moving forward as planned through its eight standing Workgroups: Pretrial, Case Processing, Violations of Probation, Racial and Ethnic Disparities, Mental Health, Data, Community Engagement, and Communications. Each Workgroup meets on a regular basis and is chaired by a member of the Implementation Team who reports on the groups' progress at monthly meetings. Many of these Workgroups also have subcommittees focused on the implementation of specific initiatives. Philadelphia established a Community Advisory Committee in 2019 informs the implementation of new jail reduction initiatives, ensure that they responsive to the needs of diverse community stakeholders, and strengthen support for the city's criminal justice reform efforts.

The City of Philadelphia Managing Director's Office of Criminal Justice will continue to dedicate staff and coordinate the work of implementation. The Managing Director's Office 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.

Philadelphia will continue receiving expert technical assistance to assist in its reform effort. First and foremost, the Vera Institute of Justice will continue to work collaboratively with Philadelphia across the entire reform effort. Philadelphia will also work in specific subject areas with the Institute for State and Local Governance at the City University of New York, Nexus Community Partners, and the W. Haywood Burns Institute.

III. SUMMARY OF THE REFORM PLAN

Philadelphia's new SJC Reform Plan contains 7 overarching strategies and 39 initiatives to advance safety and racial equity while reducing the local jail population by a total of 58% over seven years (2015-2022). This new plan contains:

1. 25 initiatives sustained from the original reform plan (S)
2. 2 initiatives expanding from the original reform plan (E)
3. 7 new initiatives being proposed (N)
4. 5 discontinued initiatives (D)

1) **Pretrial**

- a. Pretrial Advocates (E)
- b. Detention Review Hearings (N)
- c. Pretrial Professional Development (N)
- d. Research Advisory Council (S)
- e. Alternatives to Cash Bail(S)
- f. Pretrial Electronic Monitoring(S)
- g. Early Bail Review (S)

2) **Case Processing**

- a. Municipal Court Continuance & Long Stayer Review (S)
- b. Common Pleas Court Continuance & Long Stayer Review (S)
- c. Parole Petitions (S)

3) **Violations of Probation**

- a. Early Termination & Absconder Reviews (S)
- b. Detainer Fast Track Hearings (S)
- c. Probation Sentence Project (S)
- d. Case Consolidation (ARC) (S)

4) **Racial and Ethnic Disparities**

- a. CJAB Leadership Commitment to Racial Equity (N)
- b. Data Diagnostic (S)
- c. Initiative Review (S)
- d. Bias Training (S)
- e. Police-Assisted Diversion (S)
- f. Civil Code Violations (S)

5) **Behavioral Health**

- a. Alternative Responder Teams (N)
- b. Alternatives to Detention-Probation & Pretrial (S)
- c. Post-Arrest Screening and Supports (S)
- d. Police Co-Responder Program (S)
- e. COVID Reentry Housing Project (S)
- f. The Choice is Yours (S)

6) **Data**

- a. Scientific Evaluation (N)
- b. Data Capacity (S)

7) **Community Engagement**

- a. Community Assessment Initiative (N)
- b. Services for People Released Pretrial (N)
- c. Microgrant Fund (E)
- d. Community Advisory Committee (S)
- e. Outreach & Communications (S)
- f. Art for Justice (S)

Discontinued List:

- a. *Early Resolution Expansion (D)*
- b. *DUI Programming (D)*
- c. *Detainer Alternative Program (D)*
- d. *Violation Electronic Monitoring (D)*
- e. *Linkages for Individuals in Need of Community Supports (D)*

IV. DESCRIPTION OF INITIATIVES IN THE NEW REFORM PLAN

Below is a list of initiatives that were included in the Philadelphia’s MacArthur Foundation Safety and Justice Challenge Sustainability Grant Application, submitted on September 25th, 2020 and awarded on February 9th, 2021. Philadelphia’s sustainability proposal centers racial equity as the primary goal of the reform effort. As such, each initiative has to demonstrate how it aligned with the following Racial Equity Framework:

- Pillar 1: Utilize Race and Ethnicity Data to Drive Collaborative Criminal Justice Reform
- Pillar 2: Foster Agency and Community Leadership Commitment to Advancing Racial Equity in the Criminal Justice System
- Pillar 3: Promote Agency-Specific Policy and Practice Changes Centering Racial Equity in Decision-Making
- Pillar 4: Sustain and Grow the Criminal Justice Reform Effort

Another key consideration for the sustainability proposal is that resources should be focused on sustaining the criminal justice reform effort over the long-term and investing resources into the community that will ensure that fewer people are being incarcerated in Philadelphia while supporting community health & safety.

The reform plan 7 new initiatives and the expansion of 2 existing initiatives. In addition, Philadelphia has sustained 5 initiatives from its 2016 reform plan and 20 initiatives from its 2018 reform plan. Philadelphia has also discontinued 5 initiatives that never achieved their intended impact, are no longer needed, or have been incorporated into other functions of the various partner agencies. Below is a description of Philadelphia’s proposed reform plan:

1) PRETRIAL WORKGROUP

1A: Pretrial Advocates (Expanded)

The Defender Association will expand its pilot pretrial advocates program. The Defender Association will interview individuals after arrest and presented that information to the court at the bail hearing to advocate for release. By creating an infrastructure via polycom technology where advocates can interview clients prior to the bail decision citywide, information will be relayed at the time of the bail setting for more clients, which allows for a more thoughtful, individualized bail decision. Preliminary evaluation of the pretrial advocates pilot program reveals it was successful in eliminating racial disparity in individual’s pretrial detention. Expansion of the pretrial advocates program will improve access to counsel and allow the Defender Association to make individualized arguments for release and recommendations for appropriate release plans.

1B: Detention Review Hearings (New)

The District Attorney’s Office, First Judicial District, and Defender Association of Philadelphia will make substantive changes to provide a more substantive release determination hearing to all people who remain in custody after the initial bail setting should have within 3 days of arrest. Recognizing that there will be various logistical challenges to overcome in implementation, the partner agencies aim to accomplish these important goals. All available data suggests that there are significant racial disparities when it comes to the imposition of bail. We know that substantive opportunities to be heard (due process protections) appear to reduce Expanding due process to allow for full hearings for everyone incarcerated prior to trial will reduce disparities in the system. Funding for pre-trial supports for individuals who are released will also be provided to community-based organizations, who know the needs of their community members best (see *Strategy 7*).

1C: Professional Development (New)

The Pretrial Services Department will provide professional development opportunities to staff of all levels, increasing Pretrial Services' capacity to engage clients in a meaningful, and social services-minded manner. Pretrial Services is seeking to provide numerous professional development options to staff which include but are not limited to: Racial and Ethnic Disparity, Motivational Interviewing, Cultural Competency, Women in the Criminal Justice System, LGBTQ+, Domestic Violence, Mental Health First Aid (MHFA), Addiction, Suicide Awareness. This initiative will institutionalize changes to the criminal justice system through ongoing reinforcement by building racial equity knowledge base across the entire Pretrial Services Department.

Sustained Initiatives for Pretrial Workgroup:

- Alternatives to Cash Bail
- Research Advisory Council
- Early Bail Review
- Pretrial Electronic Monitoring

2) CASE PROCESSING

There are no new funded initiatives being proposed by the case processing workgroup. The Workgroup's efforts in the coming years will continue to be focused on sustaining the long stayer reviews (and associated policy changes) for both Municipal Court and Common Pleas Court.

Sustained Initiatives for Case Processing Workgroup

- Municipal Court Long Stayer Review
- Common Pleas Court Long Stayer Review
- Early Parole Petitions

3) VIOLATIONS OF PROBATION

There are no new funded initiatives being proposed by the VOP workgroup. The Workgroup's efforts in the coming years will continue to be focused on sustaining the early termination & Absconder Reviews, as well as investigating racial and ethnic disparities within the detainer population (in collaboration with the Data Team & the Data Diagnostic Initiative).

Sustained Initiatives for VOP Workgroup

- Early Termination & Absconder Review
- Detainer Review Hearings
- Probation Sentences
- Case Consolidation (ARC)

4) RACIAL AND ETHNIC DISPARITIES

4A: CJAB Leadership Commitment to Racial Equity (New)

The Criminal Justice Advisory Board (CJAB) has committed to advancing racial equity among local justice system leadership in a number of ways. Firstly, CJAB will assess how its current strategic plan advances racial equity, and ensure that the development of its new plan centers racial equity in the process. Secondly, CJAB will engage external expertise (through the SJC network or hired consultants) to support leaders in developing their capacity to advance racial equity within their agency and across the entire system. The CJAB is a group of top-level county officials that address criminal justice issues from a systemic and policy perspective. It provides oversight over the SJC in

Philadelphia as well as many other cross-agency collaborative efforts that advance criminal justice reform. CJAB's commitment to advancing racial equity on a leadership level is critical to realizing progress within the system.

Sustained Initiatives for R.E.D. Workgroup

- Race & Ethnicity Data Diagnostic
- Initiative Review
- Bias Training
- Police-Assisted Diversion
- Civil Code Violations

5) BEHAVIORAL HEALTH

5A: Alternative Response Team (New)

The Alternative Responder Team (ART) initiative aims to fill a gap in the city's comprehensive continuum of crisis services that will allow the police to focus on law enforcement issues while ensuring that appropriately trained and qualified responders are dispatched to behavioral health crisis and quality of life calls for service. The ART, comprised of three-person teams (behavioral health clinician, an EMT, and Certified Peer Specialist) will be dispatched to assist with de-escalating and stabilizing non-violent crisis situations and link individuals to appropriate behavioral health and social service supports. Emergency calls will be assigned to an ART team after being triaged through a centralized crisis line and Philadelphia's 911 system by staff trained to recognize situations that are absent of serious threats of violence and therefore do not require police response. People of color with behavioral health challenges, as well as communities of color generally, are disproportionately arrested and jailed in Philadelphia. By creating a non-justice option in the continuum of services for these types of community needs, the program aims to reduce the types of crises that law enforcement are responsible for and provide communities with more direct and appropriate access to support services.

Sustained Initiatives for Mental Health Workgroup

- Alternatives to Detention (Pretrial & Probation)
- Police Co-Responder
- Post-Arrest Screening and Supports
- COVID Reentry Housing Project
- The Choice is Yours

6) DATA

6A: Scientific Evaluation (New)

Numerous reform initiatives have been implemented over the past 5 years of MacArthur reform efforts. As such, a rigorous scientific evaluation of the impacts of those initiatives on the jail population and any potential relationship to an uptick in shootings and homicides is needed. This work would approach the analyses and outcomes with a racial equity lens to provide further guidance on how to address inequities in the initiative structures and the system generally. A qualitative community survey will be conducted to assess perceptions of racial and ethnic disparities in the system, and how to address those inequities. Analyses will also be done to explore the role of discretion and various system factors (e.g., type of attorney, etc.) and their impact/role on disparate outcomes.

Sustained Initiatives for Data Team

- Data Capacity

7) COMMUNITY ENGAGEMENT & COMMUNITY ADVISORY COMMITTEE

7A: Community Assessment Initiative (New)

The Community Advisory Committee will conduct focus groups, with the help of a consultant, to analyze community experiences with the justice system. This focus groups will provide needed context for the racial and ethnic disparity data generated from each agency by describing underlying factors that drive disparities. The study will also help hone efforts and attention to decision points where changes to policy and practices would be most effective in driving positive outcomes for subsequent programs and initiatives where disparities exist, but root causes have not been identified.

7B. Microgrants (Expanded)

The City has already established a Criminal Justice Microgrant Fund. This microgrant process focuses on project-specific grantmaking. During the second grant cycle, half of this funding will go towards the existing grantmaking process. The remaining funding will be used to develop a new tier of microgrants: General Operating Support for BIPOC-Led Organizations. General operating support has been identified as a critical need by Philadelphia nonprofits facing COVID-related cuts, and given what we know about funding disparities across nonprofits, this need is likely even more acute among BIPOC-led groups. The application process for this new tier will be streamlined to allow for a more direct pipeline of funding to organizations most in need.

7C: Services for People in Pretrial Status (New)

The criminal justice and community partners will work to identify gaps in services available to people who are in the community pretrial. Services funded through this initiative will be voluntary, but clients can be referred from the Pretrial Services Department, Defender Association, community members, and others. This initiative provide additional support to community organizations providing services to people in the community pretrial that meet their needs.

Sustained Initiatives for the CE Workgroup and the CAC

- Community Advisory Committee
- Art for Justice
- Outreach & Communications

V. BUDGET

Below is the budget for the \$2.275M grant award to the City of Philadelphia from the MacArthur Foundation Safety and Justice Challenge. The City and its partner agencies contributed matching funds in the amount \$4.21M over two years.

Strategy	Agency	Cost Category	Year 1	Year 2	Total
I. Personnel					
Detention Review Hearings	DAO	(1) DAO Attorney for Detention Review	\$61,000	\$1,000	\$62,000
Detention Review Hearings	DAO	(0.5) DAO Victim Services Staff for Detention Review	\$22,500	\$22,500	\$45,000
Detention Review Hearings	FJD- Pretrial	(3) Pretrial Detention Review Staff	\$0	\$66,132	\$66,132
II. Professional Services					
Pretrial Advocates	MDO (for Defender Association)	Contract for Pretrial Advocates (Defender Association)	\$181,500	\$180,371	\$361,871
Detention Review Hearings	MDO (for Defender Association)	Contract for Detention Review Hearings (Defender Association)	\$157,320	\$157,320	\$314,640
Pretrial Professional Development	FJD- Pretrial	Contract for Pretrial Training	\$10,000	\$0	\$10,000
CJAB Leadership Commitment	MDO (for CJAB)	Contract for CJAB Racial Equity Consultant	\$20,000	\$0	\$20,000
Alternative Response Teams	DBHIDS	Contract for ART Behavioral Health Provider	\$235,000	\$315,000	\$550,000
Scientific Evaluation	MDO/FJD	Contract for Independent Evaluation Partner	\$200,000	\$0	\$200,000
Community Assessment	MDO (for CAC)	Contract for Community Assessment Partner	\$75,000	\$0	\$75,000
Microgrants	MDO (for Fund for Philadelphia)	Contract for Microgrant Management	\$150,000	\$150,000	\$300,000
Services for People Released Pretrial	MDO	Contract for Service Provider(s) for People Released Pretrial	\$125,000	\$125,000	\$250,000
V. Travel (e.g., airfare, hotel accommodations, food and incidentals)					
	MDO	(9) Per Diem for All Sites	\$3,000	\$3,000	\$6,000
	MDO	(9) Travel For All-Sites	\$5,000	\$5,000	\$10,000
VI. Meeting Expenses (e.g., meeting space, food and supplies)					
	MDO	Meeting Expenses (Site Visits & Community Meetings)	\$0	\$4,357	\$4,357
Total			\$1,245,320	\$1,029,680	\$2,275,000

VI. VISION FOR REFORM

Philadelphia, and cities across the country, are in a moment of reckoning. Communities are marching in the streets demanding racial justice, housing justice, and police reform. At the same time, Philadelphia is experiencing the crisis of gun violence that is taking the lives of residents - including many children - at staggering levels and leaving communities to grapple with the trauma. This is all happening while Philadelphia is battling the COVID-19 pandemic and the resulting economic devastation it has caused to the City's poorest residents.

The time has never been more urgent to take a holistic approach to racial equity. Racial disparities for people of color plague our City in a variety of ways, from poorer health outcomes, higher poverty levels, limited access to education, employment, social services, and of course greater involvement with the criminal justice system. All too often, proposed solutions to combating racial inequity fall short when it comes to criminal justice reform. Individuals' experiences with the justice system do not stop with their first encounter with police. Racial disparities persist and grow at every level of the justice system, and they impact the lives of too many Black and brown people in Philadelphia.

The goals for the SJC support the City's broader racial equity, police reform, and violence prevention agendas in a number of critical ways. While past SJC proposals have focused on the dual goals of reducing the jail population and reducing racial and ethnic disparities, the current version of Philadelphia's reform plan is wholly focused on reducing racial and ethnic disparities across the criminal justice system. This involves a plan for comprehensive bail reform that prioritizes reducing racial disparities at preliminary arraignment. The reform plans also involve intensive decision-point reviews for the arrest decision point (the earliest decision point where racial disparities are initiated) and the detainer decision points (which represents the largest driver of the jail population).

The SJC will also support the City's police reform and public safety goals from multiple angles. Firstly, the scientific evaluation will build on evaluation work conducted by CUNY over the last year to analyze patterns of reoffending for people released from jail during SJC implementation to identify if there was any impact on the rise in shootings and homicides. The partners will also implement critical systems reforms- from changes to the bail system to building an infrastructure for alternative responders to 911 calls- that will ensure police and criminal justice resources are used sparingly and can be focused on individuals who pose a risk to public safety.

Lastly, the City is focused now more than ever on making meaningful investments in community-based services and supports that keep neighborhoods safe and healthy. Communities have long decried, and evidence has long demonstrated, that increased investments in community services and infrastructures is what is needed to stem violence and produce safety over the long-term. In addition to directly investing SJC grant resources in community-based organizations through microgrants and services, Philadelphia is committed to increasing investments in the communities in ways that reduce recidivism, promote community safety, advance racial equity, and reduce the need for incarceration over the long term.