

## **Statement of Everett A. Gillison, Esquire Deputy Mayor for Public Safety**

Thank you for the opportunity to testify at this Senate field hearing “Helping Find Innovative and Cost Effective Solutions to Overburdened State Courts.”

We live in the digital age. Technology is all around us. All manner of businesses take advantage of the latest technical innovations to increase production, save money, improve operations and operate more efficiently. It would be unimaginable for a corporation with a \$1 billion budget and ten thousand employees to still rely on paper and pencil to process their transactions. But that is essentially what we do in the Criminal Justice System. The Public Safety portion of the City’s budget is approximately \$1 billion. Between the Police, the Courts and the Prisons, we employ approximately ten thousand people. But every day in the City’s criminal court rooms transactions are recorded by hand on paper. That paper is then shuffled between different departments. It is no surprise that mistakes are made and errors occur. I don’t want to give a false impression, however. Our Criminal Justice partners do utilize technology. But this technology is, in many instances old, not adequately interfaced, and many essential court functions are not automated. This makes the system vulnerable to mistakes.

Increases in the use of technology will help our overburdened state courts. Clearly, a lack of available resources is the impediment to having our systems modernized and adequately networked so that work flow and essential processes are automated. Local governments are already overburdened and unable to make the technology investments that are critical to enhancing court efficiencies.

Again, I do not want to give the wrong impression. Despite our collective lack of resources, the Criminal Justice Partners in the City have collaborated over the past 2 years to develop initiatives that have increased efficiencies in our state court system. In Philadelphia the various criminal justice system partners recognize the need to process cases as quickly as possible. One type of judicial proceeding that can impact overall System efficiency is a violation of probation or parole hearing. The need for a violation of probation or parole hearing results when a person is on probation or parole supervision and either fails to do something required of him or her while on supervision or does something not permitted under the terms of the supervision. The judge supervising the probation or parole is authorized to hold or detain the individual until the judge has had an opportunity to decide if a violation has occurred and, if so, what action to take or sanctions to impose. When a person is held on a violation of probation/parole (VOP), they are held on the VOP detainer and not eligible for bail. The problem is that there may be a significant period of time before the supervising judge is able to hold the VOP hearing and the individual will remain in county custody until the matter is heard. Many times the detention is for a minor violation for which the judge will not impose a significant period of jail time. Often, however, a significant period of time has already passed before the violation of probation hearing can even be held. The delay can be because of a number of factors not the least of which is crowded court dockets. Another factor resulting in significant time elapsing before an individual's VOP hearing can be heard is when the supervising judge has been moved to a different court division. When a judge is assigned to

the criminal trial division, they have cases listed virtually every day often in the same courtroom in the Criminal Justice Center. However, when a judge has been assigned to a different division of the court such as the civil trial division it is necessary to specially schedule the VOP hearing. Usually, VOP hearings before judges not assigned to the criminal trial division are given longer dates for two reasons: first, the particular judge needs to be able to schedule around their existing schedule in the other division and, second, there needs to be an available courtroom in the Criminal Justice Center. Often judges who have a number of open VOP matters but are assigned to a different division will understandably prefer to list as many of these matters as possible at the same time. Working with the various criminal justice agencies, the First Judicial District began a program in February of 2009 which allows for the VOP hearings of judges not sitting in the criminal trial division to be reassigned to one judge. Violation of probation hearings for less serious or technical violations of probation are also scheduled before that same judge. The program is called the Accelerated Violation of Probation Program (AVOPP).

The criminal justice partners also sought to address another factor effecting System efficiency - that of multiple holds. Often when an individual is in custody in the Philadelphia Prison System it is for more than one reason. A person may have been recently arrested on a new offense and is unable to make bail. A person may be in custody for a violation of probation. A person may be in custody on a new offense for which he or she was unable to make bail while on bail for an earlier offense. It is not uncommon that there is more than one matter that results in the

incarceration of an individual. The challenge this creates for the criminal justice system and especially the prisons is that each of the matters “holding” an individual usually has to work its way through the system on its own timeframe. This could result in even longer delays than for single holds. It is often the case that resolving one matter is dependent upon resolving the other. In an effort to begin to address the problem of multiple holds a protocol was developed to identify individuals with more than one open matter with a view towards consolidating them for one date before one judge. Court Administrators review files prior to the first listing in the Court of Common Pleas called arraignment. By checking the Common Pleas Case Management System (CPCMS), they can determine what other matters an individual has in the system. If the individuals have more than one matter, they will be listed before the appropriate pretrial judge. In addition, assigned court administrators have a view towards consolidating matters that are already in the Common Pleas system whenever possible. This program is called Advanced Review and Consolidation (ARC).

Another initiative, the Police Integrated Information Network, or PIIN, creates efficiencies System wide. The prosecuting attorney is required by law to turn over or make available to the defense various reports and other documents referred to as discovery. One can imagine that this can become a difficult task when one considers that there are about 40,000 Municipal Court and 15,000 Common Pleas Court cases each year. All of the agencies involved were literally handling piles and piles of paper on a daily basis. Rarely will a criminal case proceed to completion until all of the required paperwork has been turned over to the defense. Not doing

so results in delay in court processing time. The paper system was extremely labor intensive for all of the criminal justice agencies and generated huge storage costs. In addition, with all of the effort put into it, the process was extremely inefficient at getting the paperwork where it needed to be. Cases were frequently continued to another date and sometimes even dismissed or otherwise hampered by discovery problems. Generally, cases would not be disposed until the discovery was provided to the defense attorney. There needed to be a more streamlined process to turn over the necessary discovery. PIIN, an electronic system designed to create and transfer discovery documents, was implemented in April 2009 and has remedied the problems associated with the old paper system.

An additional efficiency that I'd like to mention is the implementation of video technology in our courts. Every day literally hundreds of inmates are transported to the Criminal Justice center for trial or other hearing. Often the matters for which inmates were brought to the Criminal Justice Center are given another date for which the inmate would be transported again. With the assistance of our Criminal Justice partners we have begun the use of video technology to eliminate the need to transport inmates from their facility of confinement to the Courts. An increased use in video technology will not only result in costs savings as a result of reducing inmate transportation, but we will also realize an increased disposition of cases.

I've highlighted some of the projects that we have implemented that resulted in efficiencies in our court system to show that the Criminal Justice partners work collaboratively to improve our system, but to also underscore the extent to which technological advances can yield enormous improvements. The Federal

Government needs to make resources available to state court systems to allow them to upgrade and modernize their technology infrastructure. These technology improvements will improve the efficiency with which the courts are able to process and dispose of cases.